

# FEDERAL REGISTER

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Pages 16297-16342

**Agencies in this issue—**

The President  
Agricultural Research Service  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Atomic Energy Commission  
Civil Aeronautics Board  
Civil Service Commission  
Consumer and Marketing Service  
Customs Bureau  
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Housing and Urban Development  
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International Commerce Bureau  
Interstate Commerce Commission  
Land Management Bureau  
Navy Department  
Securities and Exchange Commission  
Veterans Administration

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11321

#### CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE MILITARY AIRCRAFT ENGINE INDUSTRY OF THE UNITED STATES

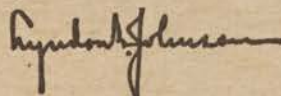
WHEREAS, there exists a labor dispute between the Union Carbide Corporation, a New York Corporation, and certain of its employees represented by the United Steelworkers of America, AFL-CIO, and Local Union No. 2958 thereof, involving the Stellite Division plant of Union Carbide Corporation located at Kokomo, Indiana; and

WHEREAS, such dispute has resulted in a strike which will, in my opinion, if permitted to continue, affect a substantial part of the military aircraft engine industry, which industry is engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, and which strike, if permitted to continue, will imperil the national safety:

NOW THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor-Management Relations Act of 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a Board of Inquiry, consisting of Mr. Laurence E. Seibel, Chairman, Mr. Frank J. Dugan and Mr. Garth L. Mangum, whom I appoint to inquire into the issues involved in this dispute.

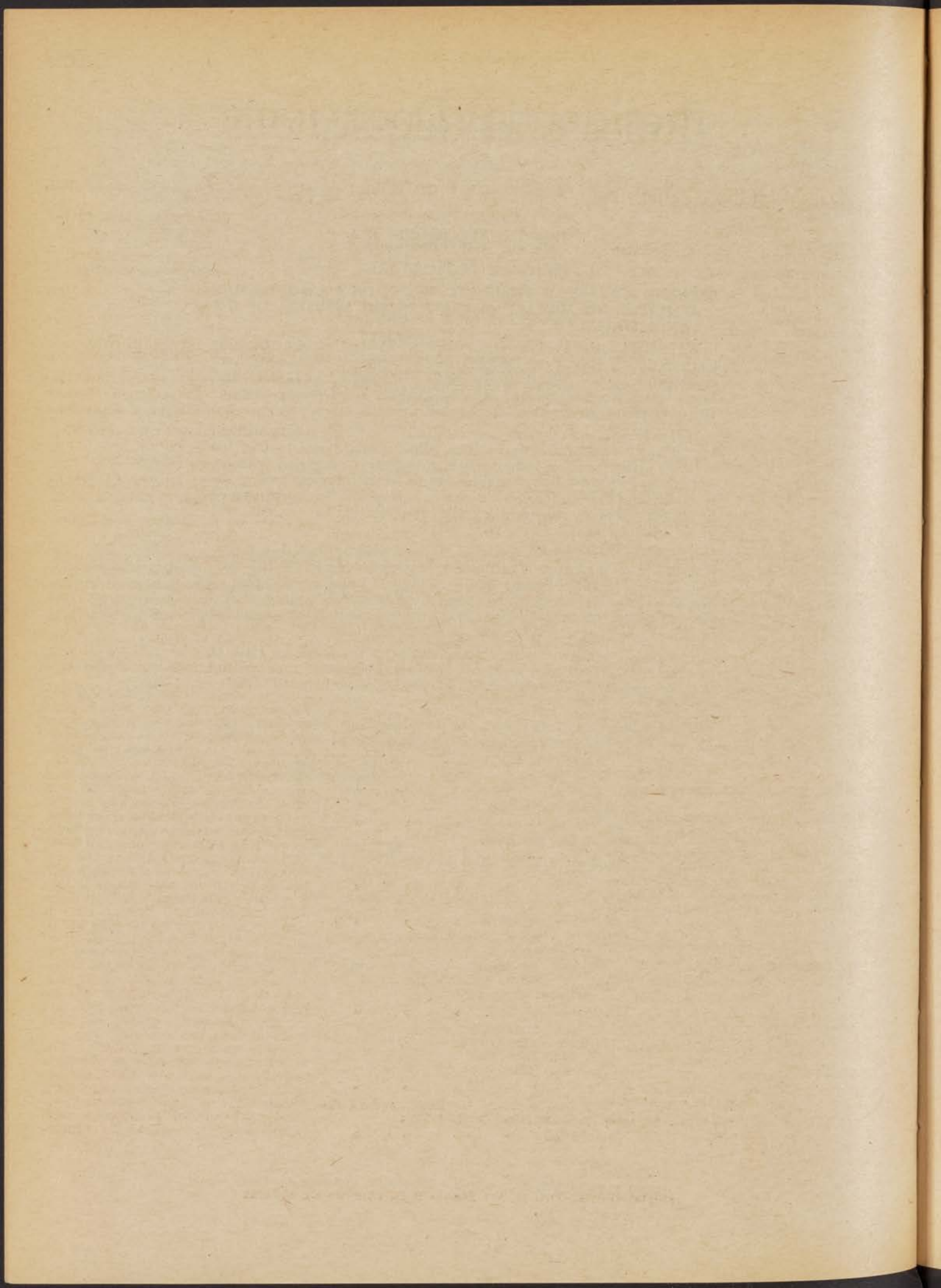
The Board shall have powers and duties as set forth in Title II of such Act. The Board shall report to the President in accordance with the provisions of Section 206 of such Act on or before December 20, 1966.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under such Act.



THE WHITE HOUSE,  
December 19, 1966.

[F.R. Doc. 66-13755; Filed, Dec. 20, 1966; 10:10 a.m.]



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of The Navy

Section 213.3108 is amended to show that positions of Medical Intern at U.S. Naval Hospitals are excepted under Schedule A when filled on a part-time, intermittent, or temporary basis by Medical Interns of a participating non-Federal hospital. Effective on publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (a) of § 213.3108 is amended, as set out below.

##### § 213.3108 Department of the Navy.

###### (a) General. \* \* \*

(11) Positions of Medical Intern at U.S. Naval Hospitals when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351-5356. Employment under this authority may not exceed 1 year.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Acting Executive Assistant to the Commissioners.*

[F.R. Doc. 66-13690; Filed, Dec. 20, 1966; 8:49 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Treasury Department

Section 213.3305 is amended to show that the position of Congressional Liaison Officer is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (27) is added to paragraph (a) of § 213.3305 as set out below.

##### § 213.3305 Treasury Department.

###### (a) Office of the Secretary. \* \* \*

(27) One Congressional Liaison Officer.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
*Acting Executive Assistant to the Commissioners.*

[F.R. Doc. 66-13692; Filed, Dec. 20, 1966; 8:50 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Small Business Administration

Section 213.3332 is amended to show that the positions of Special Assistant to each Deputy Administrator; the Directors of the Offices of Loan Processing, Loan Administration, and Area Redevelopment Loans; the Staff Assistant to the Administrator; the Assistant to the Special Assistant for Advisory Councils; the Confidential Assistant to the Administrator (Economic Opportunity); the Director, Office of Economic Opportunity Assistance; the Confidential Assistant to the Assistant Administrator for Public Affairs; and the Assistant Deputy Administrator for Procurement and Management Assistance are no longer excepted under Schedule C. It is also amended to show that the titles of seven positions in Schedule C have been changed. Effective on publication in the FEDERAL REGISTER, paragraphs (b), (m), (p), (q), (r), (t), (w), (bb), (cc), (dd), and (ee) are revoked, and paragraphs (a), (f), (v), (x), and (gg) are amended under § 213.3332 as set out below.

##### § 213.3332 Small Business Administration.

(a) One Deputy Administrator, the Associate Administrator for Investment, the Associate Administrator for Financial Assistance, and the Associate Administrator for Procurement and Management Assistance.

(b) [Revoked]

(f) Assistant Administrator for Program Planning, Evaluation, and Research.

(m) [Revoked]

(p) [Revoked]

(q) [Revoked]

(r) [Revoked]

(t) [Revoked]

(v) One Deputy Associate Administrator for Financial Assistance.

(w) [Revoked]

(x) Special Assistant for Equal Employment Opportunity.

(bb) [Revoked]

(cc) [Revoked]

(dd) [Revoked]

(ee) [Revoked]

(gg) Assistant Administrator for Congressional and Public Affairs.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,  
*Acting Executive Assistant to the Commissioners.*

[F.R. Doc. 66-13691; Filed, Dec. 20, 1966; 8:49 a.m.]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 11]

#### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

##### Requirements, Quotas, and Quota Deficits for 1966

*Basis and purpose and statement of bases and considerations.* The purpose of this amendment to Sugar Regulation 811 (30 F.R. 15313, 31 F.R. 2776, 2895, 3283, 5681, 7999, 9546, 9939, 11307, 11711, 13133) is to determine and prorate or allocate deficits in quotas pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act".

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quotas established for Puerto Rico and the Virgin Islands for the calendar year 1966 a finding was heretofore made (31 F.R. 7999) that Puerto Rico was unable to fill its quota by 410,000 short tons, raw value, and the Virgin Islands was unable to fill its quota by 5,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico and the Virgin Islands for 410,000 tons and 5,000 tons respectively. On the basis of information which has become available recently it is herein found that Puerto Rico will be unable to fill its quota by an additional 19,000 short tons, raw value, and the Virgin Islands will be unable to fill its quota by an additional 4,595 short tons, raw value. Therefore, total deficits are herein determined for Puerto Rico and the Virgin Islands of 429,000 and 9,595 short tons, raw value, respectively.

It is herein found that Bolivia will be unable to supply 958 tons of its 1966 quota since the government of Bolivia has notified the Secretary that it will have a shortfall of this quantity and that evidence will be supplied to support a claim of force majeure. On the basis of infor-

mation available on shipments of sugar from India it is herein found that India will be unable to fill its 1966 quota by approximately 1,447 short tons, raw value. Accordingly, deficits are herein determined in the quotas for Bolivia and India of 958 and 1,447 short tons, raw value, respectively.

Previous deficit determinations for Panama and Nicaragua and previous deficit allocations are not disturbed by the action taken herein.

The additional deficits determined for Puerto Rico and the Virgin Islands of 19,000 and 4,595 short tons, raw value, respectively and the deficit determined for Bolivia of 958 short tons, raw value, which total 24,553 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. The deficit in the quota for India of 1,447 short tons, raw value, is prorated to other Eastern Hemisphere countries listed in section 202(c)(3)(B) which are able to supply additional sugar on the basis of published quotas most recently in effect. No deficits in quotas are herein prorated to the Republic of the Philippines since it has previously notified the Department that it cannot supply any sugar in excess of that currently allocated.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.41, 811.42, and 811.43 as follows:

1. Section 811.41 is amended by adding paragraph (a)(3) as follows:

§ 811.41 Quotas for domestic areas.

(a) \* \* \*

(3) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1966, in addition to the deficits determined in subparagraph (2) of this paragraph, it is hereby determined that Puerto Rico and the Virgin Islands will be unable by an additional 19,000 and 4,595 short tons, raw value, respectively to fill the quotas established for such areas in subparagraph (1) of this paragraph.

2. Section 811.42 is amended by changing the designation of paragraph (a) to paragraph (a)(1) and adding a new paragraph (a)(2) and a new paragraph (d) to read as follows:

§ 811.42 Proration and allocation of deficits and quotas in effect.

(a) \* \* \*

(2) Pursuant to section 204(a) of the Act, the additional deficits in the quotas determined in paragraph (a)(3) of § 811.41 amounting to 23,595 short tons, raw value, is herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are able to supply such additional sugar.

(d) Pursuant to section 204(a) of the Act deficits are herein determined in the quotas established for Bolivia and India of 958 and 1,447 short tons, raw value, respectively. The deficit in the quota for Bolivia of 958 short tons, raw value, is herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are able to supply such additional sugar. The deficit in the quota for India of 1,447 short tons, raw value, is herein prorated to countries outside the Western Hemisphere named in section 202(c)(3)(B) of the Act which are able to supply such additional sugar.

3. Section 811.43 is amended by amending paragraph (c) to read as follows:

§ 811.43 Quotas for foreign countries.

(c) For the calendar year 1966, the prorations to individual foreign coun-

tries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendments 5, 8, 9, and 10 of § 811.43 (31 F.R. 7999, 11307, 11711, 13133), are shown in column (3). In column (4) the additional deficit in the quotas for Puerto Rico and the Virgin Islands and the deficit in the quota for Bolivia, amounting to 24,553 short tons, raw value, are herein prorated to Western Hemisphere countries, listed in section 202(c)(3)(A) of the Act, which have indicated that they are able to supply such additional sugar on the basis of published quotas most recently in effect. In column (4) the deficit in the quota for India of 1,447 short tons, raw value, is herein prorated to non-Western Hemisphere countries, listed in section 202(c)(3)(B) of the Act, which have indicated that they are able to supply such additional sugar on the basis of published quotas most recently in effect.

Country	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d) 1	Previous deficits and deficit prorations	New deficits and deficit prorations	Total quotas and prorations
Mexico.....	213,821	224,844	45,618	4,613	488,896
Dominican Republic.....	209,118	219,898	168,226	5,689	602,931
Brazil.....	209,118	219,898	44,616	4,511	478,143
Peru.....	166,797	175,395	35,585	3,598	381,375
British West Indies.....	83,537	73,910	17,770	1,669	176,886
Ecuador.....	30,427	31,996	6,491	656	69,570
French West Indies.....	26,279	23,249	5,591	625	55,644
Argentina.....	25,725	27,051	5,489	555	58,820
Costa Rica.....	24,618	27,364	18,870	675	71,527
Nicaragua.....	24,618	27,364	-32,982	0	19,000
Colombia.....	22,129	23,269	4,722	477	50,597
Guatemala.....	20,746	23,060	15,902	669	60,277
Panama.....	15,490	16,289	-18,779	0	13,000
El Salvador.....	15,214	16,910	11,663	417	44,204
Haiti.....	11,618	12,217	2,478	251	26,564
Venezuela.....	10,511	11,053	2,242	227	24,033
British Honduras.....	6,085	5,384	1,294	121	12,884
Bolivia.....	2,400	2,618	531	-958	4,681
Australia.....	99,581	87,546		659	187,786
Republic of China.....	41,492	36,477		274	78,243
India.....	39,832	35,018		-1,447	73,403
South Africa.....	29,321	25,777		194	65,292
Fiji Islands.....	21,852	19,212		145	41,209
Thailand.....	9,128	8,025		60	17,213
Mauritius.....	9,128	8,025		60	17,213
Malagasy Republic.....	4,702	4,434		31	8,867
Swaziland.....	3,596	3,161		24	6,781
Ireland.....	5,351				5,351

1 Proration of quotas withheld from Cuba, Southern Rhodesia and the proration of the Honduras quota to Central American Common Market countries.

(Secs. 201, 204, and 403; 61 Stat. 923 as amended, 924 as amended, 925 as amended; 7 U.S.C. 1111, 1112, 1114, and 1153)

**Effective date.** This action increases the quantity of sugar that most foreign quota countries may import during 1966. To permit such countries for which larger prorations are hereby established to plan and to market in an orderly manner the larger quantity of sugar, it is essential at this time that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., this 16th day of December 1966.

JOHN A. SCHNITKER,  
Under Secretary.

[F.R. Doc. 66-13664; Filed, Dec. 16, 1966; 3:39 p.m.]

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

[Navel Orange Reg. 116, Amdt. 1]

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

**Limitation of Handling**

**Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of

California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (iii) of § 907.416 (Navel Orange Reg. 116, 31 F.R. 15585) are hereby amended to read as follows:

§ 907.416 Navel Orange Regulation 116.

- (b) Order. (1) \* \* \*
- (iii) District 3: 200,000 cartons.

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

Dated: December 16, 1966.

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

[F.R. Doc. 66-13686; Filed, Dec. 20, 1966; 8:49 a.m.]

**PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA**

**Subpart—Administrative Rules and Regulations**

**MISCELLANEOUS AMENDMENTS**

Notice was published in the October 20, 1966, issue of the FEDERAL REGISTER (31 F.R. 13552) regarding a proposal based upon the unanimous recommendation of the Raisin Administrative Committee, to amend certain provisions of the Subpart—Administrative Rules and Regulations, including those provisions with respect to definitions, and the inspection, identification, transfer, disposition, substitution, and reporting of raisins. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in Cali-

fornia, 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. The time for filing such written comments was thereafter extended (31 F.R. 14081) to midnight, November 10, 1966. Comments were received from the Raisin Administrative Committee regarding several provisions of the proposal.

The purpose of the amendment is to adapt the rules and regulations to changing industry conditions and practices, remove or lessen certain restrictions, and improve efficiency in program operations.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Raisin Administrative Committee, the views submitted by the Committee in response to the notice, and other available information, it is found that the amendment, as hereinafter set forth, of the Subpart—Administrative Rules and Regulations, is in accordance with this part and will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (7 CFR 989.101 to 989.176) is amended as follows:

1. Section 989.105 is revised to read:

§ 989.105 Inspection point.

"Inspection point" means any plant or receiving station of a handler, or any other place where raisins are received by a handler, and which is so designated by the Committee. The inspection point(s) of the handler shall include any area(s) in which he receives grapes or raisins for dehydration unless he keeps his raisin dehydration business separate, physically and by records, from his business of handling raisins.

2. Subparagraphs (1) and (2) of paragraph (a) and subparagraphs (1), (3), and (6) of paragraph (c) of § 989.158 are revised to read:

§ 989.158 Natural condition raisins.

(a) *Incoming inspection.* (1) (i) The Committee shall, upon request of a handler who complies with the requirements of this part with respect to inspection points, designate as his inspection point any place (including his plant or receiving station) where the handler receives raisins.

(ii) Each handler shall, at his expense, provide at each of his inspection points reasonably safe and adequate facilities for receiving raisins, drawing samples, and efficient inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. Each handler, other than a processor, shall maintain with the Committee a current written description, defining the boundaries and other pertinent details, of each of his inspection points. In the event the

Committee determines that any inspection point, or any modification thereof, does not comply with the definition or the requirements of this part, it shall notify the handler of the changes necessary for compliance. The handler shall make such changes promptly. In the event any of his inspection points is the same as that of another handler or person receiving raisins or grapes in any form, the handler shall maintain his raisins separate and apart from any other raisins.

(iii) The weight of each lot of raisins tendered for receiving, storage, reconditioning, or acquisition or disposition shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weighmaster, whether located at the inspection point or otherwise. The net weight of such raisins, for the purposes of this part, shall be determined by deducting the sand tare and box tare from the gross weight of the raisins. The sand tare shall be the weight of the sand and other foreign material removed from the raisins by passing the raisins over a screen (of a type commonly used by the industry for such purpose) having 36 square openings to the square inch, with each opening being one-eighth of an inch square.

(2) No handler, other than a processor, shall receive at points other than at an inspection point, natural condition raisins from a tenderer, either for acquisition, storage, reconditioning, inspection, or for disposition in eligible nonnormal outlets: *Provided*, That this requirement shall not preclude a handler from dehydrating, free from the provisions of this part, at separate dehydrating facilities recognized in § 989.105 and located in California, raisins not delivered to an inspection point. Any handler who accepts raisins at an inspection point for drying or other reconditioning shall be deemed to have received the raisins for reconditioning and shall be subject to the provisions of this part with respect to such raisins.

(c) *Off-grade raisins.* (1) *Holding and identification.* The inspection certificates covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. Any raisins which do not meet the applicable grade and condition standards shall be classified in one of the three categories specified in § 989.58(e) (1) within 5 business days (excluding Saturdays, Sundays, and holidays) after inspection or 3 such business days after issuance of the inspection certificate, whichever is later: *Provided*, That these time limits may be extended by the Committee under such conditions as it may deem necessary in the circumstances. The handler shall report to the Committee the information as required and specified in § 989.173 (b) (5). Any such lot of off-grade raisins shall be identified immediately following inspection by fixing to a container on each pallet a prenumbered RAC control card (to be furnished by the Committee), and kept separate and apart from any other raisins in the handler's

possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control cards shall remain fixed to the containers until the raisins are (i) disposed of by the handler in eligible nonnormal outlets, (ii) returned unstemmed to the tenderer, or (iii) submitted for reconditioning. The cards shall be removed only by an inspector of the inspection service or authorized Committee personnel, except control cards designating lots held only for fumigation may be removed by the handler after the completion of fumigation to the satisfaction of the inspection service. Each lot of off-grade raisins not returned to the tenderer shall be stored by the handler separate and apart by varietal types from all other raisins and by disposition and conditioning categories which preserve the lot identity and, if for reconditioning, the defect identity. Off-grade raisins shall be stored in such a manner as to be accessible to the Committee.

(3) *Interplant and interpacker transfer of off-grade raisins.* Any packer may, pursuant to § 989.58(e) (2) and under the surveillance of the inspection service, transfer to or from another packer's plant in California, any off-grade raisins for reconditioning. Such transfer may be for the packer's convenience or that of a financially interested person. Where a tenderer or other person has a financial interest in the raisins, the handler shall first obtain the tenderer's or other interested person's written agreement to the transfer. The handler shall notify the inspection service in advance and in writing on a form to be provided by the Committee, of the time he plans to transfer each lot and shall send a copy of the notification to the Committee. The notification shall be at least 1 business day in advance of the transfer unless a shorter period is acceptable to the inspection service. In the same manner except for the tenderer's or other person's written agreement, any packer may transfer off-grade raisins from one of his plants or inspection points to another of his plants in California. In both cases such raisins may be removed directly to the premises of the receiving packer or another plant of the packer under the surveillance of the inspection service. Upon completion of the transfer all applicable provisions of this part shall apply with respect to such raisins and the packer receiving them.

(6) *Off-grade raisins which are not reconditioned successfully.* (i) Except as provided in subdivision (ii) of this subparagraph, no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed and which then fail to meet the applicable minimum grade standards. Any raisins which fail to meet the applicable minimum grade and condition standards or minimum grade

standards after reconditioning and all residual material from reconditioning, held by the handler, shall be identified promptly by affixing to one or more containers in each lot, or to a container in each pallet if pallets are used, a pre-numbered RAC control card as prescribed in subparagraph (1) of this paragraph: *Provided*, That such failing raisins and residual material which are placed directly into trucks or trailers for immediate disposition need not be identified by affixing thereto a RAC control card. The handler shall hold the failing raisins and the residual material separate and apart from all other raisins. The control cards shall be removed from the containers only by an inspector of the inspection service or authorized Committee personnel. The handler shall physically dispose of the residual material, and any failing raisins which he does not return unstemmed to the tenderer, only in eligible nonnormal outlets as provided in § 989.159(g) (2).

(ii) Any packer may arrange for or permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph), but not the residual, directly to the premises, within California, of another packer for further reconditioning of the raisins at the latter's premises. Such removal and transfer shall be made under the surveillance of the inspection service. The packer shall notify the inspection service as required in subparagraph (3) of this paragraph and shall obtain from the receiving packer a written statement that he will receive the raisins for reconditioning. The notification shall be on a form provided by the Committee, and a copy thereof and of the receiving packer's statement shall be forwarded by the transferring packer to the Committee. Such raisins may be received by the other packer without inspection. On and after such receipt of the raisins for further reconditioning, all applicable provisions of this part shall apply with respect to such raisins and the packer so receiving them.

3. In § 989.159 paragraph (a), the heading of paragraph (g), the heading of subparagraph (2) of paragraph (g), and (g) (2) (i) and (ii) (f) (3) are revised as follows:

**§ 989.159 Regulation of the handling of raisins subsequent to their acquisition.**

(a) *Inspection facilities.* At each of the premises where packed raisins are to be inspected each handler shall, at his expense, provide reasonably safe and adequate space and other facilities necessary for the proper and efficient inspection of such raisins.

(g) *Off-grade raisins, other failing raisins, and raisin residual material.* \* \* \*

(2) *Disposition.* (i) Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins, other failing raisins, or raisin residual material (including defective raisins, stemmer waste, sweepings,

and other residue). For purposes of disposition and reporting "other failing raisins" means any raisins received or acquired by a handler either as standard raisins, or as off-grade raisins, which are processed to a point where they qualify as packed raisins and fail to meet the applicable minimum grade standards for packed raisins. Any handler may ship, transfer, or otherwise dispose of off-grade raisins, other failing raisins, and raisin residual material to or at points within the continental United States (other than Alaska) for use in eligible nonnormal outlets only after filing with the Committee a written application to make such shipment, transfer, or other disposition and receiving its written approval thereof. However, the requirements of prior filing and approval of any such application shall not apply to:

(a) The transfer of any such raisins or residual material by a handler from one of his plants to another of his plants in the State of California, except any transfer of raisins which are for reconditioning shall be in accordance with § 989.158(c) (3);

(b) Any interpacker transfer or removal of off-grade raisins made in accordance with § 989.158(c) (3) and of unsuccessfully reconditioned off-grade raisins which have been stemmed (other failing raisins) made in accordance with § 989.158(c) (6) (ii);

(c) Any return by a handler of unstemmed off-grade raisins to the tenderer in accordance with § 989.158(c) (7);

(d) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by any handler to a processor within the State of California for use, within the State, in eligible nonnormal outlets;

(e) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by a handler to any person with an effective agreement with the Committee, in which he agrees (1) to use such raisins and raisin residual material only in eligible nonnormal outlets, (2) if not so used, to pay to the Committee liquidated damages in the amount and under the conditions specified in subdivision (iii) of this subparagraph, and (3) to maintain complete, accurate, and current records regarding his dealings in raisins and raisin residual material, retain the records for at least 2 years, and permit representatives of the Committee and Secretary of Agriculture to examine all of his books and records relating to raisins and residual material; and

(f) Any direct use by the handler of such raisins or material in eligible nonnormal outlets within the State of California.

(i) \* \* \*

(j) \* \* \*

(3) To maintain complete, accurate, and current records regarding his dealings in raisins, retain the records for at least 2 years, and permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to raisins and residual material.

4. Paragraph (b) of § 989.166 is deleted and subparagraphs (2) and (3) of § 989.166(d) are revised as follows:

§ 989.166 Reserve and surplus tonnage generally.

(b) [Deleted]

(d) Storage of reserve and surplus raisins.

(2) *Conditions.* Each handler shall store reserve and surplus tonnage raisins in storage and under conditions which protect them from rain and which reasonably can be expected to maintain the raisins free of any biological or other infestation or contamination. Each handler may, pursuant to § 989.66(b)(2), store together each varietal type of reserve and surplus tonnage raisins held by him for the account of the Committee, but such raisins shall be stored separate and apart from all other raisins. Reserve and surplus tonnage raisins shall be stored in sweat boxes, picking boxes, or other portable containers not exceeding one ton capacity: *Provided*, That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such raisins at the time of transfer shall meet the applicable minimum grade requirement except for such normal and natural deterioration and shrinkage as would have occurred if such raisins had been stored in sweat boxes or picking boxes. Storage of such raisins shall be deemed "separate and apart" if the containers are so marked and placed as to be capable of ready and clear identification as to the category in which they are held.

(3) *Substitution of free tonnage.* A handler may, pursuant to § 989.66(b)(3), after giving the Committee reasonable advance notice in writing and under its direction and supervision, substitute free tonnage raisins of like quality (i.e., standard raisins) for reserve tonnage or surplus tonnage raisins.

5. Paragraph (b) of § 989.167 is revised to read:

§ 989.167 Disposition of reserve tonnage.

(b) *Terms of reserve tonnage offers.* Whenever the Committee offers reserve tonnage raisins to handlers for use in free tonnage outlets, the Committee shall, among other terms and conditions of the offer, specify (1) the period in which each handler shall be given the opportunity to purchase his share of the offer, and (2) the period in which each eligible handler shall be given the opportunity to purchase his respective share of any reoffer. In the event reserve pool raisins are transferred by the Committee, the purchasing handler shall promptly empty the raisins from the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were

transferred within 10 business days from the date of transfer. Any handler who refuses to permit the containers, in which reserve pool raisins are stored, to leave his premises, shall, at his expense, place such raisins in containers supplied by the Committee.

6. The present provisions of § 989.168 are designated as paragraph (a) and a new paragraph, paragraph (b), is added to read:

§ 989.168 Disposal of surplus tonnage raisins.

(b) In the event the Committee transfers surplus pool raisins to a handler for purchase or for other reasons, the receiving handler shall promptly empty the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were transferred within 10 business days from the date of transfer. Any handler who refuses to permit the containers in which the pool raisins are stored to leave his premises shall, at his expense, place such raisins in containers supplied by the Committee.

§ 989.169 [Deleted]

7. Section 989.169 is deleted.

8. Paragraphs (b) (1)(i), (4), (5), and (6) and (d)(2) of § 989.173 are revised to read:

§ 989.173 Reports.

(b) *Reports of raisins received or acquired—(1) General.* (i) Except as otherwise provided in paragraph (i) of this section, each handler shall submit to the Committee (on forms furnished by it) for each week (Sunday through Saturday or such other 7-day period for which the handler has submitted a proposal to and received approval from the Committee) and not later than the following Wednesday, the reports specified in subparagraphs (2), (3), (4), and (5) of this paragraph.

(4) *Off-grade raisins returned to tenderers.* Each handler shall report with respect to each lot of off-grade raisins which the handler returned during the reporting period to the tenderer pursuant to subparagraph (1) of § 989.58(e):

- (i) The inspection certificate number;
- (ii) The net weight;
- (iii) The name of the tenderer; and
- (iv) The date the lot was returned to the tenderer.

(5) *Off-grade raisins received for reconditioning or disposition in eligible nonfood channels.* Each handler who is not a processor shall, with respect to all off-grade raisins received by the handler and retained by him for reconditioning or for disposition or use in eligible non-normal outlets, report for each category received or reconditioned during the reporting period:

- (i) The name of each tenderer;
- (ii) The net weight of such raisins;
- (iii) The locations where received;

(iv) The inspection certificate number covering each receipt;

(v) The name and address of each person to whom residual or off-grade lots were delivered for disposition, and the respective net weight delivered; and

(vi) The total net weight (according to location) of each category of off-grade raisins held by him at the end of the reporting period.

Each nonacquiring handler shall report also the weight of standard raisins recovered from reconditioning, their inspection certificate number(s) and the handler or other person to whom the standard raisins were delivered.

(6) *Monthly report of raisins received or acquired by processors.* Each processor who receives or acquires off-grade raisins, or who avail himself of the exemptions from the grade and inspection requirements provided in §§ 989.58, 989.59(f), and 989.160 and receives or acquires raisins or raisin residual material, shall submit to the Committee on or before the 7th day of each month a report of such raisins, raisin residual material, and off-grade raisins received or acquired during the preceding month. Each report shall show for each varietal type:

(i) The name and address of each handler, producer, or other person from whom such raisins or raisin residual material was received or acquired; and

(ii) The net weight of such raisins and raisin residual material.

(d) Reports of interhandler transfers.

(2) *Off-grade and other failing raisins.* Any handler who transfers off-grade raisins or other failing raisins (as defined in § 989.159(g)(2)), including off-grade raisins unsuccessfully reconditioned, to another handler, other than a processor within the State of California, shall submit to the Committee (on forms furnished by it) no later than Wednesday following the week of the transfer:

(i) The date of transfer;

(ii) The name and address of the receiving handler and the location of his plant;

(iii) The name and address of the tenderer of each lot included in the transfer and the inspection certificate numbers applicable to the lot; and

(iv) The varietal type, net weight, and condition of the raisins.

It is further 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. 553(1966)) and for making this amendment effective as hereinafter provided in that: (1) This action, in part, relaxes restrictions on the handling of raisins; (2) the amendment should become effective promptly so that it will be applicable to as much of the 1966 raisin production as practicable and thus tend to maximize the benefits to be derived therefrom; (3) handlers should not need any additional time to prepare for or conduct operations under this amend-

ment; and (4) no useful purpose would be served by delaying the effective time hereof.

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

Dated December 16, 1966, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 66-13654; Filed, Dec. 20, 1966; 8:47 a.m.]

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

[Milk Order 64]

#### PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

##### Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Kansas City marketing area (7 CFR Part 1064), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of December 1966.

(1) In the proviso contained in § 1064.12(b), the provisions "4 of the 5 months of", "through January", and "of February through August".

(2) In the second sentence of § 1064.15 (a) the provisions "25 percent", "and", and "in each of the months of January through June".

(3) In the second sentence of § 1064.15 (b) the provisions "25 percent", "and", and "in each of the months of January through June".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

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

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

Suspension No. 1 will permit a supply plant to be pooled during the month of December 1966 if it had been pooled during the month of September regardless of the percentage of its receipts which are shipped to distributing plants during that month. Suspensions No. 2 and 3 will permit cooperative associations and other handlers during December 1966, to divert producer milk to nonpool plants in a quantity up to 50 percent of the amount of producer milk delivered to pool plants.

Unusually large receipts of milk from producers made currently, together with the anticipated reduction in Class I sales

around the Christmas and New Year holidays, will make it difficult, if not impossible, for certain regular supplies of milk for the Kansas City market to qualify as producer milk. Milk which is not needed for Class I sales in this market can be utilized most efficiently by manufacturing it in the one supply plant which serves the market or by diverting it directly from some producers' farms to nonpool plants for manufacturing. The suspension of the above provision will permit the utilization of milk excess to fluid needs in outlets normally used to dispose of such excess and will maintain the status of the dairymen delivering such milk as producers entitled to share in the proceeds from the market-wide pool of all milk sales. It is essential that such dairymen retain their status as producers so that they will continue to supply the market in coming months when their deliveries will be needed to supply the market's Class I sales requirements.

(3) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (31 F.R. 15544). None were filed in opposition to the proposed suspension.

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

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

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

Effective date: December 1, 1966.

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

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 66-13655; Filed, Dec. 20, 1966; 8:47 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

##### PART 78—BRUCELLOSIS

#### Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

##### MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120,

121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

##### § 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

**Alabama.** Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, and Winston Counties;

**Arizona.** The entire State;  
**Arkansas.** The entire State;  
**California.** The entire State;  
**Colorado.** Adams, Alamosa, Arapahoe, Arkansas. The entire State;  
**Archuleta, Baca, Bent, Boulder, Chaffee, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Teller, Washington, Weld, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;**

**Connecticut.** The entire State;  
**Delaware.** The entire State;  
**Florida.** Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;  
**Georgia.** The entire State;  
**Hawaii.** Honolulu, Kauai, and Maui Counties;

**Idaho.** The entire State;  
**Illinois.** The entire State;  
**Indiana.** The entire State;  
**Iowa.** The entire State;  
**Kansas.** The entire State;  
**Kentucky.** The entire State;  
**Louisiana.** Ascension, Assumption, Bienville, Claiborne, Jackson, Jefferson, Lincoln, Livingston, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge and Winn Parishes;

**Maine.** The entire State;  
**Maryland.** The entire State;  
**Massachusetts.** The entire State;  
**Michigan.** The entire State;  
**Minnesota.** The entire State;  
**Mississippi.** Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clarke, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Wall-hall, Wayne, Webster, Winston, and Yalobusha Counties;

*Missouri.* The entire State;  
*Montana.* The entire State;  
*Nebraska.* Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties;  
*Nevada.* The entire State;  
*New Hampshire.* The entire State;  
*New Jersey.* The entire State;  
*New Mexico.* The entire State;  
*New York.* The entire State;  
*North Carolina.* The entire State;  
*North Dakota.* The entire State;  
*Ohio.* The entire State;  
*Oklahoma.* Adair, Alfalfa, Atoka, Bryan, Canadian, Cherokee, Choctaw, Cimarron, Coal, Delaware, Garfield, Grant, Greer, Harmon, Haskell, Jackson, Johnson, Kay, Kingfisher, Klowa, Latimer, McCurtain, McIntosh, Major, Mayes, Noble, Nowata, Okfuskee, Osage, Ottawa, Payne, Pushmataha, Texas, Washington, and Woods Counties;  
*Oregon.* The entire State;  
*Pennsylvania.* The entire State;  
*Rhode Island.* The entire State;  
*South Carolina.* The entire State;  
*South Dakota.* Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codrington, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Hamlin, Hand, Hanson, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Pennington, Perkins, Roberts, Sanborn, Shannon, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;  
*Tennessee.* The entire State;  
*Texas.* Andrews, Armstrong, Bailey, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Burnet, Caldwell, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Dickens, Donley, Duval, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Jeff Davis, Jim Wells, Jones, Karnes, Kendall, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Lipscomb, Live Oak, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Williamson, Wilson, Winkler, Yoakum, and Young Counties;  
*Utah.* The entire State;  
*Vermont.* The entire State;  
*Virginia.* The entire State;  
*Washington.* The entire State;  
*West Virginia.* The entire State;  
*Wisconsin.* The entire State;  
*Wyoming.* Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

*Puerto Rico.* The entire area; and  
*Virgin Islands of the United States.* The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 83 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

*Effective date.* The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Perry and Sumter Counties in Alabama; Adams County in Colorado; Maui County in Hawaii; Clarke and Kemper Counties in Mississippi; Custer County in Nebraska; Alfalfa, Bryan, Coal, Jackson, Johnston, Kay, and Major Counties in Oklahoma; Fall River and Pennington Counties in South Dakota; and Coryell and Hood Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Bandera, Menard, Loving, Hudspeth, Deaf Smith, Llano, Terrell Counties in Texas, and Red Willow County in Nebraska.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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

G. H. WISE,  
*Acting Director, Animal Health  
 Division, Agricultural Research Service.*

[F.R. Doc. 66-13685; Filed, Dec. 20, 1966; 8:49 a.m.]

## Title 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

#### PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

#### PART 2—RULES OF PRACTICE

#### Establishment of Chairman of Atomic Safety and Licensing Board Panel

The Atomic Energy Commission is authorized under section 191 of the Atomic

Energy Act of 1954, as amended, to establish one or more atomic safety and licensing boards, each composed of three members, two of whom shall be technically qualified and one of whom shall be qualified in the conduct of administrative proceedings, to conduct public hearings and to make intermediate or final decisions in administrative proceedings relating to the granting, suspending, revoking or amending of licenses or authorizations under the Act.

The Commission has selected board members from a panel of qualified persons appointed pursuant to section 191 to conduct hearings on applications for certain facility licenses, and to render initial decisions in such cases. The atomic safety and licensing boards, as the "presiding officer" in such proceedings, exercise the same powers as are accorded hearing examiners under section 7 of the Administrative Procedure Act (5 U.S.C. 1006).

The Commission has concluded that the activities of the atomic safety and licensing boards (the boards) can be better coordinated, the conduct of its licensing hearings expedited, and its administrative processes improved, by the establishment of a permanent Chairman and a Vice Chairman of the Atomic Safety and Licensing Board Panel (the panel). The Chairman will be a full-time employee of the Commission. Such a Chairman and Vice Chairman will, of course, as members of the panel, be available to serve as members of an atomic safety and licensing board from time to time. In addition, the Chairman will have the functions of (1) coordinating and supervising the activities of the boards; (2) assigning members of the panel to the boards; (3) recommending new members of the panel to the Commission; (4) preparing and maintaining hearing calendars of all cases assigned to the boards; (5) fixing or approving the time and place for hearings and pre-hearing conferences in cases assigned to the boards; (6) reporting to the Commission on activities of the boards; (7) presenting to the Commission recommendations relating to the conduct of hearings, hearing procedures, and policies for the guidance of the boards; (8) acting as spokesman for the panel in relations with the Commission and the Director of Regulation; (9) transmitting to, and interpreting for the panel, Commission policies and procedures affecting the conduct of the boards' activities; (10) maintaining liaison with the Director of Regulation on matters of policy, procedure and rules and regulations within his authority; and (11) performing such other duties as may be assigned by the Commission. The Vice Chairman will act for the Chairman of the panel in the Chairman's absence and perform other duties as requested by the Chairman. The panel will also have an Executive Secretary.

The establishment of a permanent Chairman of the Atomic Safety and Licensing Board Panel to perform such functions entails certain amendments to Parts 1 and 2 of the Commission's regulations. Since the amendments relate

solely to rules of agency organization and rules of practice and procedure, public notice and procedures thereon are not required.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Parts 1 and 2 are published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

1. The first sentence of § 1.10(d) of 10 CFR Part 1 is revised to read as follows:

**§ 1.10 The Commission.**

(d) The Commission appoints the General Manager, the Director of Regulation, the General Counsel, the Director of the Division of Inspection, the Director of the Division of Military Application, the directors of other program divisions established under section 25(a) of the Act, 42 U.S.C. 2035(a); the hearing examiners, the Board of Contract Appeals, and the Chairman and Vice Chairman and members of the Atomic Safety and Licensing Board Panel. \* \* \*

2. A new § 1.15a is added to 10 CFR Part 1 to read as follows:

**§ 1.15a Chairman and Vice Chairman of Atomic Safety and Licensing Board Panel.**

(a) The Chairman of the Atomic Safety and Licensing Board Panel, described in § 1.240(e), is appointed by and is responsible to the Commission. He is responsible to the Commission for (1) coordinating and supervising the activities of atomic safety and licensing boards; (2) assigning members of the panel to the boards; (3) recommending new members of the panel to the Commission; (4) preparing and maintaining hearing calendars of all cases assigned to the boards; (5) fixing or approving the time and place for the commencement of hearings and prehearing conferences in cases assigned to the boards; (6) reporting to the Commission on activities of the boards; (7) presenting to the Commission recommendations relating to the conduct of hearings, hearing procedures, and policies for the guidance of the boards; (8) acting as spokesman for the panel in relations with the Commission and the Director of Regulation; (9) transmitting to, and interpreting for the panel, Commission policies and procedures affecting the conduct of the boards' activities; (10) maintaining liaison with the Director of Regulation on matters of policy, procedure and rules and regulations within his authority; and (11) performing such other duties as may be assigned by the Commission.

(b) The Vice Chairman of the Atomic Safety and Licensing Board Panel is appointed by the Commission and acts for the Chairman in the Chairman's absence and performs other duties as requested by the chairman. In the absence of the Chairman, the Vice Chairman has

all the powers and duties of the Chairman.

(c) In addition to performing the functions described in paragraph (a) of this section, the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel may serve from time to time as members of atomic safety and licensing boards.

(d) The authority of the Chairman and the Vice Chairman of the Atomic Safety and Licensing Board Panel may not be redelegated unless each redelegation is specifically authorized by the Commission.

3. Paragraph (e) of § 1.240 is revised to read as follows:

**§ 1.240 Committees and Boards established by the Atomic Energy Act of 1954, as amended.**

(e) Atomic safety and licensing boards are authorized by the Act of August 29, 1962 (Public Law 87-615), which amended the Atomic Energy Act of 1954 by adding section 191. These boards, each composed of three members, will conduct such hearings as the Commission may direct and make such intermediate or final decisions as the Commission may authorize with respect to the granting, suspending, revoking, or amending of any license or authorization granted under the Act or the regulations of the Commission. The Commission has appointed a panel of qualified persons from which board members are selected. The Commission has also appointed a Chairman and a Vice Chairman of the Atomic Safety and Licensing Board Panel who performs the functions described in § 1.15a, as well as an Executive Secretary of the Panel.

4. Paragraph (a) of § 2.704 is revised to read as follows:

**§ 2.704 Designation of presiding officer, disqualification, unavailability.**

(a) The Commission may provide in the notice of hearing that one or more members of the Commission, or an atomic safety and licensing board, or a named officer who has been delegated final authority in the matter, shall preside. If the Commission does not so provide, the Chairman of the Atomic Safety and Licensing Board Panel will issue an order designating an atomic safety and licensing board appointed pursuant to section 191 of the Atomic Energy Act of 1954, as amended, or, if the Commission has not provided for the hearing to be conducted by an atomic safety and licensing board, the Chief Hearing Examiner will issue an order designating a hearing examiner appointed pursuant to section 11 of the Administrative Procedure Act.

5. Paragraph (a) of § 2.720 is revised to read as follows:

**§ 2.720 Subpoenas.**

(a) On application by any party, the designated presiding officer or, if he is not available, the Chairman of the Atomic Safety and Licensing Board

Panel, the Chief Hearing Examiner, or other designated officer will issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence. The officer to whom application is made may require a showing of general relevance of the testimony or evidence sought, and may withhold the subpoena if such a showing is not made, but he shall not attempt to determine the admissibility of evidence.

6. The last sentence of section V(c) of appendix A of 10 CFR Part 2, Statement of General Policy: Conduct of Proceedings for the Issuance of Construction Permits for Production and Utilization Facilities for Which a Hearing Is Required Under section 189a. of the Atomic Energy Act of 1954, as amended, is revised to read as follows:

Except for consultation by a board with the Chairman or Vice Chairman of the Atomic Safety and Licensing Board Panel, it is expected that such consultation by a board, when it occurs, will relate to specific technical matters rather than to matters of broad policy.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 12th day of December 1966.

For the Atomic Energy Commission,

W. B. McCool,  
Secretary.

[F.R. Doc. 66-13632; Filed, Dec. 20, 1966; 8:45 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

##### Miscellaneous Amendments

1. Effective January 1, 1967, Part 204 is amended as follows:

a. In § 204.1(i), the reference to "paragraph (f)" is amended to read "paragraph (g)".

b. In § 204.2(b), the reference to "§ 204.1(g)" is amended to read "§ 204.1(h)".

c. In § 204.2(d), the clause "as permitted to national banks under authority of section 11(k) of the Federal Reserve Act (40 Stat. 969; 12 U.S.C. 248(k))," is eliminated, so that the second sentence of that paragraph reads "If, however, such funds are mingled with the general assets of the bank, a deposit liability thereby arises against which reserves must be maintained."

d. Footnote 6 is eliminated; footnotes 7 and 8 are redesignated footnotes 6 and 7, respectively.

2a. The purposes of these amendments are to correct cross references, to eliminate an obsolete statutory reference with respect to trust powers of national banks, and to eliminate a footnote that set forth

obsolete statutory limitations with respect to the Board's authority to change reserve requirements.

b. The requirements of section 553 of Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because they are editorial in nature and do not change any substantive rule.

(12 U.S.C. 248 (1) and 461)

Dated at Washington, D.C., this 12th day of December 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 66-13641; Filed, Dec. 20, 1966; 8:46 a.m.]

[Reg. Q]

**PART 217—PAYMENT OF INTEREST ON DEPOSITS**

**Miscellaneous Amendments**

1. Effective January 1, 1967, Part 217 is amended as follows:

a. Section 217.2 is amended to read as follows:

**§ 217.2 Demand deposits.**

(a) *Interest prohibited.* Except as provided by section 19 of the Federal Reserve Act, no member bank of the Federal Reserve System shall, directly or indirectly, by any device whatsoever, pay any interest on any demand deposit.

(b) *Meaning of interest.* Within this part, any payment to or for the account of any depositor as compensation for the use of funds constituting a deposit shall be considered interest.

b. Footnotes 7 and 8 are redesignated footnote 6 and 7, respectively.

2a. The purpose of these amendments is to eliminate the repetition of statutory language that is either obsolete or relatively unimportant, without making any change in the substance of the regulatory provisions.

b. The requirements of section 553 of Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because they are editorial in nature and do not change any substantive rule. Any deposit that might possibly come within the terms of the provisions eliminated remains exempt from the prohibition against payment of interest on demand deposits, by reason of section 19(i) of the Federal Reserve Act (12 U.S.C. 371a).

(12 U.S.C. 248 (1), 371a, and 461)

Dated at Washington, D.C., this 12th day of December 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,  
Secretary.

[F.R. Doc. 66-13642; Filed, Dec. 20, 1966; 8:46 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter I—Federal Aviation Agency**

[Docket No. 7808; Amdt. 39-324]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Grumman Model G-159 Airplanes**

There have been reports of corrosion in the lower skins of the wing center section on Grumman Model G-159 airplanes. The possible result if corrosion in this area goes undetected is loss of the primary wing structure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued, requiring inspection and repair, where necessary, of the lower skins of the wing center section.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act are not practicable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and under the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Model G-159 airplanes. Compliance required as indicated.

To detect and repair corrosion in the lower skins of the wing center section, within the next 4 weeks after the effective date of this AD, unless already accomplished within the 22 weeks before the effective date of this AD, and thereafter at intervals not to exceed 26 weeks from the date of the last inspection, accomplish the following:

(a) Remove the bottom wing center fairings, P/N's 159W10400-121 and 159W10401-121. Visually inspect the wing planks under these fairings for corrosion. If corrosion is found, repair in accordance with paragraph (b) before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be made.

NOTE: Care must be exercised when removing the fairings since the attaching rivets go into the pressure vessel. Use caution not to enlarge rivet holes when removing rivets. When reinstalling the fairings, an adequate type fastener and sealant must be used.

(b) Repair any corroded part with an FAA-approved repair, or replace the corroded part with a part of the same part number, or an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. Inspections provided for in this AD must be continued even though defective parts are repaired or replaced.

(Grumman Service Newsletter, Volume 166, dated August-September, 1966, pertains to this subject.)

This amendment becomes effective December 28, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 14, 1966.

JAMES F. RUDOLPH,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-13633; Filed, Dec. 20, 1966; 8:45 a.m.]

[Docket No. 7809; Amdt. 39-325]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Certain Models of Beech Airplanes**

There have been reports of erroneous instrument readings on Beech Models 18 and C-45 airplanes, modified in accordance with Volpar, Inc., Supplemental Type Certificates SA4-1531 or SA-111WE. The STC's modify the airplanes by giving them tricycle landing gear, and moving the low point in the static line forward from the original static line drain, without providing for a new drain. The resulting condition is a collection of moisture without an available drain, and during cold weather, freezing in the static line, causing it to break, giving rise to the erroneous instrument readings. To correct this condition, this AD will require the installation of a new drain.

Since immediate action is required in the interests of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practicable, and good cause exists for making this rule effective in less than 30 days.

In consideration of the foregoing, and under the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Beech JRB-6, D18C, D18S, E18S, E18S-9700 with serial numbers prior to BA445, G18S with serial numbers prior to BA445, H18, C-45G, TC-45G, C-45H, TC-45H, and TC-45J (SNB-5) airplanes, that have been modified in accordance with Volpar, Inc., Supplemental Type Certificate No. SA4-1531 or SA-111WE.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent moisture from collecting in the static line of the subject airplanes, accomplish the following:

Install a drain in the static line in accordance with Volpar, Inc., Drawing No. 857, titled "Drain Installation—Static Pressure Line" dated September 22, 1966 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective December 21, 1966.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 14, 1966.

JAMES F. RUDOLPH,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 66-13634; Filed, Dec. 20, 1966; 8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-3]

#### PART 1—GENERAL PROVISIONS

##### Ports of Entry; Providence, R.I.

DECEMBER 9, 1966.

There has been a current trend for carriers and others concerned with bonded merchandise to move their facilities outside the existing port limits of Providence, R.I. Therefore, in order to provide for customs services at these relocated areas and services for other increased customs activities outside existing port limits, it has been decided to extend the port limits of Providence, R.I.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of Providence, R.I., in the Providence, R.I., district (Region I), comprising the area within the corporate limits of the city of Providence, R.I., are extended to include the area within the following cities and towns in the State of Rhode Island: Central Falls, Cranston, East Providence, Barrington, Pawtucket, Warwick, Woonsocket, Cumberland, Johnston, North Smithfield, Smithfield, Lincoln, and West Warwick.

Section 1.2(c) of the Customs Regulations is amended by inserting "(including the territory described in T.D. 67-3)" after "Providence" in the column headed "Ports of entry" in the Providence, R.I., district (Region I).

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 66-13658; Filed, Dec. 20, 1966;  
8:47 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### SUBCHAPTER C—PERSONNEL

#### PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS, AND CERTAIN FACT-FINDING BODIES

##### Miscellaneous Amendments

*Scope and purpose.* Part 719 is updated in accordance with amendments which will be included in Change 18 to the Manual of the Judge Advocate Gen-

eral for distribution to Navy and Marine Corps commands in due course.

1. Section 719.103, dealing with convening authorities of courts-martial, is amended by revising paragraph (b) (6) and (7) to read as follows:

§ 719.103 Designation of additional convening authorities.

(b) *Special courts-martial.* \* \* \*

(6) All directors, Marine Corps Districts.

(7) All officers in charge, Naval Inactive Ship Maintenance Facilities.

2. Section 719.115 is revised to read as follows:

§ 719.115 Request for appellate defense counsel.

Article 70(c) (1) of the Code provides that appellate defense counsel shall represent the accused, when requested by him, before a board of review or the Court of Military Appeals. Paragraph 48j(3), MCM 1951, requires the trial defense counsel, immediately after a trial which results in a conviction, to advise the accused generally as to his appellate rights. In order that each record of trial will show compliance with that paragraph, the following procedure will be followed: In all general courts-martial which result in a conviction, and in those special courts-martial involving a bad-conduct discharge, and within the period prescribed in paragraph 48j(3), MCM 1951, the accused will, after being advised of his appellate rights, be requested to indicate his wishes as to appellate representation by a statement in the form set forth in § 719.225. The original signed statement will be attached to the original trial record immediately following the appellate exhibits, and an unsigned copy will be similarly attached to each copy of the trial record.

3. Section 719.117 is amended by revising paragraphs (d) (6) and (e) to read as follows:

§ 719.117 Action on courts-martial by convening authorities.

(d) *Sentences including censure.* \* \* \*

(6) *Appeals.* Review, including appellate review, of letters of censure issued as part of an approved court-martial sentence will be accomplished as provided for by the Uniform Code of Military Justice, the Manual for Courts-Martial, and this part with respect to the proceedings of the particular court-martial which imposed the sentence. No separate appeal from these letters will be considered.

(e) *Designation of places of confinement.* The convening authority of a court-martial sentencing an accused to confinement is a competent authority to designate the place of temporary custody or confinement of naval prisoners. See also § 719.138.

4. Section 719.120 is amended by revising paragraph (a) to read as follows:

§ 719.120 Matters to be included in action on special courts-martial by general court-martial convening authorities.

(a) *Suspension of sentences.* If the general court-martial convening authority takes action to suspend any portion of a sentence involving a bad-conduct discharge for a period in excess of 6 months or, in cases involving confinement, in excess of 6 months beyond the date of release from confinement, he shall state his reasons therefor in his action on the record.

(Secs. 801-940, 70A Stat. 36-78, as amended, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 801-940; E.O. 10214, as amended)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,  
Rear Admiral, U.S. Navy, Judge  
Advocate General of the Navy.

DECEMBER 14, 1966.

[F.R. Doc. 66-13635; Filed, Dec. 20, 1966;  
8:45 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 80—DIETARY SUPPLEMENTS AND VITAMIN AND MINERAL-FORTIFIED FOODS

#### Order Staying Effective Date of Regulations; Amending Regulations; and Allowing Additional Time for Filing Objections

##### Correction

In F.R. Doc. 66-13393 appearing in the issue for Wednesday, December 14, 1966, in § 80.1 on page 15731, the second line of the footnote to Table 1 which reads "respective amounts specified for an infant" should read "respective maximum amounts specified for an infant".

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 8—Veterans Administration

#### PART 8-3—PROCUREMENT BY NEGOTIATION

#### PART 8-11—FEDERAL, STATE, AND LOCAL TAXES

##### Miscellaneous Amendments

1. In Part 8-3, §§ 8-3.204, 8-3.207, 8-3.209, 8-3.210, 8-3.211, and 8-3.215 are revised to read as follows:

§ 8-3.204 Personal or professional services.

Except for architect engineer service required in connection with construction,

the authority contained in FPR 1-3.204 will be used to procure personal and professional services. Architect engineer service required by the Veterans Administration in conjunction with construction (see Subparts 8-4.50 and 8-7.50 of this chapter) will be procured under the special authority set forth in title 38, United States Code (FPR 1-3.215; 38 U.S.C. 5002).

**§ 8-3.207 Medicines or medical supplies (drugs).**

Except as provided for in this § 8-3.207 or when prior approval has been granted by the Chief Medical Director, no Veterans Administration Contracting Officer shall negotiate contracts for items of this nature, when the cost of such items, singly or collectively, is expected to exceed \$2,500 for a single transaction. The Director, Supply Service, and the Chief, Purchase and Contract Division in Central Office and, at the Marketing Center, Hines, Ill., the Assistant Director, Supply Service for Marketing, the Chief, Marketing Division for Drugs and Chemicals and one senior Contracting Officer, designated by the marketing division chief, are authorized to enter into contracts for drugs and chemicals by negotiation regardless of the dollar value involved.

**§ 8-3.209 Subsistence supplies.**

Except as provided for in this § 8-3.209 or when prior approval has been granted by the Chief Medical Director, no Veterans Administration Contracting Officer shall negotiate contracts for items of this nature, when the cost of such items, singly or collectively, is expected to exceed \$2,500 for a single transaction. The Director, Supply Service and the Chief, Purchase and Contract Division in Central Office and, at the Marketing Center, Hines, Ill., the Assistant Director, Supply Service for Marketing, the Chief, Marketing Division for Subsistence and one senior Contracting Officer, designated by the marketing division chief, are authorized to enter into contracts for subsistence by negotiation, regardless of the dollar value involved.

**§ 8-3.210 Impracticable to secure competition by formal advertising.**

(a) Contracts for paid advertising for community placement homes and for recruitment purposes, may be negotiated under the authority of this § 8-3.210, after the request for the procurement of such advertising has been approved by one of the officials designated in VA Regulations 3 and 4 (38 CFR 2.3 and 2.4).

(b) Contracts for the procurement of paid advertising in the purchase or sale of supplies, equipment or services, may be negotiated under authority of this § 8-3.210, only after the request for such procurement has been approved by the Administrator.

(c) Authority is hereby delegated to contracting officers to place purchase orders in accordance with 7 GAO 5200 for paid advertising, based upon approved requests.

(d) The procurement of utility connections and services from a utility services company, that is the sole source for

such services, may be negotiated under authority of FPR 1-3.210. Contracts for utility services need not be executed, unless requested by the company, when the rates for such services are regulated by a Federal, State, municipal or other regulatory body.

(e) Where a company, service, or utility, requires the execution of an agreement or contract, the contract shall be executed on SF 33. Where a contract form is used by a company it may be accepted and made a part of the proposal form used by the Veterans Administration, by attachment and making the following reference in the proposal:

Contract form ----- is attached hereto and is made a part hereof, it being understood that no provisions contained therein which are contrary to laws and regulations governing the disbursements of funds of the United States of America shall be binding upon the Government.

**§ 8-3.211 Experimental, developmental, or research work.**

Research authorized to be conducted by the Veterans Administration, in accordance with the provisions of title 38, United States Code, will be negotiated under the authority of FPR 1-3.211.

**§ 8-3.215 Otherwise authorized by law.**

In addition to the special procurement authorities contained in title 38, United States Code, Contracting Officers will cite FPR 1-3.215, as their authority to negotiate contracts for procurement of the following:

(a) *Orthopedic and prosthetic appliances and related services.* Contracts for the procurement of orthopedic and prosthetic appliances and related services may be negotiated under authority of FPR 1-3.215 (38 U.S.C. 5013).

(b) *Mortuary services.* In those instances where the Veterans Administration is required to procure funeral and burial services to inter the remains of a deceased beneficiary, the Contracting Officer shall negotiate for such services, citing as his authority to do so FPR 1-3.215 (38 U.S.C. 903).

(c) *Architect-Engineering.* Architect-engineering services, required in conjunction with the construction of new hospitals, domicillaries, and out-patient dispensary facilities, or the replacement, extension, alteration, remodeling, or repair of all such facilities, will be procured by negotiation under authority of FPR 1-3.215 (38 U.S.C. 5002).

(d) *Veterans Canteen Service.* 38 U.S.C. 4202 authorizes the Administrator to make all necessary contracts or agreements to purchase or sell merchandise, equipment, fixtures, supplies, and services by negotiation.

(e) *Supplies and services, Loan Guaranty.* Contracts for the purchase of supplies and services required in connection with real property acquired by the Veterans Administration through the operation of the loan guaranty and direct loan programs will be made in accordance with the authority contained in 38 U.S.C. 1820(b).

(f) *Training facilities.* Contracts necessary to provide vocational rehabil-

itation to eligible veterans will be negotiated under authority of FPR 1-3.215 (38 U.S.C. 1511).

2. In Part 8-11, § 8-11.203 is revised to read as follows:

**§ 8-11.203 Supplies and services for the exclusive use of the United States.**

The Veterans Administration is exempt from the Federal excise taxes imposed on filled cheese, tobacco products, and alcohol when such items are purchased from factories by the Veterans Administration for use in its medical care program.

3. Sections 8-11.250, 8-11.250-1, 8-11.250-2, 8-11.250-3, and 8-11.250-4 are added to read as follows:

**§ 8-11.250 Tax exempt products for State institutions.**

**§ 8-11.250-1 Tobacco products.**

Internal Revenue Regulations permit the withdrawal of tax-free tobacco products by hospitals and institutions owned or controlled by the Government of each of the several States, territories and the District of Columbia for gratuitous distribution to present and former members of the Armed Forces of the United States who are patients in such institutions. These arrangements will be effective only with institutions where the official-in-charge abides by the procedures and controls prescribed by the Veterans Administration. The unauthorized or illegal use of these products may result in the withdrawal of this privilege by the Veterans Administration.

**§ 8-11.250-2 Institution responsibilities.**

(a) The official-in-charge of the institution will act as a representative of the Veterans Administration in the purchase, storage, and distribution of these products.

(b) The product must be distributed on a gratuitous and equitable basis to all eligible recipients. Under no circumstances will these items be offered for sale.

(c) The Veterans Administration will neither accept nor handle donations or funds for institutions.

(d) Payment or nonpayment of State taxes on tobacco products is a matter between the concerned State and the institution.

(e) Copies of all orders and other pertinent documents will be retained for a period of at least 3 years and be available to the Veterans Administration and the Internal Revenue Service for inspection purposes.

**§ 8-11.250-3 Institution ordering procedures.**

Orders will be on the institutions regular order form made out to the manufacturer of the desired product. The original and two copies of the order, all signed, will be forwarded to the nearest Veterans Administration hospital or center. Orders shall be issued as shown in this § 8-11.250-3 to cover receipt of unsolicited shipments of these products intended for use of veteran-patients. All copies of these orders will be marked

**CONFIRMATION—DO NOT RESHIP.** All orders shall bear a certificate as follows:

Tobacco products for free distribution to present and former members of the Armed Forces of the United States who are hospitalized or domiciled in this institution.

**§ 8-11.250-4 Processing of order by Veterans Administration.**

(a) The station head (or his designee) will approve the order by signing the original and one copy in ink over his stamped or typed name and title. The approved original and copy shall be forwarded to the vendor. (The copy is for retention at the shipping factory for review by the Internal Revenue Service.) The additional copy shall be retained in the hospital or center files.

(b) Full cooperation will be given institution representatives in implementing these procedures.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: December 14, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 66-13660; Filed, Dec. 20, 1966; 8:47 a.m.]

## Title 46—SHIPPING

### Chapter IV—Federal Maritime Commission

#### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 65-37]

#### PART 531—PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES

##### Special Permission Requirements for Filing Project Rates

The Federal Maritime Commission published in the FEDERAL REGISTER dated October 27, 1965 (30 F.R. 13653) proposed rules which would require common carriers by water in the domestic offshore trades to file with the Federal Maritime Commission an application for special permission before establishing project rates in tariff(s) filed with the Commission. Revised rules were published on June 21, 1966 (31 F.R. 8834). Comments on the original and revised rules were received from various interested parties. The Commission has considered the comments and has decided to adopt, with certain minor changes, the revised rules as published on June 21, 1966.

The proposal defines a "Project Rate" as a reduced rate on the materials and equipment to be employed by the shipper or consignee in the construction or development of a certain named facility used in manufacturing processes, the exploitation of natural resources (in-

cluding agriculture), or other productive enterprises or service facility. The materials and equipment to which project rates apply may not be shipped for the purpose of resale.

It has been suggested that the word "reduced" should be eliminated from this definition since project rates can cover a variety of commodities, some of which may already be rated lower than the proposed project rate. A project rate will not necessarily result in a reduced rate. We agree with this suggestion and accordingly are making the suggested deletion.

It was also suggested that the definition should include a reference to "equipment and materials making up the plant." It is our opinion that the use of the words "material and equipment to be employed \* \* \* in the construction or development of a certain named facility" is comprehensive enough to include such material and equipment making up the plant, and accordingly the suggested change is not necessary.

The proposed rules require a carrier to obtain special permission to file project rates unless the project rate filing complies in all respects with the provisions of Tariff Circular No. 3 (46 CFR Part 531).

The application for special permission is to contain economic justification for the rate and a demonstration that the rates would meet out-of-pocket costs. The information submitted as economic justification would not be used to grant or deny special permission, but only to help the staff evaluate the rate.

The major objection to this provision is that the Commission lacks the authority to require a carrier to supply such justification. The statutory authority is contained in section 2, Intercoastal Shipping Act, 1933 (46 U.S.C. 844) which states:

The Commission shall by regulations prescribe the form and manner in which the schedules required by this section shall be published, filed, and posted; and the Commission is authorized to reject any schedule filed with it which is not in consonance with this section and with such regulations. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

The proposed rules fall within this authority. Moreover, the establishment of a project rate is an important factor in the overall rate structure and in view of this impact, it is not burdensome to require justification so that the Commission may make an educated appraisal as to whether such a rate should be subjected to investigation and suspension. To insure against any possible misinterpretation of this requirement we are amending the proposed note following such rule to specifically state that such information will only be used for "evaluation as to whether such rate should be subject to investigation and suspension."

Objection is also made to the out-of-pocket cost demonstration requirement. This requirement, however, is necessary to prevent the breakdown of just and reasonable rate structures of carriers.

The proposed rule also requires that the application for special permission

contain a specimen of the proposed tariff which is to include inter alia a list of the commodities to be transported under the project rates. Some concern has been expressed about the difficulty of naming in advance all the commodities to be transported under the project rate. We feel the necessity of the requirement for a listing of the commodities overrides any difficulty that might be entailed in developing such a list. Such a commodity list is necessary to enable the Commission to determine the number of commodities involved in the project, the effect each commodity will have on similar commodities, and the extent to which the rate of each commodity departs from its normal rate.

The proposed rule would require that an application for special permission include a certification that all carriers with tariffs on file covering service between the involved ports be served a copy of the application. We see no need to serve competitors with the material submitted as economic justification of the rate. It is sufficient that competitors receive a copy of the proposed tariff page. We are amending the proposed rule to provide that carriers be served a copy of the application but are not required to be served with the portion thereof which contains the economic justification for the rate.

Comments and arguments not discussed nor reflected herein have been considered by the Commission and found not justified or not material.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) §§ 531.0 and 531.7 of Title 46 CFR are hereby amended by the addition of new paragraphs, § 531.0(n) and § 531.7(e), as follows:

#### § 531.0 Definitions.

(n) "Project Rate": A rate on the materials and equipment to be employed by the shipper or consignee in the construction or development of a certain named facility used in manufacturing processes, the exploitation of natural resources (including agriculture), or other productive enterprises or service facility. The materials and equipment to which project rates apply may not be shipped for the purpose of resale.

#### § 531.7 Commodity rates.

(e) (1) *Project rates.* Publications containing project rates will not be accepted for filing unless they comply in all respects with the provisions of this Part 531 or unless special permission for appropriate rule relief has been granted under § 531.14.

(2) Application for special permission to file such publications shall include:

(i) A recitation of the economic justification for the project rates and a demonstration that the rates would meet at least out-of-pocket costs and pay a share of the voyage costs (see Note);

(ii) A certification that all carriers having tariffs on file with this Commission covering service between the involved ports have been served a copy of the application, except the information contained in subdivision (d) of this subparagraph, including the names of the competitors so served;

(iii) A specimen of the proposed tariff, tariff page, or supplement which shall include (a) a list of the commodities to be transported under the project rates; (b) a statement that the bill of lading used to move cargo under the project rates will be clause "All materials included in this bill of lading are of a wholly proprietary nature and may not be resold at destination or otherwise placed in commercial channels for resale"; and (c) a date upon which the project rates will expire (see § 531.4(f)); and

(iv) A list of the rules in this Part 531 sought to be waived.

NOTE: Information submitted pursuant to § 531.7(e)(2)(1) will not be used as a determining factor in granting the application for special permission but will be utilized for the purpose of staff evaluation as to whether such rates should be subject to investigation and suspension.

**Effective date.** The rules contained in this amendment shall be effective 30 days after date of publication in the FEDERAL REGISTER.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Approval is granted under Budget Bureau No. 118-R019 which expires on November 30, 1971.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LIST,  
Secretary.

[F.R. Doc. 66-13663; Filed, Dec. 20, 1966; 8:47 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 66-1146]

#### PART 0—COMMISSION ORGANIZATION

##### Reorganization of Common Carrier Bureau

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of December 1966:

1. The Commission's Common Carrier Bureau has recently been reorganized, with several of the Divisions in the Bureau being consolidated and renamed. Part 0 of the rules and regulations, which describes the organization of the Commission, should be amended to reflect those changes and to describe the functions of the Bureau more accurately.

2. The amendments adopted herein pertain to agency organization. The prior notice, procedure, and effective date provisions of section 4 of the Adminis-

trative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

3. In view of the foregoing: *It is ordered*, Effective December 23, 1966, That Part 0 of the rules and regulations is amended as set forth below.

Released: December 16, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

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

1. Section 0.91 is amended to read:

##### COMMON CARRIER BUREAU

##### § 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends, and administers policies and programs with respect to the regulation of rates, services, accounting, and facilities of communication common carriers involving the use of wire, cable, radio, and space satellites. The Bureau performs the following functions:

(a) Advises and makes recommendations to the Commission and represents the Commission in matters pertaining to common carrier regulation and licensing.

(b) Participates in all phases of international conferences involving common carrier matters.

(c) Collaborates with representatives of State regulatory commissions and with the National Association of Railroad and Utilities Commissioners in the conduct of cooperative studies of regulatory matters of common concern.

(d) Participates, as a party, in adjudicatory hearings in which significant common carrier issues are involved.

(e) Advises and assists members of the public and the industries regulated on communication matters.

(f) Makes recommendations to the Commission on policy and technical determinations regarding the use of space satellites for other than common carrier communication purposes.

(g) Exercises such authority as may be assigned or referred to it by the Commission pursuant to section 5(d) of the Communications Act of 1934, as amended.

2. Sections 0.92-0.99 are deleted in their entirety. New §§ 0.92 and 0.93 are added to read as follows:

##### § 0.92 Units in the Bureau.

- (a) Office of the Bureau Chief.
- (b) International and Satellite Communication Division.
- (c) Domestic Rates Division.
- (d) Domestic Radio Division.
- (e) Domestic Services and Facilities Division.
- (f) Field Operations Division.
- (g) Economic Studies Division.

##### § 0.93 Field Offices.

Common Carrier Bureau field offices are located at 90 Church Street, New

York, N.Y. 10007; Post Office and Courthouse Building, Seventh and Mission Streets, San Francisco, Calif. 94103; and Room 906, 1114 Market Street, St. Louis, Mo. 63101.

§§ 0.94-0.99 [Deleted]

[F.R. Doc. 66-13670; Filed, Dec. 20, 1966; 8:48 a.m.]

[FCC 66-1145]

#### PART 0—COMMISSION ORGANIZATION

##### Delegation of Authority to Staff To Grant Certain Requests for Waiver

In the matter of amendment of Part 0 of the Commission's rules to delegate authority to the staff to grant certain requests for waiver of the type acceptance requirements as set forth in § 87.77 for a period not to extend beyond January 1, 1970.

1. At a session of the Federal Communications Commission held at its office in Washington, D.C., on the 15th day of December 1966, the Commission considered the above-captioned matter.

2. The Commission's rules (§ 87.77) require, with certain exceptions, that transmitters used in the Aviation Services must be of a type which has been type accepted by the Commission for use in these services. Limited waivers were granted for good cause shown to allow additional time in which to comply with the type acceptance requirements. The staff was delegated authority (§ 0.331(b)(16)) to act on such waivers until January 1, 1967. It now appears that in certain instances waivers beyond this period are justified.

3. Presently before the Commission are three requests to allow continued operation of radiobeacon stations with non-type accepted equipment pending establishment of FAA facilities which would replace the existing radiobeacon stations. Originally, it was anticipated that replacement facilities would be installed and operating by January 1, 1967; however, there has been some delay in the replacement program with a date for implementation as late as 1970 in one instance. To require purchase and use of type accepted equipment for such relatively short periods of time could well result in a shut down of existing facilities and such a loss could have a severe adverse impact on aviation safety.

4. The possibility that other scheduled replacements may not be completed by January 1, 1967, exists. It appears, therefore, that an extension of the present delegation of authority in § 0.331(b)(16) will result in a more efficient administration of the Commission's functions.

5. The amendment adopted herein is nonsubstantive in that it relates to organizational and procedural matters and, therefore, the public notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable.

6. In view of the foregoing: *It is ordered*, Pursuant to sections 4(i) and

5(d) (1) of the Communications Act of 1934, as amended, that Part 0 of the Commission's rules is amended as set forth below, effective December 23, 1966.

Released: December 16, 1966.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

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

Subparagraph (16) of § 0.331(b) is amended to read as follows:

§ 0.331 Authority delegated.

(b) \* \* \*

(16) To grant waivers of the type acceptance requirements of § 87.77 of this chapter for a period not to extend beyond January 1, 1970 in cases substantially the same as those in which the Commission en banc has taken similar action.

[F.R. Doc. 66-13668; Filed, Dec. 20, 1966; 8:48 a.m.]

[Docket No. 16743; FCC 66-1142]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

**Table of Frequency Allocations**

*Report and order.* 1. On July 7, 1966, the Commission adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on July 14, 1966 (31 F.R. 9550). The time for filing comments thereon has expired and no comments have been received by the Commission.

2. The Commission believes that the deletion of footnote designator (167) from the frequency bands 90-110, 110-130, and 130-160 kc/s, in Column 7 of the national table of frequency allocations, § 2.106, is in the public interest. Such action recognizes the advent of more sophisticated multichannel equipment now available.

3. Deletion of footnote 167 from the national table of allocations does not, of course, relieve the United States of its treaty obligations. Stations using emissions other than A1, F1, A4, or F4 will not be permitted to cause harmful interference to, nor will they be afforded protection from, stations of other administrations which are operating in conformity with No. 167 of the Radio Regulations.

4. Authority for the amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Further, since this amendment relieves an existing restriction, it may become effective immediately under provisions of section 4(c) of the Administrative Procedure Act.

5. In view of the foregoing: *It is ordered.* That, effective December 23, 1966, § 2.106 of the Commission's rules is

amended as set forth below and the proceeding is hereby terminated.

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

Adopted: December 15, 1966.

Released: December 16, 1966.

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

In § 2.106 *The Table of Frequency Allocations*, the footnote designator (167) is deleted in Column 7 from the frequency bands 90-110, 110-130, and 130-160 kc/s, and as amended, the bands, in part, read as follows:

Federal Communications Commission				
		Band (kc/s)		
***	***	90-110 (166) (US104)	***	***
		110-130 (US103)		
		130-160		

[F.R. Doc. 66-13669; Filed, Dec. 20, 1966; 8:48 a.m.]

[Docket No. 16601; FCC 66-1156]

**PART 73—RADIO BROADCAST SERVICES**

**Table of Assignments**

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Mt. Sterling, Ky., Litchfield, Minn., Oconto, Wis., Dodgeville, Wis., Clare, Mich., Tloga, N. Dak., Prentiss, Miss., Crossett, Ark., Bristow, Okla., Boone, Iowa, Oxford and Clarksdale, Miss., Warsaw, Va., Kingsport, Tenn., Norton, Va., Neon, Ky., and Ames, Iowa), Docket No. 16601 RM-921, RM-922, RM-923, RM-925, RM-931, RM-932, RM-935, RM-938, RM-929, RM-933, RM-934, RM-939, RM-1024.

*Second report and order.* 1. The Commission has under consideration its Memorandum Opinion and Order and further notice of proposed rule making issued on October 7, 1966 (31 F.R. 13245), in the above-entitled matter (RM-933 and 1024 only, the remaining matters having been disposed of in the First Report and Order) inviting comments to assign a Class C channel to Boone, Iowa, and a second assignment to Ames, Iowa, as follows:

City	Channel No.	
	Present	Proposed
Ames, Iowa.....	281	281, 296A
Boone, Iowa.....	252A, 257A	255

Comments were filed by Boone Biblical College, licensee of Station KFGQ-FM,

Channel 257A, Boone, Iowa, and petitioner in this proceeding for the addition of Channel 255 to Boone by the deletion of both Channels 252A and 257A in that community, Ames Broadcasting Co., licensee of Station KASI (AM), Ames, Iowa, and proponent of the assignment of Channel 296A to Ames, and Lee Broadcasting Corp., licensee of Station KEYC-TV, Mankato, Minn., and applicant for a new FM station on Channel 256 at Mankato, Minn.<sup>1</sup>

2. Boone, located about 37 miles northwest of Des Moines, has a population of 12,458 and its county has a population of 28,037. It is the largest community and county seat of that county. In addition to the existing Class A FM station on Channel 257A, licensed to Boone Biblical College, it has two AM stations, a full-time and a daytime-only station, also licensed to Boone Biblical College. Ames, about 30 miles north of Des Moines, has a population of 27,003 and the county in which it is located has a population of 49,327. It is the largest community in the county but not its county seat. In addition to Channel 281, for the use of which an Initial Decision has been issued, Ames has a daytime-only station, licensed to Ames Broadcasting Co., and educational stations WOI-AM and -FM, licensed to the Iowa State University.

3. Boone Biblical College has been seeking a wide-area Class C assignment for a number of years in order to increase the range of the signal presently supplied by its station on Channel 257A. It supports the subject proposal stating that it would retain the same number of assignments in the two communities, that the mixture of a Class A and C channel in Ames is warranted in this case, and that Channel 255 at Boone is feasible at a site about 18 miles south of the community with facilities of 30 kilowatts and antenna height of 500 feet.

4. Ames Broadcasting Co. supports the assignment of Channel 296A to Ames, in addition to Channel 281 presently assigned. Ames states that since the sole radio station in Ames, KASI, operates daytime-only, the addition of Channel 296A will provide a full-time competitive radio station. Ames Broadcasting previously was an applicant for Channel 281 but had its application dismissed at its own request. There is outstanding an Initial Decision looking toward the grant of this assignment to another party. While the proposal would create a mixture of a Class A and C channel in Ames, it is urged that this is warranted in this case because there is no other Class C assignment available to provide for the needed competitive FM station.

<sup>1</sup> In response to the request made by Boone Biblical College in RM-933 to assign Channels 255 and 296A to Boone by deleting Channels 252A and 257A, Palmer Broadcasting Co., licensee of Station WHO-TV, Channel 10, Des Moines, Iowa, opposed the assignment of Channel 296A to Boone on the grounds that it would cause second harmonic interference to the reception of WHO-TV in that community. No similar objections were filed by Palmer to the proposal to assign Channel 296A to Ames.

5. Lee Broadcasting Corp. opposes any use of Channel 255 at Boone which would conflict with its proposed application for the adjacent Channel 256 at a site 24 miles southwest of Mankato (the TV site of KEYC-TV) but does not object to its use at a site 18 miles south of Boone, where the required separation would be met. Since Boone Biblical College agrees to such a site, the objection of Lee Broadcasting can be considered satisfied.

6. Upon careful consideration of all the comments and data submitted in the proceeding, we are of the view that the proposal outlined in the notice would serve the public interest and should be adopted. The proposal would permit KFGO-FM in Boone to provide the wide-area coverage it seeks, would provide for two competing FM stations in Ames, and would conform with all the rules without any adverse effect on other stations. Under the circumstances presented herein, we believe that the resulting mixture of a Class A and C channel in Ames is merited and that a condition as to the location of a site at Boone 18 miles south of the community in order not to preclude the choice of a suitable site for a new FM station to serve Mankato, is a reasonable one. While the proposal results in one less assignment in the Boone-Ames area (from one C and two As to two Cs—Channel 296A could be added in any event) the result does substitute a Class C for an A and on balance appears justified. Since KFGO-FM operates on Channel 257A at Boone and the proposal would change its assignment to Channel 255, its license will have to be modified accordingly.

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

8. In view of the above; *It is ordered*, That effective January 23, 1967, § 73.202 of the Commission's rules and regulations is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Ames, Iowa	281, 296A
Boone, Iowa	255

9. *It is further ordered*, That effective January 23, 1967, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license of Boone Biblical College for the operation of Station KFGQ-FM on Channel 257A in Boone, Iowa, is modified to specify operation on Channel 255 in lieu of 257A subject to the following conditions:

(a) The licensee shall submit to the Commission by January 16, 1967, the technical information normally required for the issuance of a construction permit for operation on Channel 255, including any changes in antenna and transmission line.

(b) The licensee may continue to operate on Channel 257A until upon its request, the Commission authorizes interim operation on Channel 255, following which the licensee shall submit

(within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

(c) The licensee shall select a new site for Channel 255 which will conform to all the rules and meet the required adjacent channel spacing to the site specified by Lee Broadcasting Corp. for Channel 256 at Mankato, Minn., File Number BPH-5437.

10. *It is further ordered*, That this proceeding is terminated.

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

Adopted: December 15, 1966.

Released: December 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 66-13671; Filed, Dec. 20, 1966; 8:48 a.m.]

[Docket No. 16763; FCC 66-1155]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Texas and Oklahoma

In the matter of amendment of § 73.606 Table of Assignments, Television Broadcast Stations (Dallas and Tyler, Tex. and Lawton, Okla.), Docket No. 16763, RM-980.

*Report and order.* 1. On July 14, 1966, the Commission released a notice of proposed rule making (FCC 66-638) in the above-entitled matter proposing changes in the Table of Assignments for television broadcast channels in order to resolve geographic separation problems involving two applicants for Channel 29 at Dallas, which contemplated the use of sites that would not meet the required minimum separations to the transmitter site of Station KWFT, Channel 21, Fort Worth, Tex., and to the standard reference point for Channel 44 at Waco, Tex. In addition to replacing Channel 29 with a channel that would meet the separation requirements, it was also proposed to add another channel to avoid a comparative hearing issue of mutual exclusivity. These changes were requested by the competing applicants for Channel 29 at Dallas, D. H. Overmyer Communications Co., Inc., and Maxwell Electronics Corp. Changes in the channel assignments to Tyler, Tex., and Lawton, Okla., are necessary in order to maintain maximum efficiency in the overall assignment plan, and these changes were set forth in the notice of proposed rule making. Interested parties were invited to comment.

2. Comments were received from Maxwell Electronics Corp., D. H. Overmyer Communications Co., Inc., and Trigg-Vaughn Stations, Inc., the latter being the permittee of Station KDTV, Channel 39, Dallas, Tex.<sup>1</sup> Maxwell requested that

<sup>1</sup> Trigg-Vaughn has recently tendered an application to assign its permit to Doubleday Broadcasting Co., Inc.

<sup>2</sup> Commissioner Cox dissenting.

it be ordered to amend to Channel 33 and remain in hearing status to prevent the filing of additional competing applications. Overmyer stated that it would amend to Channel 27 and would not request the protection of hearing status. A stipulation to that effect entered into by Maxwell and Overmyer was filed with the Maxwell comment.

3. Trigg-Vaughn opposed the proposed amendment on the grounds that there is no need for an additional UHF channel in Dallas; that it would not be in the public interest to add the channel; that the proposal was advanced solely in the private interests of the two competing applicants for Channel 29; and, that adoption of the proposal would adversely affect the future use of UHF television channels in numerous small communities in the Dallas-Fort Worth area. Trigg-Vaughn failed to address itself to the stated purpose of the proposed amendment, i.e., to avoid a hearing issue of mutual exclusivity and perhaps thereby to shorten the delay in bringing additional television service to the public in the Dallas area. Trigg-Vaughn goes on to say that Dallas would have more commercial channels than other large markets if the proposal is adopted, and that it should be denied as was done when the Commission refused to assign an additional channel to Birmingham, Ala.

4. Maxwell replied to the Trigg-Vaughn comments, maintaining that there is a need for the additional channel as evidenced by the pending applications and the stated intention of the applicants to both build and operate stations; that the current Table of Assignments does not represent the maximum objective of the Commission in providing television assignments; that there will be no adverse impact on the eight communities named by Trigg-Vaughn for the reasons that they all receive service from the Dallas-Fort Worth TV stations and will receive service from the proposed new stations and, in view of the unsaturated condition of the UHF television broadcast band in that area, may secure assignments if a need arises; and that this case is entirely dissimilar to the Birmingham matter because the petitioner in that case provided no engineering to show that an additional assignment could be made, and that Birmingham is in an area where additional assignments are extremely scarce.

5. The problem of short spacing between Channel 21 in Fort Worth and Channel 29 in Dallas became moot when, on October 24, 1966, the Commission authorized KWFT, Channel 21, Fort Worth, Tex., to move its site to the former location of WBAP-TV. This site is approximately 4 miles southwest of the present site of KWFT and is more than the necessary 20 miles from the site proposed by the Channel 29 applicants in Dallas. However, there still remains the problem of the short separation to Channel 44 in Waco, Tex., and the assignment of a second channel to eliminate the need for a comparative hearing. Therefore,

In order to clear the way for a more orderly and expeditious disposition of the pending applications for new UHF television broadcast stations in Dallas, Channel 33 will be substituted for Channel 29, currently assigned to Dallas, and Channel 27 will be added. We believe the efforts by both applicants to obtain another channel demonstrates a need for an additional assignment; and we point out that this will not give the Dallas-Fort Worth market an inordinately large number of channels (for example, eight commercial channels are assigned to the smaller market of Miami). As Maxwell points out, the additional assignment will not preclude needed future assignments in the area.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective January 23, 1967, the Table of Assignments in § 73.606(b) of the Commission Rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	Channels
Lawton, Okla.....	7+, 16, *36
Dallas, Tex.....	4+, 8, *13+, 27, 33, 39
Tyler, Tex.....	7, 14, *38

Note: Offsets will be supplied for UHF channels in a subsequent Order.

7. *It is further ordered*, That, Maxwell Electronics Corp. or D. H. Overmyer Communications Co., Inc., or both, may amend their pending applications to specify Channel 33 instead of Channel 29 and remain in hearing status; or, either may amend to specify Channel 27 and by doing so surrender hearing status protection.<sup>2</sup>

8. *It is further ordered*, That, this proceeding is terminated.

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

Adopted: December 15, 1966.

Released: December 16, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-13672; Filed, Dec. 20, 1966;  
8:48 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 55]

#### PART 1—GENERAL RULES OF PRACTICE

##### Miscellaneous Amendments

At a general session of the Interstate Commerce Commission, held at its office

<sup>2</sup> The respective applications and Docket Numbers are: Maxwell Electronics Corporation, BPCT-3487, Docket No. 16389; D. H. Overmyer Communications Company, Inc., BPCT-3463, Docket No. 16388.

<sup>3</sup> Commissioner Cox concurring in the result.

in Washington, D.C., on the 14th day of December 1966.

There being under consideration the Commission's general rules of practice, and for good cause appearing therefor: *It is ordered*, that Part I of Chapter I of Title 49 of the Code of Federal Regulations be amended as follows:

1. In the first line of paragraph (a) of § 1.16, the number "14" is changed to read "15".

2. In the third sentence of paragraph (d) of § 1.72, the word "two" is changed to read "three".

3. In the last sentence of paragraph (a) (5) of § 1.101, the number "6" is changed to read "7".

*It is further ordered*, That this amendment shall become effective upon 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, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; secs. 304, 316, 54 Stat. 933, 946; secs. 403, 417, 56 Stat. 285, 297, as amended; 49 U.S.C. 12, 17, 304, 904, 916, 1003, 1017)

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13675; Filed, Dec. 20, 1966;  
8:48 a.m.]

## PART 57—RECORDATION OF DOCUMENTS

### Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 14th day of December 1966.

After investigation, it has been determined that recommendations made by The Association of American Railroads for changes in the Commission's Recordation Regulations is warranted and should be adopted as amendments to Part 57 of Title 49 of the Code of Federal Regulations. These amendments are procedural and do not require rule-making procedure under section 4(a) of the Administrative Procedure Act (5 U.S.C. 553).

*It is ordered*, That Part 57 of Chapter I, of Title 49 of the Code of Federal Regulations be amended as follows:

1. In § 57.3, a new sentence is added at the end of paragraph (b), reading as follows:

#### § 57.3 Eligibility of documents.

(b) \* \* \* In case of a corporate mortgage or deed of trust of the nature referred to in paragraph (d) of § 57.4, two certified true copies may be submitted in addition to an original executed counterpart, whether or not other counterparts have been executed and acknowledged by the parties; and in such case the certification of such copies may be made by the trustee under such

mortgage or deed of trust of an officer of such trustee.

2. In § 57.4, paragraphs (d) and (e) are redesignated as paragraphs (e) and (f) respectively, and a new paragraph (d) is added, reading as follows:

#### § 57.4 Form and contents of letter of transmittal.

(d) If the document is a mortgage or deed of trust upon a railway line or lines which also includes in its coverage any interest of the mortgagor in rolling stock owned by it at the date of the mortgage or any interest in rolling stock thereafter to be acquired, substantially the following statement may be included in the letter of transmittal in lieu of the information specified in paragraph (c) of this section:

Included in the property covered by the aforesaid mortgage or deed of trust are (here identify generally the equipment such as "railroad cars, locomotives and other rolling stock") used or intended for use in connection with interstate commerce, or interests therein, owned by (name of mortgagor) at the date of said mortgage or thereafter acquired by it or its successors as owners of the lines of railway covered by said mortgage.

and shall be a sufficient description of the equipment covered by the document.

3. In § 57.5, a new paragraph (c) is added, reading as follows:

#### § 57.5 Administrative procedure.

(c) When there has been filed, pursuant to this part, a mortgage or deed of trust of the nature referred to in paragraph (d) of § 57.4, it shall not be necessary to again file said mortgage or deed of trust when additional rolling stock is acquired in order to perfect the lien of the same upon such additional rolling stock.

*It is further ordered*, That this order shall become effective 30 days from the date of this order.

*And it is further ordered*, 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 and by filing a copy with the Director, Office of the Federal Register.

(Sec. 1, 66 Stat. 724; 49 U.S.C. 20c)

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13676; Filed, Dec. 20, 1966;  
8:48 a.m.]

#### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Docket No. 3666; Ex Parte MC-40; Order 69]

## PART 190—GENERAL

### Applicability

In the matter of regulations for transportation of explosives and other dangerous articles, Docket No. 3666; qualifications and maximum hours of service of employees of motor carriers

**Title 50—WILDLIFE AND FISHERIES**

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

**PART 33—SPORT FISHING**

**DeSoto National Wildlife Refuge, Iowa and Nebraska**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

IOWA AND NEBRASKA

**DESOTO NATIONAL WILDLIFE REFUGE**

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted on all water areas within the refuge. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing is subject to the following conditions:

- (1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.
- (2) Open season: Daylight hours January 1, 1967, through February 28, 1967, and 4:30 a.m. to 10 p.m., May 1, 1967, through September 15, 1967.
- (3) Trot lines and float lines are not permitted.
- (4) Archery fishing is not permitted.
- (5) Digging or seining for bait is not permitted.
- (6) No more than two lines with one hook on each line may be used for fishing.
- (7) Motor or wind driven conveyances are not permitted on the lake during the period January 1 to February 28.
- (8) The use of boats, with or without motors, is permitted during the period May 1 to September 15.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, part 33, and are effective through September 15, 1967.

KERMIT D. DYBSETTER,  
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 12, 1966.

[F.R. Doc. 66-13575; Filed, Dec. 20, 1966; 8:45 a.m.]

and safety of operation and equipment; Ex Parte No. MC-40; Order 69—on further reconsideration.

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on December 15, 1966.

Upon consideration of the Order of Division 3, dated August 18, 1966, and of:

(1) Petition of American Trucking Associations, Inc., for reconsideration of Order 69, dated August 18, 1966, and in the alternative, for amendment of the Motor Carrier Safety Regulations to provide certain exemptions from 49 CFR 191 through 196, filed September 28, 1966;

(2) Letter from Associated Truck Lines, Inc., dated September 29, 1966;

(3) Letter from Darling Freight, Inc., dated September 29, 1966;

(4) Supplemental petition of American Trucking Associations, Inc., dated November 4, 1966;

It appearing, that there has been clearly established a need for more informative placards on motor vehicles transporting dangerous commodities in order to assure adequate information to police, fire, and other officials and to the

public and that the petition in (1) above does not present or constitute sufficient basis for modification of the order of August 18, 1966, but that, for good cause shown, the alternative prayer of the petitioner warrants reopening of Ex Parte No. MC 40 for determination as to whether, and to what extent, vehicles and drivers used wholly within a municipality or the commercial zone thereof, when transporting explosives or other dangerous articles shall be exempted from provisions of the Motor Carrier Safety Regulations as presently provided in 49 CFR 190.33;

It is ordered, That until further order of the Commission, the provisions of 49 CFR 190.33 shall retain the currently effective provisions as to exemption from the requirements specified in Parts 191, 192, 193, and 196, and that the applicability provisions of that section should, and they are hereby amended to read as follows:

**§ 190.33 Applicability of regulations.**

\* \* \* \* \*

	Applicable parts of regulations						
	191	192	193	194	195	196	197
A. Vehicles and drivers used wholly within a municipality or the commercial zone thereof as defined by the Commission:							
1. When transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specially marked or placarded under the Explosives and Other Dangerous Articles Regulations, 49 CFR 77.823, or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations, except that until further order of the Commission section 190.33(A)(1) shall be governed by the quantity provisions of section 77.823 which were in effect prior to January 1, 1967, i.e., when transporting 2,500 pounds or more gross weight of one dangerous article or 5,000 pounds or more gross weight of two or more such items.	Yes	Yes	Yes	Yes	Yes	Yes	Yes

It is further ordered, That the petition and requests in all other respects be, and they are hereby, denied;

It is further ordered, That Ex Parte No. MC 40 be reopened and that the petitioners and other interested parties may, on or before July 1, 1967, submit further data, views, and arguments which may support the contention that the provisions of Motor Carrier Safety Regulations relating to qualifications of drivers, driving of motor vehicles, parts and accessories necessary for safety of operation, and maintenance of motor vehicles, should, consistent with public safety and safety of operations, not be required to be observed for drivers and vehicles used wholly within a municipality or the commercial zone thereof with respect to quantities of explosives or other dangerous articles in vehicles required by this order to be marked or placarded in addition to present requirements. Any factual data upon which the parties rely must be embraced in verified statements of fact in conformity with § 1.50 of the Commission's rules of practice. Such verified statements must contain precise demonstra-

tion of the facts relied upon, and should not contain mere generalization or argumentation.

It is further ordered, That this order shall become effective January 1, 1967, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice 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 a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834, 49 Stat. 546, as amended; 49 U.S.C. 304)

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13677; Filed, Dec. 20, 1966; 8:48 a.m.]

# Proposed Rule Making

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[ Docket No. 16661; FCC 66-1154 ]

### TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS, SILVER CITY, N. MEX.

#### Notice of Proposed Rule Making

**Report and order.** 1. The Commission has before it for consideration its notice of proposed rule making, released May 27, 1966 (FCC 66-460), published in the FEDERAL REGISTER on June 2, 1966 (31 F.R. 7837), proposing to eliminate a geographic shortage between Channel 6 assigned to Silver City N. Mex., and a proposed new transmitter site for educational TV broadcast station KUAT, Channel 6, Tucson, Ariz. Since there was an application on file by WGAL Television, Inc., Albuquerque, to use Channel 6 at Silver City for a 100-watt VHF television translator, it was proposed to retain Channel 6 at Silver City but to limit its use to TV translators. The translator application was granted with the condition that the grant was without prejudice to the outcome of this proceeding. It was also proposed to remove the educational reservation from Channel 10 at Silver City so that it would be available for another 100-watt translator.

2. Comments on the proposals set out in the notice were filed by the Association of Maximum Service Televisions, Inc. (AMST) and the National Association of Educational Broadcasters (NAEB). A reply comment was filed by WGAL Television, Inc. (WGAL).<sup>1</sup>

**The use of Channel 6.** 3. On August 31, 1964, the Commission received an application from the Board of Regents of the University and State Colleges of Arizona, licensee of KUAT, Channel \*6, in Tucson, Ariz., requesting permission to locate its antenna site (along with a number of others) at Mt. Bigelow. The purpose of the requested relocation is,

<sup>1</sup> Our notice set July 15, 1966, as the last date for filing reply comments. On Aug. 2, 1966, the Commission received a "Statement of Interest" accompanied by a "Request for Acceptance of Late Filing" from the New Mexico Broadcasting Co., Inc. (New Mexico Broadcasting). The company states that the purpose of its filing was to apprise the Commission of its interest in providing Silver City (on Channel 10) with a "satellite" commercial service from its Channel 13 in Albuquerque, N. Mex. In light of the importance of this proceeding to the Commission, the community and the parties involved, we are of the view that it is in the public interest to accept the "Statement of Interest" for the purpose New Mexico Broadcasting specified, so as to arrive at a decision which is based on all pertinent information.

underlines NAEB, to triple the potential audience of KUAT and "to advance the development of noncommercial educational television service throughout southern Arizona." On May 25, 1966, we granted the requested construction permit, BPET-209. A location of KUAT's tower at Mt. Bigelow presents a substantial problem of minimum mileage separations with cochannel 6 presently assigned to Silver City. In order to solve the problem, our notice, *inter alia*, proposed the consideration of placing a permanent limitation on the use of the Silver City assignment, i.e., making it available solely for 100 watt translator use. At the present time, a construction permit (BPTTV-2831) for such use has been granted to WGAL, call sign K06EH.<sup>2</sup>

4. Upon careful consideration of the comments filed in this proceeding and review of the overall TV assignment situation in the area, we have concluded that the public interest would best be served by retaining Channel 6 in Silver City so that it can be used by K06EH as a high power translator. In deciding this we are aware of the fact that this assignment is short-spaced to KUAT, also on Channel 6 at Tucson, Ariz. However, in view of the fact that there has been no demand for the use of this assignment other than that for the translator at Silver City, and that a regular station could operate on this channel in an area somewhat removed from Silver City in full conformance with all the rules if the need or demand should develop in the future, we are disposed to permit the assignment to remain in Silver City.

5. We reach this decision in light of the special circumstances of this situation. As mentioned in the notice instituting this proceeding, the Channel 6 assignment was made to the hyphenated cities of Truth or Consequences and Silver City in 1962, as a result of United States-Mexican negotiations looking toward an equitable division of remaining VHF assignment possibilities in the border area. It was recognized at the time that the channel could not be used at the reference point in either of these cities and meet the mileage separation requirements (at Truth or Consequences it would be short-spaced to the Carlsbad, N. Mex. Channel 6 assignment, and at Silver City it would be short-spaced to the Tucson, Ariz. reference point, which is approximately the former location of KUAT). It was hoped that the assignment could be used at a site in between the two places mentioned, at standard separations. However, no demand for its use on this basis developed. Under these

<sup>2</sup> The following condition was set out in the grant of BPTTV-2831: "Grant of this application is without prejudice to whatever action the Commission considers appropriate as a result of the proceeding in Docket No. 16661."

circumstances, we believe it is the best course of action to leave the assignment as it is, in use at Silver City by a translator, and with the possibility of use by a regular station at a location in a large area elsewhere in New Mexico and in Arizona, at standard separations. This solution also has the advantage of retaining the channel as a U.S. assignment in this border area. We emphasize that the decision is reached in light of these special circumstances, and is not a precedent for similar action in other situations. We do not contemplate making short-spaced VHF assignments for 100-watt translators.

**The removal of educational reservation on Channel 10.** 6. Our notice proposed consideration of the removal of the educational reservation on Channel 10 at Silver City on the grounds that (a) at the time of the issuance of this notice, there appeared to be no interest in instituting an educational service on that channel and (b) by so doing, we would be providing a frequency for commercial use in that community.

7. The information presently before us demonstrates a clear intention on the part of Western New Mexico University, located at Silver City, to activate an educational Channel 10 in the community as an integral part of an ultimate statewide educational network.<sup>3</sup> In view of this current interest and intent, we can find no reason to overturn our earlier carefully considered decision reserving the channel for noncommercial educational broadcasting, particularly in view of the availability of UHF channels for commercial use in this community of 6,972 inhabitants.<sup>4</sup>

8. We are persuaded, as a result of the above, that it is clearly in the public interest to (a) retain Channel 6 in Silver City, N. Mex., and (b) retain the reservation of Channel 10 for noncommercial educational use in Silver City.

9. In accordance with the determinations made above: *It is ordered*, That, this proceeding is terminated.

Adopted: December 15, 1966.

Released: December 16, 1966.

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

[F.R. Doc. 66-13673; Filed, Dec. 20, 1966;  
8:48 a.m.]

<sup>3</sup> Per letters from John Snedeker, President, Western New Mexico University, dated June 3, 1966, and William McConnell, Chairman, State Educational Television Commission, State of New Mexico, dated June 6, 1966, both directed to the Commission.

<sup>4</sup> We note, in reference to Footnote 1, above, that a UHF channel would be appropriate for the operation proposed by New Mexico Broadcasting, i.e., a "satellite" commercial service from its Channel 13 in Albuquerque, N. Mex."

# SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Parts 240, 249 ]

[Release No. 34-8001]

## REPORTS OF MARKET MAKERS AND OTHER REGISTERED BROKER-DEALERS IN SECURITIES TRADED ON NATIONAL SECURITIES EXCHANGES

### Notice of Proposed Rule Making

The Securities and Exchange Commission announced that it has under consideration a proposal to revise paragraphs (c) and (d) of Rule 17a-9 (17 CFR 240.17a-9) and related reporting forms under the Securities Exchange Act of 1934 requiring broker-dealers to report certain information concerning over-the-counter trading of common stocks traded on national securities exchanges.

The purpose of the revision is twofold: (1) To provide for separate reporting of over-the-counter transactions in common stocks listed on the New York Stock Exchange effected with Exchange members by "nonmember market-makers"; and (2) to no longer require reports of transactions in common stocks traded on the American Stock Exchange or traded solely on regional exchanges.

(1) *Over-the-counter transactions between New York Stock Exchange members and nonmember market makers.* On November 7, 1966, Rule 19b-1 under the Securities Exchange Act became effective (SEA Release No. 7981) [as published in the FEDERAL REGISTER of November 2, 1966, 31 F.R. 13990]. This rule and Rule 394(b) of the New York Stock Exchange permit members of the Exchange to solicit qualified nonmember market makers to participate in the execution of orders for listed securities off the floor of the Exchange under certain designated conditions.

Nonmember market makers who participate in such transactions, and all other market makers in common stocks traded on national securities exchanges are required under the present Rule 17a-9 (17 CFR 240.17a-9), paragraph (c) to report their over-the-counter sales in these stocks (sometimes called "third market" transactions) to the Commission each calendar quarter on Form X-17A-9(2) (17 CFR 249.917(2), Part I. In order to provide for separate reporting of third market purchases and sales made pursuant to Commission Rule 19b-1 (17 CFR 240.19b-1), it is proposed to revise the Form. The revised Form calls for showing separately third market sales under Rule 19b-1 (17 CFR 240.19b-1) and for reporting purchases by market makers under this rule as well as sales.

(2) *Proposal to eliminate reports of transactions in common stocks other than New York Stock Exchange issues.*

Rule 17a-9 (17 CFR 240.17a-9), paragraphs (c) and (d) as originally proposed required reports of transactions in the third market only in common stocks listed on the New York Stock Exchange (SEA Release No. 7360) [29 F.R. 9622]. After hearing the comments and suggestions, the Commission expanded the coverage, and the rule as finally adopted in December 1964 included common stocks traded on all national securities exchanges<sup>1</sup> (SEA Release No. 34-7474) (29 F.R. 16245).

In the year and a half since the adoption of the rule, the reports have shown that third market transactions in common stocks traded on the American Stock Exchange never exceeded 1.4 percent of total third market sales in any calendar quarter and that the aggregate of all such transactions in common stocks traded solely on regional exchanges never exceeded 1.8 percent of total third market sales.

Because of the insignificant volume of trading in these stocks, it is proposed to revise paragraphs (c) and (d) of Rule 17a-9 (17 CFR 240.17a-9) and the related reporting forms to limit the reports to transactions in common stocks listed on the New York Stock Exchange. Of the approximately 60 third market makers who are presently registered pursuant to paragraph (a) of Rule 17a-9 (17 CFR 240.17a-9), 4 make markets only in American Stock Exchange issues and 16 make markets only in issues which are solely traded on regional exchanges. Thus, 20 broker-dealers would be relieved of the reporting burden and with only a small loss of third market volume.

Since paragraph (a) of Rule 17a-9 (17 CFR 240.17a-9) would remain unchanged, market makers in regional exchange and American Stock Exchange common stocks would still be required to notify the Commission whenever they began or terminated their market-making activities in these stocks. It would, therefore, be possible to note any trends in the third market for non-New York Stock Exchange issues.

Paragraph (f) (3) of the rule (17 CFR 240.17a-9(f) (3)) defines "subject exchange". Since the revised rule relates only to New York Stock Exchange issues, this term is no longer necessary. Therefore, the paragraph would be eliminated.

The text of the proposed amendment to Rule 17a-9 (17 CFR 240.17a-9) is as follows:

**§ 240.17a-9 Reports of market makers and other registered broker-dealers in securities traded on national securities exchanges.**

(c) Every registered broker-dealer who is a market maker in any common stock listed on the New York Stock Ex-

<sup>1</sup> Except issues of those exchanges whose sales of securities during the preceding calendar year were less than \$20,000,000.

change shall file a report of transactions containing the information required by Form X-17A-9(2) (§ 249.917(2) of this chapter). Such report shall be filed for each calendar quarter during any part of which he is such a market maker, and shall be filed not later than the end of the month immediately following the calendar quarter.

(d) Every registered broker-dealer who, at a time when he is not subject to paragraph (c) of this section, acts (otherwise than as an underwriter or a member of a selling syndicate or group) as the sole broker or dealer intermediary between two public customers to effect, otherwise than on a national securities exchange, a transaction involving \$25,000 or more in a common stock listed on the New York Stock Exchange, shall file a report containing the information required by Form X-17A-9(3) (§ 249.917(3) of this chapter). Such report shall be filed not later than the end of the month immediately following the calendar quarter in which the transaction is effected.

It is also proposed to amend Forms X-17A-9(2) (17 CFR 249.917(2)) and X-17A-9(3) (17 CFR 249.917(3)) as follows:

**§ 249.917(2) Form X-17A-9(2) report of transactions by market makers in common stocks listed on the New York Stock Exchange.**

NOTE: Form filed as part of the original document. Copies may be obtained from the Commission's headquarters office or its regional offices.

**§ 249.917(3) Form X-17A-9(3) report of transactions by broker-dealers who acted as intermediary between public buyers and public sellers.**

NOTE: Form filed as part of the original document. Copies may be obtained from the Commission's headquarters office or its regional offices.

It is proposed to make the revised rule effective January 2, 1967. The use of the revised forms would be required for reports due on or before January 31, 1967 which are to cover transactions effected during the last 3 months of 1966.

All interested persons are invited to submit their views and comments on the proposed rule in writing to the Secretary, Securities and Exchange Commission, at its principal office, 500 North Capitol Street, Washington, D.C. 20549, on or before December 27, 1966. Material submitted will be made available for public inspection unless a request for confidentiality is made.

(Secs. 17(a), and 23(a), 48 Stat. 897, 901, as amended, 15 U.S.C. 78q, 78w)

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

DECEMBER 6, 1966.

[F.R. Doc. 66-13644; Filed, Dec. 20, 1966; 8:46 a.m.]





2. The lands affected by this classification are located in Pinal County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 8 E.,  
 Sec. 7, lots 1 and 2, S $\frac{1}{2}$  lot 4, E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
 NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 8, N $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$  and  
 S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$   
 NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
 Sec. 10, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
 Sec. 11, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and  
 E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 23, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 26, W $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
 W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 36, S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$   
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$   
 NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$   
 NW $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described aggregates 2,790.51 acres.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1-2(d))

FRED J. WEILER,  
*State Director.*

DECEMBER 6, 1966.

[F.R. Doc. 66-13636; Filed, Dec. 20, 1966;  
 8:45 a.m.]

[A 155]

ARIZONA

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future, are hereby classified for multiple use management. Publication of this notice segregates all lands described in this notice from appropriation under the homestead, desert land and allotment laws (43 U.S.C. Ch. 7, 43 U.S.C., Ch. 9, and 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C., 1171); and from State exchange (43 U.S.C. 315g(c)).

2. The lands involved are in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 22 N., R. 17 W.,  
 Secs. 2 to 11, inclusive;  
 Secs. 14 to 23, inclusive;  
 Secs. 26 to 35, inclusive.  
 T. 22 N., R. 18 W.,  
 Secs. 1 to 36, inclusive.  
 T. 23 N., R. 17 W.,  
 Secs. 1 to 36, inclusive.  
 T. 23 N., R. 18 W.,  
 Secs. 1 to 36, inclusive.  
 T. 23 N., R. 19 W.,  
 Secs. 1 to 24, inclusive.  
 T. 24 N., R. 17 W.,  
 Secs. 19 to 36, inclusive.  
 T. 24 N., R. 18 W.,  
 Secs. 1 to 36, inclusive.

GILA AND SALT RIVER MERIDIAN, ARIZONA—CON.

T. 24 N., R. 19 W.,  
 Secs. 10 to 15, inclusive;  
 Secs. 22 to 27, inclusive;  
 Secs. 34 to 36, inclusive.  
 T. 25 N., R. 18 W.,  
 Secs. 1 to 36, inclusive.

The area described aggregates 114,980 acres.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1-2(d))

FRED J. WEILER,  
*State Director.*

DECEMBER 6, 1966.

[F.R. Doc. 66-13637; Filed, Dec. 20, 1966;  
 8:45 a.m.]

[A 156]

ARIZONA

Notice of Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future, are hereby classified for multiple use management. Publication of this notice segregates all lands described in this notice from appropriation under the homestead, desert land and allotment laws (43 U.S.C., Ch. 7, 43 U.S.C., Ch. 9, and 25 U.S.C. 334); and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). Subdivisions of the described lands lying south and west of U.S. Highway 93-466 and north of the south township line of T. 17 N. are also segregated from State exchange (43 U.S.C. 315g(c)).

2. The lands involved are in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 16 N., R. 19 W.,  
 Secs. 1 to 11, inclusive.  
 T. 16 N., R. 20 W.,  
 Secs. 1 to 12, inclusive.  
 T. 16 $\frac{1}{2}$  N., R. 18 W.,  
 Sec. 19, lots 1 to 7, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 20, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , and  
 S $\frac{1}{2}$ ;  
 Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ , and  
 E $\frac{1}{2}$ .  
 T. 16 $\frac{1}{2}$  N., R. 19 W.  
 T. 16 $\frac{1}{2}$  N., R. 20 W.  
 T. 17 N., R. 18 W.,  
 Secs. 4 to 9, inclusive;  
 Secs. 16 to 22, inclusive;  
 Secs. 27 to 34, inclusive.  
 T. 17 N., Rs. 19 and 20 W.  
 T. 17 N., R. 21 W.,  
 Secs. 1 to 5, inclusive;  
 Secs. 9 to 15, inclusive;  
 Secs. 22 to 25, inclusive;  
 Sec. 36.  
 T. 18 N., R. 18 W.,  
 Secs. 6 and 7;  
 Secs. 18 to 20, inclusive;  
 Secs. 29 to 32, inclusive.  
 T. 18 N., Rs. 19 and 20 W.  
 T. 18 N., R. 21 W.,  
 Secs. 1 to 5, inclusive;  
 Secs. 8 to 17, inclusive;  
 Secs. 20 to 29, inclusive;  
 Secs. 31 to 36, inclusive.

GILA AND SALT RIVER MERIDIAN, ARIZONA—CON.

T. 19 N., R. 20 W.  
 T. 19 N., R. 21 W.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 32 to 36, inclusive.  
 T. 20 N., R. 20 W.  
 T. 20 N., R. 21 W.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.  
 T. 21 N., R. 20 W.  
 T. 21 N., R. 21 W.,  
 Secs. 1, 2, and 3;  
 Secs. 10 to 16, inclusive;  
 Secs. 21 to 29, inclusive;  
 Sec. 30, lot 4, E $\frac{1}{2}$ E $\frac{1}{2}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and  
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Secs. 31 to 36, inclusive.  
 T. 22 N., R. 20 W.,  
 Secs. 3 to 11, inclusive;  
 Secs. 14 to 23, inclusive;  
 Secs. 26 to 35, inclusive.  
 T. 22 N., R. 21 W.,  
 Secs. 1, 2, and 3;  
 Secs. 10 to 15, inclusive;  
 Secs. 22 to 27, inclusive;  
 Secs. 34, 35, and 36.  
 T. 23 N., R. 20 W.,  
 Secs. 3 to 10, inclusive;  
 Secs. 15 to 22, inclusive;  
 Secs. 27 to 34, inclusive.  
 T. 23 N., R. 21 W.,  
 Secs. 1, 2, and 3;  
 Secs. 10 to 15, inclusive;  
 Secs. 22 to 27, inclusive;  
 Secs. 34, 35, and 36.  
 T. 24 N., R. 20 W.,  
 Secs. 31 to 34, inclusive.  
 T. 24 N., R. 21 W.  
 T. 24 N., R. 22 W.,  
 Secs. 1, 12, and 13.  
 T. 25 N., R. 21 W.  
 T. 25 N., R. 22 W.,  
 Secs. 1, 2, and 3;  
 Secs. 10 to 15, inclusive;  
 Secs. 22 to 27, inclusive;  
 Secs. 34, 35, and 36.  
 T. 26 N., Rs. 20 and 21 W.  
 T. 27 N., Rs. 19 to 21 W., inclusive.  
 T. 28 N., Rs. 19 and 20 W.

The area described aggregates 413,931.78 acres.

3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1-2(d))

FRED J. WEILER,  
*State Director.*

DECEMBER 6, 1966.

[F.R. Doc. 66-13638; Filed, Dec. 20, 1966;  
 8:45 a.m.]

[A 466]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice segregates (a) all lands described in this notice from appropriation under the agricultural land

laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), (b) the lands described in paragraphs 4 and 5 from private exchange (43 U.S.C. 315g(b)), and (c) the lands described in paragraph 5 from State exchange (43 U.S.C. 315g(c)). This notice does not segregate any of the described lands from operation of the mining and mineral leasing laws.

2. The public lands proposed for classification in this notice are shown on maps on file, and available for inspection, in the Arizona Strip District Office, Bureau of Land Management, St. George, Utah, and Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

3. The lands involved are in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

- T. 34 N., R. 7 W.,  
Secs. 3 to 9 inclusive;  
Sec. 10, W $\frac{1}{2}$ ;  
Secs. 16 to 21 inclusive;  
Sec. 28, W $\frac{1}{2}$ ;  
Secs. 29 to 32 inclusive;  
Sec. 33, W $\frac{1}{2}$ .
- T. 35 N., R. 7 W.,  
Secs. 19 to 22 inclusive;  
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Secs. 28 to 33 inclusive.
- T. 40 N., R. 7 W.,  
Secs. 3 to 9 inclusive.
- T. 41 N., R. 7 W.,  
Secs. 4 to 10 inclusive;  
Secs. 15 to 22 inclusive;  
Secs. 27 to 34 inclusive.
- T. 41 N., R. 8 W.,  
Secs. 1, 12, 13, 24, 25, and 36.
- T. 42 N., R. 7 W.,  
Secs. 31 to 33 inclusive.
- T. 42 N., R. 8 W.,  
Sec. 36.

4. As provided in paragraph 1 above, the following lands are further segregated from private exchange:

- T. 34 N., R. 8 W.,  
Secs. 1 to 3 inclusive;  
Sec. 4, SE $\frac{1}{4}$ ;  
Secs. 9 to 16 inclusive;  
Secs. 21 to 24 inclusive.
- T. 35 N., R. 4 W.,  
Secs. 6, 7, 18, and 19.
- T. 35 N., R. 5 W.,  
Secs. 1 to 24 inclusive.
- T. 35 N., R. 6 W.,  
Secs. 1 to 24 inclusive.
- T. 35 N., R. 7 W.,  
Secs. 1 to 18 inclusive;  
Secs. 23 and 24.
- T. 35 N., R. 8 W.,  
Secs. 1 to 19 inclusive;  
Sec. 20, W $\frac{1}{2}$ ;  
Sec. 23, E $\frac{1}{2}$ ;  
Secs. 24 and 25;  
Sec. 26, E $\frac{1}{2}$ ;  
Sec. 29, W $\frac{1}{2}$ ;  
Sec. 30;  
Sec. 31, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 32, NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 34, S $\frac{1}{2}$ ;  
Sec. 35, SW $\frac{1}{4}$  and E $\frac{1}{2}$ ;  
Sec. 36.
- T. 35 N., R. 9 W.,  
Secs. 1 to 18 inclusive;  
Secs. 20 to 29 inclusive;  
Sec. 33, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 34, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 35, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 36, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ .

GILA AND SALT RIVER MERIDIAN, ARIZONA—CON.

- T. 36 N., R. 4 W.,  
Sec. 1, that part west of Kaibab National Forest irregular boundary;  
Secs. 2 to 11 inclusive;  
Secs. 12 and 13 that part west of Kaibab National Forest irregular boundary;  
Secs. 14 to 23 inclusive;  
Sec. 24, that part west of Kaibab National Forest irregular boundary;  
Secs. 30 and 31.
- T. 36 N., R. 5 W.,  
Secs. 1 to 36 inclusive.
- T. 36 N., R. 6 W.,  
Secs. 1 to 36 inclusive.
- T. 36 N., R. 7 W.,  
Secs. 1 to 36 inclusive.
- T. 36 N., R. 8 W.,  
Secs. 1 to 36 inclusive.
- T. 36 N., R. 9 W.,  
Secs. 1 to 36 inclusive.
- T. 36 N., R. 10 W.,  
Sec. 12, E $\frac{1}{2}$ ;  
Sec. 13, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 24, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 25, E $\frac{1}{2}$ .
- T. 37 N., R. 3 W.,  
Sec. 5, that part west of Kaibab National Forest irregular boundary;  
Secs. 6 and 7;  
Secs. 8 and 17, that part west of Kaibab National Forest irregular boundary;  
Sec. 18;  
Secs. 19, 20, and 30, and 31, that part west of Kaibab National Forest irregular boundary.
- T. 37 N., R. 4 W.,  
Secs. 1 to 35 inclusive;  
Sec. 36, that part west of Kaibab National Forest irregular boundary.
- T. 37 N., R. 5 W.,  
Secs. 1 to 36 inclusive.
- T. 37 N., R. 6 W.,  
Secs. 34 to 36 inclusive.
- T. 37 N., R. 8 W.,  
Secs. 1 to 36 inclusive.
- T. 37 N., R. 9 W.,  
Secs. 1 and 2;  
Secs. 10 to 15 inclusive;  
Secs. 21 to 36 inclusive.
- T. 38 N., R. 3 W.,  
Secs. 4 to 8 inclusive;  
Secs. 17 to 20 inclusive;  
Secs. 29 to 32 inclusive.
- T. 38 N., R. 4 W.,  
Secs. 1 to 36 inclusive.
- T. 38 N., R. 8 W.,  
Secs. 4 to 9 inclusive;  
Secs. 16 to 21 inclusive;  
Secs. 28 to 33 inclusive.
- T. 38 N., R. 9 W.,  
Secs. 1 to 4 inclusive;  
Secs. 10 to 15 inclusive;  
Secs. 22 to 26 inclusive;  
Secs. 35 and 36.
- T. 39 N., R. 3 W.,  
Secs. 3 to 10 inclusive;  
Secs. 16 to 21 inclusive;  
Secs. 28 to 33 inclusive.
- T. 39 N., R. 4 W.,  
Secs. 1 to 4 inclusive;  
Secs. 7 to 36 inclusive.
- T. 39 N., R. 5 W.,  
Sec. 13;  
Secs. 17 to 36 inclusive.
- T. 39 N., R. 6 W.,  
Secs. 7 to 9 inclusive;  
Secs. 13 to 29 inclusive;  
Secs. 32 to 36 inclusive.
- T. 39 N., R. 8 W.,  
Secs. 19 to 21 inclusive;  
Secs. 28 to 33 inclusive.
- T. 39 N., R. 9 W.,  
Secs. 1 to 18 inclusive;  
Secs. 20 to 29 inclusive;  
Secs. 33 to 36 inclusive.
- T. 40 N., R. 3 W.,  
Secs. 31 to 34 inclusive.

GILA AND SALT RIVER MERIDIAN, ARIZONA—CON.

- T. 40 N., R. 4 W.,  
Sec. 34, E $\frac{1}{2}$ ;  
Secs. 35 and 36.
- T. 40 N., R. 7 W.,  
Secs. 10 and 11;  
Sec. 13, W $\frac{1}{2}$ ;  
Secs. 14 and 15;  
Secs. 22 and 23;  
Secs. 26 and 27;  
Secs. 34 and 35.
- T. 40 N., R. 9 W.,  
Secs. 1 to 36 inclusive.
- T. 40 N., R. 10 W.,  
Secs. 1 to 3 inclusive;  
Secs. 10 to 14 inclusive;  
Secs. 23 to 25 inclusive;  
Sec. 36.
- T. 41 N., R. 8 W.,  
Secs. 2 to 11 inclusive;  
Secs. 14 to 23 inclusive;  
Secs. 26 to 35 inclusive.
- T. 41 N., R. 9 W.,  
Secs. 1 to 36 inclusive.
- T. 41 N., R. 10 W.,  
Secs. 12 and 13;  
Secs. 23 to 26 inclusive;  
Secs. 34 to 36 inclusive.
- T. 42 N., R. 8 W.,  
Secs. 31 to 35 inclusive.
- T. 42 N., R. 9 W.,  
Secs. 31 to 36 inclusive.

5. As provided in paragraph 1 above, the following lands are further segregated from State and private exchange:

- T. 37 N., R. 6 W.,  
Secs. 1 to 33 inclusive.
- T. 37 N., R. 7 W.,  
Secs. 1 to 36 inclusive.
- T. 38 N., R. 5 W.,  
Secs. 1 to 36 inclusive.
- T. 38 N., R. 6 W.,  
Secs. 1 to 36 inclusive.
- T. 38 N., R. 7 W.,  
Secs. 1 to 36 inclusive.
- T. 38 N., R. 8 W.,  
Secs. 1 to 3 inclusive;  
Secs. 10 to 15 inclusive;  
Secs. 22 to 27 inclusive;  
Secs. 34 to 36 inclusive.
- T. 39 N., R. 6 W.,  
Secs. 30 and 31.
- T. 39 N., R. 7 W.,  
Secs. 1 to 36 inclusive.
- T. 39 N., R. 8 W.,  
Secs. 1 to 18 inclusive;  
Secs. 22 to 27 inclusive;  
Secs. 34 to 36 inclusive.
- T. 40 N., R. 7 W.,  
Secs. 16 to 21 inclusive;  
Secs. 28 to 33 inclusive.
- T. 40 N., R. 8 W.,  
Secs. 1 to 36 inclusive.

The lands described aggregate 700,539 acres of public lands.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 53 North Main, St. George, Utah 84770.

7. A public hearing on the proposed classification will be held at 10 a.m. on January 31, 1967, at the Chamber of Commerce Building in Kingman, Ariz.

FRED J. WEILER,  
State Director.

DECEMBER 6, 1966.

[F.R. Doc. 66-13639; Filed, Dec. 20, 1966; 8:45 a.m.]

[A 467]

## ARIZONA

### Notice of Proposed Classification of Public Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice segregates the described public lands from appropriation under the agricultural land laws (43 U.S.C., Ch. 7, 43 U.S.C., Ch. 9, and 25 U.S.C. 334); and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). This notice does not segregate any of the described lands from operation of the mining and mineral leasing laws.

2. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Safford District Office, Bureau of Land Management, U.S. Post Office Building, Safford, Ariz.

GILA AND SALT RIVER MERIDIAN, GRAHAM,  
GREENLEE, AND COCHISE COUNTIES, ARIZ.

T. 1 S., R. 22 E.,  
Secs. 35 and 36.  
T. 2 S., R. 22 E.,  
Secs. 1 and 2;  
Secs. 11 to 14 inclusive;  
Secs. 23 to 26 inclusive;  
Secs. 35 and 36.  
T. 3 S., R. 22 E.,  
Secs. 1 and 2;  
Secs. 11 to 14 inclusive;  
Secs. 23 to 26 inclusive;  
Secs. 35 and 36.  
T. 4 S., R. 22 E.,  
Sec. 1;  
Secs. 11 and 12;  
Sec. 25;  
Sec. 36.  
T. 5 S., R. 19 E.,  
Secs. 13 to 16 inclusive;  
Secs. 19 to 31 inclusive;  
Secs. 33 to 35 inclusive.  
T. 5 S., R. 20 E.,  
Secs. 18 and 19.  
T. 5 S., R. 21 E.,  
Secs. 20 and 26;  
Secs. 28 and 29;  
Secs. 33 to 35 inclusive.  
T. 5 S., R. 22 E.,  
Sec. 1;  
Secs. 11 to 14 inclusive;  
Secs. 23 to 26 inclusive;  
Secs. 31, 35, and 36.  
T. 6 S., R. 21 E.,  
Secs. 1 to 5 inclusive;  
Secs. 8 to 13 inclusive.  
T. 6 S., R. 22 E.,  
Sec. 1;  
Secs. 5 to 8 inclusive;  
Secs. 12 and 13;  
Secs. 17 to 22 inclusive;  
Secs. 24 to 26 inclusive;  
Sec. 30.  
T. 2 S., R. 23 E.,  
Sec. 7;  
Secs. 17 to 23 inclusive;  
Secs. 26 to 36 inclusive.  
T. 3 S., R. 23 E.,  
Secs. 1 to 36 inclusive.

GILA AND SALT RIVER MERIDIAN, GRAHAM,  
GREENLEE, AND COCHISE COUNTIES, ARIZ.—CON.

T. 4 S., R. 23 E.,  
Secs. 1 to 17 inclusive;  
Sec. 19;  
Secs. 21 to 27 inclusive;  
Secs. 29 to 33 inclusive;  
Sec. 36.  
T. 5 S., R. 23 E.,  
Sec. 1;  
Secs. 4 to 10 inclusive;  
Secs. 15 to 23 inclusive;  
Secs. 26 to 35 inclusive.  
T. 6 S., R. 23 E.,  
Secs. 1 to 36 inclusive.  
T. 7 S., R. 23 E.,  
Secs. 1 to 6 inclusive;  
Secs. 10 to 12 inclusive.  
T. 3 S., R. 24 E.,  
Secs. 17 to 36 inclusive.  
T. 4 S., R. 24 E.,  
Secs. 1 to 36 inclusive.  
T. 5 S., R. 24 E.,  
Secs. 1 to 6 inclusive;  
Secs. 8 to 17 inclusive;  
Secs. 21 to 27 inclusive;  
Secs. 34 to 36 inclusive.  
T. 6 S., R. 24 E.,  
Secs. 6 to 8 inclusive;  
Sec. 15;  
Secs. 17 to 23 inclusive;  
Secs. 26 to 35 inclusive.  
T. 7 S., R. 24 E.,  
Secs. 2 to 24 inclusive;  
Sec. 26.  
T. 3 S., R. 25 E.,  
Secs. 13 to 34 inclusive.  
T. 4 S., R. 25 E.,  
Secs. 3 to 10 inclusive;  
Secs. 13 to 36 inclusive.  
T. 5 S., R. 25 E.,  
Secs. 1 to 36 inclusive.  
T. 6 S., R. 25 E.,  
Secs. 1 to 6 inclusive;  
Secs. 8 to 15 inclusive;  
Secs. 22 to 26 inclusive.  
T. 7 S., R. 25 E.,  
Sec. 8;  
Secs. 17 to 20 inclusive;  
Sec. 30.  
T. 4 S., R. 26 E.,  
Secs. 30 to 32 inclusive.  
T. 5 S., R. 26 E.,  
Sec. 1;  
Secs. 3 to 36 inclusive.  
T. 6 S., R. 26 E.,  
Secs. 1 to 30 inclusive.  
T. 7 S., R. 26 E.,  
Secs. 25 to 27 inclusive;  
Secs. 34 to 36 inclusive.  
T. 8 S., R. 26 E.,  
Sec. 1;  
Secs. 11 to 14 inclusive;  
Secs. 23 to 26 inclusive;  
Secs. 34 to 36 inclusive.  
T. 9 S., R. 26 E.,  
Secs. 1 to 5 inclusive;  
Secs. 7 to 36 inclusive.  
T. 10 S., R. 26 E.,  
Secs. 1 to 5 inclusive;  
Secs. 8 to 16 inclusive;  
Secs. 21 to 28 inclusive;  
Secs. 33 to 36 inclusive.  
T. 4 S., R. 27 E.,  
Secs. 25 to 27 inclusive;  
Secs. 33 to 36 inclusive.  
T. 5 S., R. 27 E.,  
Secs. 1 to 36 inclusive.  
T. 6 S., R. 27 E.,  
Secs. 1 to 30 inclusive.  
T. 7 S., R. 27 E.,  
Sec. 12;  
Secs. 13 to 15 inclusive;  
Secs. 20 to 36 inclusive.  
T. 8 S., R. 27 E.,  
Secs. 1 to 36 inclusive.  
T. 9 S., R. 27 E.,  
Secs. 1 to 36 inclusive.  
T. 10 S., R. 27 E.,  
Secs. 1 to 36 inclusive.

GILA AND SALT RIVER MERIDIAN, GRAHAM,  
GREENLEE, AND COCHISE COUNTIES, ARIZ.—CON.

T. 11 S., R. 27 E.,  
Secs. 1 to 5 inclusive;  
Secs. 8 to 17 inclusive;  
Secs. 24 to 29 inclusive.  
T. 4 S., R. 28 E.,  
Secs. 24 to 35 inclusive.  
T. 5 S., R. 28 E.,  
Secs. 1 to 36 inclusive.  
T. 6 S., R. 28 E.,  
Secs. 1 to 30 inclusive;  
Secs. 33 to 36 inclusive.  
T. 7 S., R. 28 E.,  
Secs. 1 to 36 inclusive.  
T. 8 S., R. 28 E.,  
Secs. 1 to 36 inclusive.  
T. 9 S., R. 28 E.,  
Secs. 1 to 36 inclusive.  
T. 10 S., R. 28 E.,  
Secs. 1 to 36 inclusive.  
T. 11 S., R. 28 E.,  
Secs. 1 to 36 inclusive.  
T. 5 S., R. 29 E.,  
Secs. 11 to 15 inclusive;  
Secs. 18 to 36 inclusive.  
T. 6 S., R. 29 E.,  
Secs. 1 to 36 inclusive.  
T. 7 S., R. 29 E.,  
Secs. 1 to 36 inclusive.  
T. 8 S., R. 29 E.,  
Secs. 1 to 36 inclusive.  
T. 9 S., R. 29 E.,  
Secs. 1 to 36 inclusive.  
T. 10 S., R. 29 E.,  
Secs. 1 to 36 inclusive.  
T. 11 S., R. 29 E.,  
Secs. 1 to 36 inclusive.  
T. 12 S., R. 29 E.,  
Secs. 1 to 30 inclusive;  
Secs. 33 to 36 inclusive.  
T. 13 S., R. 29 E.,  
Secs. 1 to 4 inclusive;  
Secs. 9 to 11 inclusive.  
T. 5 S., R. 30 E.,  
Sec. 19;  
Secs. 28 to 33 inclusive.  
T. 6 S., R. 30 E.,  
Secs. 3 to 11 inclusive;  
Secs. 13 to 36 inclusive.  
T. 7 S., R. 30 E.,  
Secs. 1 to 36 inclusive.  
T. 8 S., R. 30 E.,  
Secs. 1 to 36 inclusive.  
T. 9 S., R. 30 E.,  
Secs. 1 to 36 inclusive.  
T. 10 S., R. 30 E.,  
Secs. 1 to 30 inclusive.  
T. 11 S., R. 30 E.,  
Secs. 1 to 36 inclusive.  
T. 12 S., R. 30 E.,  
Secs. 1 to 36 inclusive.  
T. 13 S., R. 30 E.,  
Secs. 1 to 7 inclusive;  
Secs. 11 to 14 inclusive;  
Sec. 23, N $\frac{1}{2}$ ;  
Sec. 24.  
T. 6 S., R. 31 E.,  
Sec. 31.  
T. 7 S., R. 31 E.,  
Secs. 5 to 8 inclusive;  
Sec. 10;  
Secs. 13 to 15 inclusive;  
Secs. 17 to 20 inclusive;  
Secs. 22 to 24 inclusive;  
Secs. 26 and 27;  
Sec. 30;  
Secs. 34 and 35.  
T. 7 S., R. 32 E.,  
Secs. 3 to 5 inclusive;  
Secs. 7 to 10 inclusive;  
Secs. 15 to 22 inclusive;  
Secs. 27 to 34 inclusive.  
T. 8 S., R. 31 E.,  
Secs. 5 to 9 inclusive;  
Secs. 15 to 22 inclusive;  
Secs. 27 to 34 inclusive.  
T. 8 S., R. 32 E.,  
Secs. 3 to 10 inclusive;  
Sec. 15.

GILA AND SALT RIVER MERIDIAN, GRAHAM,  
GREENLEE, AND COCHISE COUNTIES, ARIZ.—CON.

- T. 9 S., R. 31 E.,  
Secs. 7 and 8;  
Secs. 17 to 20 inclusive;  
Secs. 30 and 31.
- T. 10 S., R. 31 E.,  
Secs. 1 to 36 inclusive.
- T. 11 S., R. 31 E.,  
Secs. 1 to 36 inclusive.
- T. 12 S., R. 31 E.,  
Secs. 1 to 36 inclusive.
- T. 13 S., R. 31 E.,  
Secs. 1 to 18 inclusive;  
Secs. 21 to 27 inclusive;  
Secs. 35 and 36.
- T. 14 S., R. 31 E.,  
Sec. 1;  
Secs. 11 to 13 inclusive.
- T. 15 S., R. 31 E.,  
Secs. 1 to 27 inclusive.
- T. 10 S., R. 32 E.,  
Secs. 5 to 34 inclusive.
- T. 11 S., R. 32 E.,  
Secs. 2 to 35 inclusive.
- T. 12 S., R. 32 E.,  
Secs. 2 to 35 inclusive.
- T. 13 S., R. 32 E.,  
Secs. 2 to 35 inclusive.
- T. 14 S., R. 32 E.,  
Secs. 2 to 18 inclusive;  
Secs. 21 to 28 inclusive;  
Secs. 33 to 35 inclusive.
- T. 15 S., R. 32 E.,  
Secs. 2 to 35 inclusive.
- T. 16 S., R. 32 E.,  
Sec. 2.

The area described aggregates 974,714 acres of public lands.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Safford, Ariz.

4. A public hearing on the proposed classification will be held at 10 a.m. on January 11, 1967, in the courtroom of the Graham County Court House, Safford, Ariz.

FRED J. WEILER,  
State Director.

DECEMBER 6, 1966.

[F.R. Doc. 66-13640; Filed, Dec. 20, 1966;  
8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Areas for Emergency  
Loans

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

## TEXAS

Hockley. Yoakum.  
Lubbock.

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

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

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-13688; Filed, Dec. 20, 1966;  
8:49 a.m.]

MOUNT ROGERS NATIONAL  
RECREATION AREA, VA.Designation and Description of  
Boundaries

Pursuant to the authority vested in me by Public Law 89-438 (sec. 2, 80 Stat. 190), which authorizes the establishment of the Mount Rogers National Recreation Area in the State of Virginia, I do hereby designate the following described lands (delineated on the map hereto annexed and made a part hereof<sup>1</sup>), which lie in the drainages of the Holston and New Rivers within the Jefferson National Forest in Virginia, containing 154,000 acres, more or less, the Mount Rogers National Recreation Area:

Beginning at the junction of State Roads Nos. 612 and 678 in Wythe County, Va., on the Jefferson National Forest boundary as described in Proclamation No. 3294 of May 20, 1959; thence southwesterly and northwesterly with the Jefferson National Forest boundary (State Road No. 612) to junction of State Roads Nos. 612 and 614; thence approximately S. 58° W., 4.8 miles to corner 96 of Tract No. 169; thence approximately N. 82° W., 2.1 miles to the junction of State Roads Nos. 672 and 673 in Smythe County; thence approximately S. 75° W., 4.25 miles to the junction of State Roads Nos. 650 and 656 on the National Forest boundary; thence generally southwesterly with the Jefferson National Forest boundary to its junction with the Virginia-Tennessee State line; thence easterly with the Virginia-Tennessee State line to a point where the Jefferson National Forest boundary leaves said State line; thence generally northeasterly with the Jefferson National Forest boundary to its junction with State Road No. 16; thence with State Road No. 16 to its junction with State Road No. 603 at Troutdale, Va.; thence approximately N. 66° E., 9.7 miles to Class A Corner No. 875 of Tract No. 29 at State Road No. 798; thence southeasterly with State Road No. 798 to its junction with State Road No. 672; thence southeasterly with State Road No. 672 to the Jefferson National Forest boundary at Comers Rock, Va.; thence with the Jefferson National Forest boundary to the junction of State Roads No. 792 and old No. 661; thence approximately N. 88°30' E., 12.4 miles to the junction of State Roads No. 94 and No. 850 on the National Forest boundary in Carroll County, Va.; thence northerly, easterly, and westerly with the Jefferson National Forest boundary to State Road No. 601, thence ap-

<sup>1</sup> Map filed as part of original document.

proximately S. 83° W., 17.1 miles to the point of beginning.

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

JOHN A. BAKER,  
Assistant Secretary.

[F.R. Doc. 66-13689; Filed, Dec. 20, 1966;  
8:49 a.m.]

## DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control  
CUT JADE STONES AND PROCESSED  
HUMAN HAIRImportation Directly From Austria;  
Available Certifications by Govern-  
ment of Austria

Notice is hereby given that certificates of origin issued by the Federal Chamber of Commerce of the Government of Austria under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Austria of the following commodities:

Jade stones, cut but not set, suitable for use in jewelry.  
Hair, human, processed (wigs, etc.).

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 66-13657; Filed, Dec. 20, 1966;  
8:47 a.m.]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENTASSISTANT REGIONAL ADMINISTRATOR  
FOR PROGRAM COORDINATION  
AND SERVICES, REGION V  
(FORT WORTH)Redelegation of Authority With Re-  
spect to Urban Planning Assistance  
Program

The redelegation of authority by the Regional Administrator, Region V (Fort Worth), to the Assistant Regional Administrator for Program Coordination and Services, Region V (Fort Worth), with respect to the Urban Planning Assistance Program authorized under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), published at 31 F.R. 14275, November 4, 1966, is hereby amended to change the effective date as follows:

*Effective date.* This redelegation of authority shall be effective as of November 3, 1966.

W. W. COLLINS,  
Regional Administrator,  
Region V (Fort Worth).

[F.R. Doc. 66-13631; Filed, Dec. 20, 1966;  
8:50 a.m.]

## DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-790]

N.V. INDUSTRIE—EN HANDELSON-  
DERNEMING ET AL.Order Terminating Indefinite Denial  
Order

In the matter of N.V. Industrie—En Handelnderneming, J. Simonis and N.V. Aviacom, and Alexis Hendrikus Johannes de Vos, Groothandelsgebouw, Conradstraat 38, Rotterdam, Netherlands, respondents; File 23-790.

On April 5, 1963 (28 F.R. 3591), the Bureau of International Commerce entered an order against the above respondents denying them for an indefinite period all privileges of participating in exportations from the United States because of their failure to answer interrogatories duly served in accordance with § 382.15 of the Export Regulations and without giving reasons for such failure. The respondents have now furnished complete and responsive answers to the interrogatories.

Accordingly, it is ordered that the said order of April 5, 1963, be and the same is hereby terminated.

Dated: December 14, 1966.

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

[F.R. Doc. 66-13659; Filed, Dec. 20, 1966;  
8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-123]

CURATORS OF THE UNIVERSITY OF  
MISSOURINotice of Proposed Issuance of Facility  
License Amendment

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 4, set forth below, to Facility License No. R-79 which authorizes The Curators of the University of Missouri to operate the pool-type nuclear reactor located on the University's campus at Rolla, Mo.

The proposed amendment would authorize (1) an increase in the maximum steady state power level of the reactor from 10 kilowatts to 200 kilowatts thermal, (2) an increase in the limit on excess reactivity from 3.0 percent to 3.5 percent for periods of 5 consecutive days twice a year for purposes of shim-rod calibration, (3) operator personnel other than senior operators to manipulate the controls at excess reactivity levels of up to 1.5 percent, and (4) would incorporate technical specifications in the license. The proposed amendment was requested by the licensee in an application dated February 25, 1966, and a supplement thereto dated July 22, 1966. The Commission would issue the amendment upon making the findings set forth in the proposed amendment.

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

For further details with respect to this proposed amendment, see (1) the application and the supplement thereto, and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

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

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

[License No. R-79; Amdt. 4]

The Atomic Energy Commission having found that:

a. The application for license amendment dated February 25, 1966, as supplemented July 22, 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 1, CFR;

b. There is reasonable assurance that (1) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The licensee is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. The licensee is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended; and

e. 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.

Facility License No. R-79, as amended, is hereby amended in its entirety to read as follows:

1. This license applies to the pool-type nuclear reactor (hereinafter "the reactor") which is owned by The Curators of the University of Missouri (hereinafter "the licensee") located on the University of Missouri campus at Rolla, Mo., and described in

the application for license dated January 28, 1959, as amended (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses The Curators of the University of Missouri:

A. Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location in Rolla, Mo.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor 160 grams of plutonium contained in encapsulated plutonium-beryllium neutron sources, and up to 7.0 kilograms of contained uranium-235.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and is subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 200 kilowatts thermal.

B. *Technical specifications.* The Technical Specifications contained in Appendix A<sup>1</sup> to this license (hereinafter "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications unless authorized by the Commission as provided in 10 CFR section 50.59.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

1. The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the Hazards Summary Report. For each such occurrence, the licensee shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter "the Director, DRL") with a copy to the Regional Compliance Office.

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

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

D. *Records.* In addition to those otherwise required under this license and applicable regulations the licensee shall keep the following records:

<sup>1</sup> This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

- (1) Reactor operating records, including power levels.
  - (2) Records of in-pile irradiations.
  - (3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.
  - (4) Records of emergency reactor scrams, including reasons for emergency shutdowns.
4. This license, as amended, is effective as of the date of issuance and shall expire at midnight November 20, 1979, unless sooner terminated.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,  
Division of Reactor Licensing.

Enclosure:

APPENDIX A, TECHNICAL SPECIFICATIONS

Date of Issuance:

[F.R. Doc. 66-13725; Filed, Dec. 20, 1966;  
8:50 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 17989, 18037; Order E-24526]

AMERICAN AIRLINES, INC., ET AL.

### Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1966.

Proposed revision of mixed shipment rating rule on containerized traffic by American Airlines, Inc., Braniff Airways, Inc., and United Air Lines, Inc.; Dockets 17989, 18037.

By tariff revision posted November 16, 1966, and marked to become effective December 31, 1966, American Airlines, Inc. (American)<sup>1</sup> proposes to add an exception to the "mixed shipment" rule in the industry container tariff.<sup>2</sup> Under the present industry rules, a shipment of differently rated commodities in a package or a container is rated at, an as if the entire shipping unit contained the commodity taking the highest rate.<sup>3</sup> American proposes to permit the shipper to declare the separate weights and respective descriptions of the differently rated specific commodities and to rate the shipment at the appropriate specific commodity rate for each. The proposed rule, as originally filed, contained no provision for shipments which may consist of partly general commodity traffic and partly specific commodity traffic. By subsequent filing for effectiveness

<sup>1</sup> Braniff Airways, Inc. and United Air Lines, Inc. filed similar proposals on Dec. 1, 1966, also for effectiveness Dec. 31, 1966.

<sup>2</sup> Rule 8, Airline Tariff Publishers, Inc., agent, CAB No. 95.

<sup>3</sup> Although the carriers' container agreements are silent as to the rating of mixed shipments, the initial container tariff contained a rule reflecting the basic industry practice of rating based on the highest rated article.

January 21, 1967, however, American has amended its proposed rule to include shipments which consist partly of specific commodity and partly of general commodity traffic. By this amendment American proposes to grant the industry-agreed density incentive discount<sup>4</sup> to the general commodity shipment portion within the container whenever the weight of such portion exceeds the minimum density requirement based on the entire container.

The Flying Tiger Line Inc. (Flying Tiger) has filed complaints, alleging that the filing violates the industry container agreements,<sup>5</sup> that its application is not clear on shipments consisting partly of general commodity and partly of specific commodity traffic, and that the shippers' declaration of weights and articles cannot be policed. Rejection or suspension and investigation is requested.

Upon consideration of the complaints and other relevant matters, the Board finds that the complaints do not set forth facts sufficient to warrant rejection, suspension, or investigation of the proposed rule revision, and the complaints will be dismissed.

The proposed rating of containerized mixed shipments consisting of wholly specific commodity traffic is identical to the industry rule and the practice on noncontainerized mixed specific commodity shipments.<sup>6</sup> There appears to be no reason to differentiate the rating of the two types of shipment and to suspend the application of the industry rule to containerized shipments. While Flying Tiger contends that the proposed rule is violative of the industry container agreements, we see nothing in the agreements which purports to be an agreed practice on the rating of mixed shipments, nor any limiting language which would preclude experimentation or revision of standard practices in areas not resolved by the carriers in their agreements.

Policing of shippers' declared weights and descriptions does not appear to be any different problem than on any non-containerized shipment which consists of numerous pieces or boxes which equally depend upon proper declarations by the shipper. Finally, the proposed rule presents no basis for rejection pursuant to the Act or the Board's regulations.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

The complaints of The Flying Tiger Line Inc. in Dockets 17989 and 18037 are dismissed.

<sup>4</sup> Both specific commodity rate (SCR) and general commodity rate (GCR) traffic of a minimum density of 7 pounds per cubic foot are granted a "unitization" discount e.g., \$1 per 100 pounds in a Type A (Igloo) container, but only GCR traffic is granted a further density incentive of 33 1/3 percent reduction in rate for all poundage in excess of 10 pounds per cubic foot.

<sup>5</sup> See Board Order E-24205, dated Sept. 20, 1966.

<sup>6</sup> The rate on separate commodities is currently applicable when such noncontainerized articles are separately packaged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,  
Acting Secretary.

[F.R. Doc. 66-13665; Filed, Dec. 20, 1966;  
8:47 a.m.]

[Docket No. 16325]

CORDOVA AIRLINES, INC.

### Temporary Points Service Investigation; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be held on January 11, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

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

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-13666; Filed, Dec. 20, 1966;  
8:47 a.m.]

[Docket No. 16236; Order E-24522]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of December 1966.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated November 22, and December 1, 1966,<sup>1</sup> as set forth in the attachment hereto,<sup>2</sup> (1) names rates under a new commodity description, and (2) names rates under existing commodity descriptions. The proposed rates reflect reductions ranging from 33.3 to 62 percent and are consistent with the present level of specific commodity rates within this area. Additionally, it should be noted that the rate under commodity item 0600 from Buenos Aires to New York is the same as the rate that expired October 31, 1966.

<sup>1</sup> Received in the Board Nov. 25, and Dec. 6, 1966, respectively.

<sup>2</sup> Attachment filed as part of original document.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered: That Agreement CAB 19054, R-6 through R-9, be approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 66-13667; Filed, Dec. 20, 1966;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16861, 16863; FCC 66R-495]

### BBPS BROADCASTING CORP. AND SCOTT BROADCASTING COM- PANY OF PENNSYLVANIA, INC.

#### Memorandum Opinion and Order Enlarging Issues

In re applications of BBPS Broadcasting Corp., Ellwood City, Pa., Docket No. 16861, File No. BPH-5006; Scott Broadcasting Co. of Pennsylvania, Inc., Ellwood City, Pa., Docket No. 16863, File No. BPH-5232; for construction permits.

1. This proceeding involves the applications of BBPS Broadcasting Corp. (BBPS) and Scott Broadcasting Co. of Pennsylvania, Inc. (Scott), each seeking a construction permit for a new FM broadcast station to operate on Channel 221 in Ellwood City, Pa.<sup>1</sup> The proceeding was designated for hearing by Order, FCC 66-803, released September 13, 1966. Presently before the Board is a petition to enlarge issues, filed by Scott on October 3, 1966,<sup>2</sup> in which issues are requested to determine: whether BBPS is financially qualified; the efforts made

by BBPS to ascertain the programing needs and interests of its service area and the manner in which it proposes to meet these needs and interests (Suburban issue); whether BBPS's proposal complies with § 73.315(b) of the rules; whether BBPS realistically intends to serve its specified community or another larger community, and, assuming it will serve a larger community, whether its proposal meets the technical requirements for that community (307(b) suburban community issues); and, assuming BBPS is found to serve a community other than its specified community, which of the applicants should be preferred under section 307(b) of the Act. The requested issues will be treated seriatim.

**Financial issue.** 2. In support of the requested financial issue, Scott points out that BBPS's application reflects construction costs of \$12,306, and first year's operating expenses of \$17,734, or a total of \$30,040; and that BBPS will have available a total of \$33,537, composed of \$8,537 in existing capital, a \$10,000 loan from the Lawrence Savings and Trust Co. (to be repaid in 5 years with 6 percent interest), and a \$15,000 loan (also to be repaid in 5 years with 6 percent interest) from Robert A. Semler, a 55 percent stockholder. With regard to the costs of construction, Scott challenges various items including an estimate of \$200 for construction of a transmitter building, which Scott claims would actually cost a minimum of \$360;<sup>3</sup> and an estimate of \$1,725 for "other items", which Scott alleges would cover only the cost of preparing and filing an application, and would not be adequate to finance the expenses of the hearing, or supply BBPS with initial office equipment, supplies, records, etc. With regard to BBPS's estimate of operating expenses, Scott contends that a minimum of \$48,221 would be needed,<sup>4</sup> and specifically challenges the amounts BBPS has estimated for salaries, loan repayments, telephone expenses, and its failure to provide for taxes and other items.

3. In its opposition, BBPS attempts to justify its various construction and operation cost estimates, and points out that its application reflects a surplus of nearly \$3,500 to cover any unforeseen costs. However, as pointed out by the Bureau in its comments, the BBPS application states that "at least one First Class Engineer" will be hired (presumably to work full-time since prospective part-time employees are specified as such), but the budget submitted by BBPS with its opposition indicates only that a part-time engineer will be hired for \$15 per week. The salary difference between a part-time and full-time first class engineer (which the Bureau estimates from Scott's application to be approximately \$85 per week) exceeds the surplus reflected in

BBPS's application. Moreover, the figures submitted by BBPS fail to reflect any repayment of the proposed loan from Semler, which would amount to approximately \$1,900 the first year, and substantial questions have been raised regarding BBPS's estimates for telephone costs,<sup>5</sup> wages,<sup>6</sup> taxes,<sup>7</sup> and other items which cannot be resolved on the basis of the pleadings. Accordingly issues will be added to inquire into BBPS's estimate of costs for construction and initial operation. However, since no questions have been raised regarding the amount BBPS claims it will have available, a general financial issue is not warranted.<sup>8</sup>

**Suburban issue.** 4. In support of the requested Suburban issue, Scott states that it contacted 29 community leaders regarding programing in and around Ellwood City, including religious and educational leaders, and alleges that only one of these persons was contacted by BBPS. This alleged failure to contact community leaders is particularly important, Scott states, in view of BBPS's proposal to present various local live religious and educational programs, where the participation of community leaders would be required; without assurances of cooperation from these people, the proposed programing cannot be effectuated. In its opposition, BBPS notes that its principal stockholders have long-time residence in, and familiarity with, the proposed service area, and submits a list of over 40 program contacts made by its stockholders, and the dates of these contacts.

5. The showing made by BBPS in its opposition is sufficient to satisfy the Board that an issue inquiring into the matter, on either a comparative or disqualification basis,<sup>9</sup> is not warranted. The program contacts made by BBPS, considered together with the familiarity of its principals with the proposed service area, afforded it an adequate basis upon which to formulate its program proposal, and no showing has been made that BBPS's program proposal does not reflect the needs and interests of the specified community and service area. The fact that BBPS has not received as-

<sup>1</sup> BBPS budgeted only \$20 per month for telephone. Scott's consulting engineer states that various items of required telephone equipment will cost at least \$62 per month.

<sup>2</sup> With regard to wages, Scott contends, among other things, that BBPS computed its yearly wages erroneously by multiplying the weekly wages by 4 and then by 12, rather than multiplying the weekly wages by 52. This error alone, Scott contends, amounts to \$900.

<sup>3</sup> BBPS's figures do not allow for payroll taxes, which Scott alleges would be at least \$620 per year.

<sup>4</sup> We do not agree with Scott's contention that BBPS is relying upon revenues to finance its proposal merely because it plans to pay some of its employees on commission basis. If in fact employees can be hired on this basis, BBPS would be obligated only insofar as revenues were actually received, and no showing has been made that employees could not be obtained using this form of compensation.

<sup>5</sup> Scott's petition contains an alternate request for an issue relating to a comparison of the applicants' program preparation.

<sup>3</sup> This contention is supported by an affidavit of a local contractor, who estimates the minimum cost to be \$10/square foot, or \$360 for a six-by-six building.

<sup>4</sup> To support this contention Scott submitted an affidavit of the station manager of WKST, New Castle, Pa.

<sup>1</sup> A third application, filed by Thomas C. DeLanzo, was dismissed with prejudice by Order, FCC 66M-1411, released Oct. 19, 1966.

<sup>2</sup> Also before the Board are the following related pleadings: (a) Opposition, filed by BBPS on Oct. 13, 1966; (b) Broadcast Bureau's comments, filed on Oct. 18, 1966; (c) reply, filed by Scott on Oct. 28, 1966; (d) supplement to reply, filed by Scott on Nov. 23, 1966; and (e) Broadcast Bureau's comments on (d), filed on Dec. 6, 1966.

surances of participation from local leaders does not necessitate the addition of a Suburban issue, and Scott's allegations are insufficient to warrant an issue to determine whether BBPS can effectuate its program proposal.<sup>10</sup>

Section 73.315(b). 6. In its petition, Scott points out that § 73.315(b) states, in part, that an antenna site should be selected so that there is no obstruction in the line-of-sight from the antenna to the principal community, and alleges, in an affidavit from its consulting engineer, that 95.3 percent of the area of Ellwood City is not in line-of-sight from BBPS's transmitter site. Scott states that it is clear that better sites could have been chosen, as evidenced by the sites later obtained by the other applicants in this proceeding. In opposition, BBPS alleges that better site availability is now shown by other sites specified by other applicants, and submits an engineering affidavit in which it is alleged that, despite the line of site problem, BBPS will furnish Ellwood City with a signal strength in compliance with § 73.315(a) of the rules.

7. The Board recognizes that in determining compliance with § 73.315(b) of the rules, various factors make the choice of antenna site difficult. However, as pointed out by the Bureau in its comments, the engineering affidavit submitted by BBPS with its opposition does not contain any basic data from which its calculations can be checked. Lacking such basic data, we believe that the uncontradicted allegation concerning the line-of-sight from BBPS's proposed site requires the addition of an issue, as suggested by the Bureau.

307(b) Suburban community issue. 8. Scott, in its petition, contends that a serious question exists as to whether BBPS's application will realistically act as a transmission outlet for Ellwood City or New Castle, Pa., and advances the following factors in support of this contention. BBPS will place a 3.16 mv/m signal over all of New Castle; New Castle (population 44,790) is over 3 times as large as Ellwood City (population 12,413); the two cities are only 10 miles apart; retail sales and the number of commercial establishments in New Castle, which is a county seat, greatly exceed those in Ellwood City; many of BBPS's program contacts were made in New Castle;<sup>11</sup> BBPS's majority stockholder lives in New Castle; and BBPS's transmitter site is located so that 95 per-

cent of Ellwood City would be shadowed. The principles, of the Commission's "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities", 2 FCC 2d 190, 6 RR 2d 1901 (1965), which allows the addition of the requested issues upon a "threshold showing", should be applied here, Scott contends, in view of the similarities between the factual situation here and that described by the Commission in the Policy Statement. Scott also cites Louisiana Television Broadcasting Corp., 347 F. 2d 808, 5 RR 2d 2025 (D.C. Cir. 1965), and Central Coast Television, FCC 66-48, 6 RR 2d 719, in support of the requested issues.

9. As stated by the Board in American Colonial Broadcasting Corp., 5 FCC 2d 123, 8 RR 2d 592 (1966), the Policy Statement, on its face, "applies only to applicants for standard broadcast stations \* \* \* the Commission has not extended it to FM and television situations, when station assignments are based on predetermined allocation plans."<sup>12</sup> Moreover, New Castle is not a community with a population of 50,000 or more persons, and therefore the Policy Statement presumption, even if applicable, would not automatically apply, and no showing has been made that Ellwood City is in any way a "suburb" of New Castle. The cases relied upon by Scott (see par. 8, supra) are also inapposite here. Both cases involved attempts to move television transmitter sites to locations away from the principal community and close to another larger community, and substantial questions were raised as to whether the proposed moves constituted de facto reallocations of the channels involved contrary to section 307(b) of the Act. Here, however, the channel being sought was assigned to Ellwood City at the request of BBPS, and Scott's allegations are insufficient to place in issue the question of whether BBPS will provide Ellwood City with a local outlet. The last issue sought by Scott—a 307(b) issue—is contingent upon favorable action on the requested 307(b) suburban community issues, and therefore that request will also be denied.

Accordingly, it is ordered, This 13th day of December 1966, That the petition to enlarge issues, filed October 3, 1966, by Scott Broadcasting Co. of Pennsylvania, Inc. is granted to the extent indicated herein and denied in all other respects; and that the issues in this proceeding are enlarged by addition of the following issues:

(a) To determine the basis of BBPS Broadcasting Corp.'s estimated costs of construction and first year's operation, and whether such estimate is reasonable;

(b) To determine, in the event it is concluded under Issue (a) that additional funds will be needed, whether BBPS Broadcasting Corp. has sufficient

<sup>10</sup> Compare Atlantic Broadcasting Co. (WUST), FCC 66-1053, \_\_\_\_\_ FCC 2d \_\_\_\_\_ wherein the Commission held that the Policy Statement should not be applied to renewal applications.

funds available to meet the cost of construction and first year's operation;

(c) To determine in view of the foregoing, whether BBPS Broadcasting Corp. is financially qualified to own and operate its proposed station;

(d) To determine whether the proposal of BBPS Broadcasting Corp. will comply with § 73.315(b) of the Commission's rules with respect to path obstructions and line-of-sight requirements between the transmitter site and the principal city to be served; and, if not, whether circumstances exist which would warrant a waiver of the rule.

Released: December 14, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,<sup>13</sup>

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 66-13646; Filed, Dec. 20, 1966; 8:46 a.m.]

[Docket No. 16984; FCC 66-1697]

**COSMOS BROADCASTING CORP.  
(WSFA-TV)**

**Order Continuing Hearing**

In re application of Cosmos Broadcasting Corp. (WSFA-TV, Montgomery, Ala., Docket No. 16984, File No. BPCT-3643; for construction permit.

At a prehearing conference held this date, upon oral motion of the Broadcasting Bureau: *It is ordered*, This 13th day of December 1966 that a further prehearing conference in the above-entitled matter will be held January 12, 1967 at 9 a.m., and that the hearing presently scheduled for January 10, 1967 is continued to a date to be set at said prehearing conference.

Released: December 14, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 66-13647; Filed, Dec. 20, 1966; 8:46 a.m.]

[Docket Nos. 17026, 17027; FCC 66M-1692]

**D & T BROADCASTING CO. AND  
SERVICE COMMUNICATIONS, INC.**

**Order Continuing Prehearing  
Conference**

In re applications of D & T Broadcasting Co., Dumas, Ark., Docket No. 17026, File No. BP-16729; Service Communications, Inc., Augusta, Ark., Docket No. 17027, File No. BP-17040; for construction permits.

On the Hearing Examiner's own motion; *It is ordered*, This 14th day of December, 1966, that the prehearing conference now scheduled for January 4, 1967, is continued to January 5, 1967, at

<sup>13</sup> Board Member Stone's concurring statement filed as part of the original document and Board member Berkemeyer absent.

<sup>10</sup> In Birney Imes, Jr. (WMOX), 27 FCC 225, 17 RR (1959), cited by Scott, an application was denied where the applicant proposed to devote 45 percent of its time to local live programming, its staff was not adequate to effectuate the proposal, the applicant proposed to offer time to local groups to use as they saw fit, but no showing was made that local groups were willing or able to produce their own programs. There is no indication here that a similar reliance will be placed on local groups.

<sup>11</sup> Twelve contacts were made in Ellwood City, whereas 15 contacts were made in New Castle.

9 a.m., in the offices of the Commission, Washington, D.C.

Released: December 14, 1966.

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

[F.R. Doc. 66-13648; Filed, Dec. 20, 1966;  
8:46 a.m.]

[Docket No. 14185]

### FM ALLOCATION AND TECHNICAL STANDARDS

#### Order Extending Time for Filing Comments and Reply Comments

In the matter of revision of FM Broadcast Rules, particularly as to allocation and technical standards (Educational FM Channels), Docket No. 14185.

1. On November 14, 1966, the Commission issued a notice of inquiry in the above-entitled matter inviting comments from interested parties on a proposal to adopt a nationwide table of assignments for noncommercial educational FM stations and other technical standards and criteria. The time for filing comments was specified as December 30, 1966, and that for replies as January 16, 1967.

2. On December 8, 1966, the Intercollegiate Broadcasting System, Inc. (IBS) filed a request for an extension of time for filing comments in this proceeding of 45 days. IBS states that it is an association of about 300 campus radio stations, including FM licensees of the Commission, and that it is desirous of filing comments on behalf of its member stations. IBS urges the extension since time will be lost during the intervening holidays and since examination periods also fall during the time allotted.

3. We are of the view that the requested extension is merited in this case and would serve the public interest. Accordingly, it is ordered, This 12th day of December 1966, that the time for filing comments is extended to and including February 13, 1967, and for replies to and including February 28, 1967.

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

Released: December 15, 1966.

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

[F.R. Doc. 66-13649; Filed, Dec. 20, 1966;  
8:46 a.m.]

[Docket No. 16663; FCC 66M-1696]

### LAMAR LIFE INSURANCE CO.

#### Order Scheduling Hearing

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

Pursuant to a prehearing conference as of this date: *It is ordered*, This 13th day of December 1966, that there will be a further hearing conference in this proceeding on January 5, 1967, at 10 a.m. in the Commission's offices, Washington, D.C.;

*It is further ordered*, That the evidentiary hearing shall commence on February 27, 1967, at a time and place to be hereinafter specified.

Released: December 14, 1966.

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

[F.R. Doc. 66-13650; Filed, Dec. 20, 1966;  
8:46 a.m.]

[Docket No. 16980; FCC 66M-1699]

### MADISON COUNTY BROADCASTING CO., INC. (WRTH)

#### Order Continuing Hearing

In re application of Madison County Broadcasting Co., Inc. (WRTH), Wood River, Ill., Docket No. 16980, File No. BP-16612; for construction permit.

The Hearing Examiner having under consideration a change in the schedule of this proceeding;

It appearing, that facts were set forth on the record at a conference held this date which make it necessary to cancel the present hearing date of January 11, 1967;

It further appearing, that the prehearing conference has been adjourned to January 30, 1967 at 2:00 p.m.;

*It is ordered*, This 14th day of December 1966, that the date of January 11, 1967 for commencement of hearing is canceled.

Released: December 14, 1966.

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

[F.R. Doc. 66-13651; Filed, Dec. 20, 1966;  
8:46 a.m.]

[Docket No. 16970; FCC 66M-1691]

### TOPEKA TELEVISION, INC.

#### Order Rescheduling Hearing

In re application of Topeka Television, Inc., Topeka, Kans., Docket No. 16970, File No. BPCT-3662; for construction permit for new television broadcast station.

On the Hearing Examiner's own motion: *It is ordered*, This 12th day of December 1966, that the hearing is rescheduled from December 29, 1966, to January 30, 1967.

Released: December 13, 1966.

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

[F.R. Doc. 66-13652; Filed, Dec. 20, 1966;  
8:46 a.m.]

## CIVIL SERVICE COMMISSION

### URBAN PLANNING SERIES

#### Minimum Educational Requirements

In accordance with Title 5, section 3308, U.S. Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Urban Planning Series, GS-020, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE URBAN PLANNING SERIES, GS-020

(ALL POSITIONS GS-5 THROUGH GS-15)

*Superseded requirements.* The following material supersedes that previously published in 25 F.R. 9431, October 4, 1960.

*Minimum educational requirements.* Candidates for Urban Planner positions must demonstrate successful completion of the requirements in either paragraph A or B below.

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in urban or regional planning, or in a related field such as landscape architecture, architecture, engineering, sociology, urban geography, economics, or public administration. The curriculum must have included or been supplemented by at least 6 semester hours in urban or regional planning.

B. At least 24 semester hours in some combination of the disciplines listed in paragraph A including 6 semester hours in urban or regional planning. In addition, the candidate must also have enough experience or additional education to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that when combined with the required 24 semester hours, it gives the candidate technical knowledge comparable to that normally acquired through the successful completion of a full 4-year course of study described in paragraph A above.

*Duties.* Urban Planners perform professional work in the development of comprehensive plans, programs, and regulations for the orderly physical growth and renewal of cities, towns, metropolitan areas, and other population centers. The work involves the collection, analysis, and evaluation of facts, trends, and proposals and the projection of this information into plans, programs, and recommendations to guide the future orderly and unified growth and renewal of the population center. It includes, among other things, consideration of population and income trends, construction costs, public finances, intergovernmental relationships, and existing and future needs for land use, public utilities, community facilities, housing, circulation, and transportation.

*Reasons for the requirements.* The duties of these positions cannot be per-

formed successfully without specialized training which gives an individual a sound basic knowledge of the principles governing the development of comprehensive plans for the orderly growth and renewal of cities, towns, metropolitan areas, and other population centers. The duties of these positions require the application of specialized knowledge of the political, economic, cultural, and physical factors which must be considered in developing plans covering the most appropriate location and arrangement of land uses and facilities in urban areas. This required training and these required knowledges can be acquired only through the successful completion of a directed course of study in an accredited college or university, which has comprehensive libraries and thoroughly trained instructors who can competently evaluate the progress of professional training.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Acting Executive Assistant  
to the Commissioners.

[F.R. Doc. 66-13693; Filed, Dec. 20, 1966;  
8:50 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[70-4437]

### NEW ORLEANS PUBLIC SERVICE INC. AND MIDDLE SOUTH UTILITIES, INC.

#### Notice of Proposed Transfer by Subsidiary Company of Portion of Earned Surplus to Common Capital Stock Account and Proposed Issuance of Common Stock to Holding Company

DECEMBER 14, 1966.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and its public-utility subsidiary company, New Orleans Public Service Inc. ("New Orleans"), 317 Baronne Street, New Orleans, La. 70160, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7, 9, and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

New Orleans proposes to transfer \$1,710,000 from its earned surplus account to its common capital stock account. Contemporaneously with such transfer, New Orleans proposes to issue and Middle South, which owns all the presently outstanding 4,867,000 shares of New Orleans' common stock, proposes to acquire, 171,000 additional shares of authorized common stock having an aggregate par value of \$1,710,000. Middle South will make no change in its in-

vestment account other than to restate the number of shares representing its investment in New Orleans.

As of October 31, 1966, the earned surplus of New Orleans amounted to \$18,371,787. During the 12 months ended on such date dividends on New Orleans' preferred stock (all publicly held) amounted to \$631,141, and common stock dividends, amounting to \$4,038,075, were paid.

It is stated that the issuance of such common stock will permit New Orleans to convert into permanent capital a portion of its earned surplus.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is also stated that no special and separable expenses are anticipated in connection with the proposed transactions.

Notice is further given that any interested person may, not later than January 13, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 66-13643; Filed, Dec. 20, 1966;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1453]

### MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 16, 1966.

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

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

No. MC-FC-69152. By order of December 13, 1966, the Transfer Board, on reconsideration, approved the transfer to State Film Service, Inc., Fort Lee, N.J., of the operating rights in certificate No. MC-127617 issued December 6, 1966, to Sophia Lane and Hattie Kaplan, doing business as State Film Service, Fort Lee, N.J., authorizing the transportation of: Motion picture film, accessories, and advertising used in connection therewith, between New York, N.Y., and specified counties in New Jersey. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC-69251. By order of December 13, 1966, the Transfer Board approved the transfer to Beauce Express, Inc., Beauceville-Est., Beauce County, Quebec, Canada, of certificate No. MC-126313, issued June 4, 1965, to Beauce Transport, Ltd., Beauceville-Est., Beauce County, Quebec, Canada, and authorizing the transportation of lumber, wood chips, pulpwood, hardwood square, cedar furniture, shingles, fenceposts, pickets, panels, and hardwood flooring, over irregular routes, from ports of entry on the United States-Canada boundary line at or near Jackman and Coburn, Gore, Maine, to points in Maine. Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184, attorney for applicants.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13678; Filed, Dec. 20, 1966;  
8:48 a.m.]

### FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 16, 1966.

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

#### LONG-AND-SHORT HAUL

FSA 40827—Fertilizer to Sheerin, Tex. Filed by Texas-Louisiana Freight Bureau, agent (No. 591), for interested carriers. Rates on sulphate of ammonium, ammonium sulphate phosphate, dry, in carloads, from Galveston, Houston, and Texas City, Tex. (ex-barge and domestic), to Sheerin, Tex.

Grounds for relief—Maintenance of destination rate relationship.

Tariffs—Supplements 68 and 69 to Texas-Louisiana Freight Bureau, agent, tariffs ICC 1001 and 1014, respectively.

FSA 40828—*Beet or cane sugar from Hereford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8935), for interested carriers. Rates on beet or cane sugar, dry, in bulk, in covered hopper cars, in carloads, from Hereford, Tex., to points in Illinois, Indiana, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 63 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA 40829—*Sulphuric acid to Decatur, Ala.* Filed by O. W. South, Jr., agent (No. A4972), for interested carriers. Rates on sulphuric acid, in tank carloads, from Baton Rouge, La., to Decatur, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Southern Freight Association, agent, tariff ICC S-671.

FSA 40830—*Sulphuric acid to Gonzalez, Fla.* Filed by O. W. South, Jr., agent (No. A4973), for interested carriers. Rates on sulphuric acid, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Copperhill and Tyner, Tenn., to Gonzalez, Fla.

Grounds for relief—Rate relationship.

Tariff—Supplement 3 to Southern Freight Association, agent, tariff ICC S-671.

FSA 40831—*Sulphuric acid to Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A4974), for interested carriers. Rates on sulphuric acid, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Brunswick, Ga.

Grounds for relief—Rate relationship.

Tariff—Supplement 3 to Southern Freight Association, agent, tariff ICC S-671.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13679; Filed, Dec. 20, 1966;  
8:49 a.m.]

[Notice 306]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 16, 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 33037 (Sub-No. 9 TA), filed December 12, 1966. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Hominy feed*, from Crete, Nebr., to points in Kansas on and north and west of a line beginning at the Kansas-Missouri State line, thence west on Interstate Highway 70 to junction U.S. Highway 81, and thence south on U.S. Highway 81 to the Kansas-Oklahoma State line, for 180 days. Supporting shipper: Clarence H. O'Brien, President & G. M., O'Brien, McDowell & Co., Post Office Box 232, Crete, Nebr. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 59240 (Sub-No. 7 TA), filed December 13, 1966. Applicant: KNUTE BERG, doing business as BERG'S TRANSFER, Dallas, Wis. 54733. Applicant's representative: A.R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Animal and poultry feed*, in bulk and in bags, from New Richmond, Wis., to points in the Upper Peninsula of Michigan on and north of U.S. Highway 2 from Iron Mountain, Mich., to Escanaba, Mich., and on and west of U.S. Highway 41 from Escanaba to Marquette, Mich., for 180 days. Supporting shipper: Doughboy Industries, Inc., New Richmond, Wis. 54017. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111301 (Sub-No. 13 TA), filed December 12, 1966. Applicant: L. J. KREUTZER, doing business as KREUTZER MOTOR EXPRESS, 1423 Third Avenue, Post Office Box 1056, Mankato, Minn. 56001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Rough and finished stone*, from Mankato, Minn., to Santa Fe, N. Mex., for 150 days. Supporting shipper: Mankato Stone Co., Post Office Box 849, Mankato, Minn. 56002. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119268 (Sub-No. 58 TA), filed December 12, 1966. Applicant: OSBORN, INC., 125 Milton Avenue S.E., Atlanta, Ga. 30315. Applicant's repre-

sentative: M. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Furniture, household appliances, and carpeting*, from (1) Seattle and Spokane, Wash., to points in Idaho, Oregon, and Salt Lake City, Utah, and (2) from Portland, Oreg., to points in Idaho and Salt Lake City, Utah, for 180 days. Supporting shippers: Madison-Grigg, Inc., 1346 South Orchard, Boise, Idaho; Foster's Warehouse Furniture, Inc., 314 South Ninth Street, Boise, Idaho; Commercial TV & Appliance, 104 South Orchard, Boise, Idaho; Ennis Furniture, Post Office Box 637, Boise, Idaho; Williamson's Self-Service Furniture, Caldwell, Idaho; Granite Furniture Co., 1050 East 21st South, Salt Lake City, Utah; South East Furniture, 2144 Highland Drive, Salt Lake City, Utah; Biltwell Portland Furniture Manufacturing Co., 5331 Southwest Macadam Avenue, Portland, Oreg.; Rose City Upholstery, 2975 Northeast Sandy Boulevard, Portland, Oreg.; Lee's Furniture and Appliance, 1025 East 17th Street, Idaho Falls, Idaho; Western Wholesale & Supply, Inc., 1800 South Yellowstone Avenue, Idaho Falls, Idaho; One Half Acre Furniture and Appliances, 1115 Lusk Street, Boise, Idaho; Freight Outlet, 711 Idaho Falls, Idaho; Ahlstrom Furniture Co., Inc., Post Office Box 136, Idaho Falls, Idaho; Dutch's Furniture & Appliance Inc., Twin Falls, Idaho; Sterling Furniture Manufacturers, Inc., 2300 Northwest 29th Avenue, Portland, Oreg.; Monte Manufacturing Co., Inc., 5606 Southeast Foster Road, Portland, Oreg. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 300, 680 Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 124774 (Sub-No. 64 TA), filed December 12, 1966. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat, meat products, meat byproducts and articles*, distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Kentucky, Michigan, Nebraska, New York, Ohio, Pennsylvania, Tennessee (except Memphis), and Wisconsin, restricted to traffic originating at such plantsite and storage facilities, for 180 days. Supporting shipper: American Beef Packers, Inc., Oakland, Iowa 51560. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 126115 (Sub-No. 1 TA), filed December 13, 1966. Applicant: MEADOWS VAN & STORAGE, INC., Post Office Box 481, Frederick, Md. 21701. Applicant's representative: C. F. Germel-

man, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Telephone equipment, materials, and supplies*, between Arlington, Va., on the one hand, and, on the other, points in Alleghany, Caroline, Carroll, Cecil, Dorchester, Frederick, Harford, Kent, Queen Annes, Talbot, Washington and Wicomico Counties, Md. (restricted to traffic transported under contract with Western Electric Co., Inc.), for 180 days. Supporting shipper: Western Electric Co., Inc., 222 Broadway, New York, N.Y. Attention: N. J. Scocozzo, Transportation Supervisor. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1220, Washington, D.C. 20423.

No. MC 128590 (Sub-No. 1 TA), filed December 12, 1966. Applicant: E. W. MUDGE and BOB MUDGE, doing business as WE-HAUL TRUCKING, Post Office Box 1044, Buffalo, Wyo. 82834. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Motor propelled toboggans and snow tractors, parts and accessories*, from the ports of entry at or near Detroit, Mich. and Champlain, N.Y., on the international boundary line between the United States and Canada to Sheridan, Wyo., and Idaho Falls, Idaho, for 180 days. Supporting shipper: Monte's Bombardier, Inc., 215 North Broadway, Sheridan, Wyo. 82801. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, D & S Building, 255 North Center Street, Casper, Wyo. 82601.

No. MC 128606 (Sub-No. 2 TA), filed December 12, 1966. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio 45822. Applicant's representative: James F. Bell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Computerized output records described as accounting records, parts inventory control records, leasing management reports and bi-reports thereof*, (a) From Reynolds & Reynolds Co. plants and/or offices in Celina, Ohio, and Dayton, Ohio, to points in Kentucky, Indiana (except plants or offices of Reynolds & Reynolds located at Fort Wayne or Indianapolis, Ind.) and points in Michigan on and south of Michigan Highway 21, except plants or offices of Reynolds & Reynolds at Detroit, Mich.; (b) Between Reynolds & Reynolds Co. plants and/or offices in Celina, Ohio, and Dayton, Ohio, on the one hand, and, on the other, bus depots located in Ohio and Fort Wayne, Ind., for 180 days. Restricted to apply only when the total weight tendered to one consignee is not more than 250 pounds and further restricted to the transportation of shipments tendered at

one time to be transported in one trip and in one vehicle not to exceed 750 pounds. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with the Reynolds & Reynolds Co. of Dayton, Ohio. Supporting shipper: The Reynolds & Reynolds Co., Dayton, Ohio 45401. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 128748 TA, filed December 13, 1966. Applicant: J. M. CARTER, Route 5, Greeneville, Tenn. 37743. Applicant's representative: Jimmy Gray Cutshaw, Brown Building, Greeneville, Tenn. 37743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Air freight*, from Greeneville, Tenn., to Tri-Cities Airport in Sullivan County, Tenn., and return to Greeneville, Tenn., via Johnson City, Tenn., for 180 days. Supporting shippers: The Austin Co., Inc., Hurd Lock, Division of Avis Industries, Southern Packaging Co., National Business Forms, Inc., Southern Electronics Co., Inc. (all above shippers located in Greeneville, Tenn.). Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13680; Filed, Dec. 20, 1966;  
8:49 a.m.]

[Notice 426]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 16, 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 41223 (Deviation No. 1), CHICAGO AREA TRUCK LINES, INC., 1536

Union Avenue, Chicago Heights, Ill., 60411, filed December 2, 1966. Carrier's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gary, Ind., over Interstate Highways 80 and 94 to junction Interstate Highway 294, thence over Interstate Highway 80 to Joliet, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Gary, Ind., over U.S. Highway 12 to Chicago, Ill., thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Joliet, Ill., and return over the same route.

No. MC 108587 (Deviation No. 4), SCHUSTER'S EXPRESS, INC., 48 Norwich Avenue, Colchester, Conn. 06415, filed December 5, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From New Haven, Conn., over Interstate Highway 91 to Hartford, Conn., and (2) from Hartford, Conn., over Interstate Highway 91 to Springfield, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New Haven, Conn., over U.S. Highway 5 to junction Alternate U.S. Highway 5 via Meriden, Conn., to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 to Berlin, Conn., thence over Connecticut Highway 72 to junction Connecticut Highway 71, thence over Connecticut Highway 71 via New Britain, Conn., to junction U.S. Highway 6, thence over U.S. Highway 6 to Hartford, Conn., (2) from New Haven, Conn., to New Britain, Conn., as specified in (1) above, thence over Connecticut Highway 175 to junction Connecticut Highway 173, thence over Connecticut Highway 173 to Elmwood, Conn., thence over U.S. Highway 6 to Hartford, Conn., and (3) from Hartford, Conn., over Connecticut Boulevard to East Hartford, Conn., thence over U.S. Highway 5 to Springfield, Mass., and return over the same routes.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 347) (Cancels Deviation No. 184), GREYHOUND LINES, INC. (Southern Division) 219 East Short Street, Lexington, Ky. 40507, filed December 2, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 51 and Interstate Highway 55 at Brooks Road in Memphis, Tenn., over Interstate Highway 55 to

[Notice 1004]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 16, 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

junction Mississippi Highway 7, thence over access route Mississippi Highway 7 to junction U.S. Highway 51, approximately 7 miles north of Grenada, Miss., (2) from Canton, Miss., over Mississippi Highway 22 as an access route to junction Interstate Highway 55, thence over Interstate Highway 55 to Jackson, Miss., (3) from Jackson, Miss., over Interstate Highway 55 to junction Mississippi Highway 472, thence over access route Mississippi Highway 472 to junction U.S. Highway 51 1 mile north of Hazlehurst, Miss. (also over access route Mississippi Highway 27 from junction Interstate Highway 55 1 mile west of Crystal Springs, Miss., to Crystal Springs, Miss.), and (4) from junction U.S. Highway 51 and U.S. Highway 98, near Summitt, Miss., over access route U.S. Highway 98 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Mississippi Highway 568, thence over access route Mississippi Highway 568 to junction U.S. Highway 51, approximately 3 miles south of Magnolia, Miss., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 67 to Mehville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61, at a point approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., (2) from Clarksdale, Miss., over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to junction old U.S. Highway 49E at a point approximately 1.3 miles north of Yazoo City, Miss., thence over old U.S. Highway 49E to Yazoo City, Miss., thence over old U.S. Highway 49 to Jackson, Miss., and (3) from Jackson, Miss., over U.S. Highway 51 to Laplace, La., and return over the same routes.

No. MC 13300 (Deviation No. 10) (Cancels Deviation No. 5), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed December 7, 1966. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a pertinent service route as follows: Between Raleigh, N.C., and Merry Oaks, N.C., over relocated U.S. Highway 1, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Raleigh, N.C., over North Carolina Highway 1011 (formerly U.S. Highway 1) to Merry Oaks, N.C., and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13681; Filed, Dec. 20, 1966;  
8:49 a.m.]

No. MC 112750 (Sub-No. 195) (Republication), filed May 8, 1964, published FEDERAL REGISTER issue of May 27, 1964, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. (Retitled). AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. By application filed May 8, 1964, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) commercial papers, documents, and written instruments (except coin, currency, bullion, and negotiable securities), as are used in the conduct of the business of banks and banking institutions, between St. Louis, Mo., on the one hand, and, on the other, points in Daviess and Martin Counties, Ind.; and (2) exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between St. Louis, Mo., on the one hand, and, on the other, Jacksonville, Olney, Belleville, Carmi, Carbondale, East St. Louis, and Herrin, Ill., and Evansville, Ind.

An order of the Commission, Operating Rights Board No. 1, dated November 25, 1966, and served December 13, 1966, finds (1) that applicant has failed to establish that it is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle, as defined in section 203(a)(15) of the act, with respect to the transportation set forth in part (2) of this application; and that, therefore, section 209(b) of the act requires that this portion of the *contract carrier* application be denied; (2) that, viewing the substance of this portion of the application, the proposed service to

this extent is actually that of a *common carrier* by motor vehicle; and (3) that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and advertising literature* moving therewith (except motion picture film used primarily for commercial theater and television exhibition), between St. Louis, Mo., on the one hand, and, on the other, Jacksonville, Olney, Belleville, Carmi, Carbondale, East St. Louis, and Herrin, Ill., and Evansville, Ind.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act; and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the common carrier authority for which a need is found in this order will be published in the FEDERAL REGISTER, and for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

No. MC 114115 (Sub-No. 12) (Republication), filed July 29, 1965, published FEDERAL REGISTER issue of August 9, 1965, and republished this issue. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood, Detroit, Mich. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio. In the above-specified proceeding, the examiner recommended the granting to applicant a permit authorizing operation, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of rock salt, in bulk, restricted to traffic having a prior or subsequent rail, truck, or water movement between points in Illinois, Indiana, Kentucky, Michigan (except the Upper Peninsula of Michigan), Ohio, and Pennsylvania, restricted against (1) traffic moving between points in Pennsylvania, (2) traffic moving between points within 40 miles of Monroe, Mich., (3) traffic moving from Lucas County, Ohio, to points in Michigan and Indiana, and (4) traffic moving between Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania.

A report of the Commission, Operating Rights Review Board Number 2, decided December 6, 1966, and served December 13, 1966, as amended, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *rock salt*, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan, restricted against

(1) traffic moving between points in Pennsylvania, (2) traffic moving between points within 40 miles of Monroe, Mich., (3) traffic moving from Lucas County, Ohio, to points in Michigan and Indiana, and (4) traffic moving between Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania, limited to a service performed under continuing contracts with Diamond Crystal Salt Co. and International Salt Co. will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform the above-described 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 report, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate protest or other pleading within a period of 30 days from the date of such publication.

No. MC 123304 (Sub-No. 10) (Republication), filed January 14, 1966, published FEDERAL REGISTER issue of February 3, 1966, and republished, this issue. Applicant: SOUTHERN COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y. 11361. (Retitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. By application filed January 14, 1966, applicant seeks as permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of commercial papers, documents, and written instruments, including originals, and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records (except coin, currency, bullion, and negotiable securities), (1) between Nashville, Tenn., on the one hand, and, on the other, Atlanta, Ga., and (2) between Chattanooga, Tenn., on the one hand, and, on the other, points in Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Clarke, Cobb, Dade, Dawson, De Kalb, Douglas, Elbert, Finnin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Madison, Murray, Lumpkin, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield Counties, Ga.

A report of the Commission, Operating Rights Review Board Number 2, decided December 5, 1966, and served December 12, 1966, as amended, finds that operation by applicant, in interstate or

foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of commercial papers, documents, and written instruments (except currency and negotiable securities), (1) between Nashville, Tenn., and Atlanta, Ga.; and (2) between Chattanooga, Tenn., on the one hand, and, on the other, points in Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Clarke, Cobb, Dade, Dawson, De Kalb, Douglas, Elbert, Finnin, Floyd, Hall, Haralson, Hart, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield Counties, Ga., under a continuing contract or contracts with banks and banking institutions, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

## NOTICES OF FILING OF PETITIONS

No. MC 2900 (Sub-No. 108) (Notice of filing of petition to remove service restrictions), filed November 28, 1966. Petitioner: RYDER TRUCK LINES, INC., Jacksonville, Fla. Petitioner's representative: Reagan Sayers, Post Office Drawer 17007, 301 Century Life Building, Fort Worth, Tex. 76102. In No. MC 2900 (Sub-No. 108), petitioner holds authority to conduct operations as a motor common carrier, over a regular route, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Marianna, Fla., and Baton Rouge, La., serving no intermediate points: From Marianna over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and return over the same route. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation from or to points in Florida of traffic transported from, to, or through points in the New Orleans, La., commercial zone. The operations authorized herein are restricted against the transportation of traffic originating at or destined to (1) points in Decatur, Miller, and Seminole Counties, Ga., (2) points in Florida which are located west of the western boundary of Jefferson County, Fla., except for purposes of interchange with other carriers, and (3) Greenville, Jacksonville, and Monticello, Fla. The

authority granted herein, to the extent that it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring February 4, 1970. By the instant petition, petitioner prays that said certificate be modified so as to remove therefrom a service restriction against the transportation (1) from or through points in Florida of traffic transported from, to, or through points in the New Orleans, La., commercial zone, and (2) of traffic originating at or destined to points in Jacksonville, Fla., under such certificate MC 2900 (Sub-No. 108), and for such other and further relief to which petitioner may show itself entitled.

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 59135 (Sub-No. 13) (Notice of filing of petition to reissue certificate), filed October 25, 1966. Petitioner: RED STAR EXPRESS LINES OF AUBURN, INC., Auburn, N.Y. Petitioner's representative: Leonard A. Jaskiewicz and J. William Cain, Jr., 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. By applications filed January 2, 1963, in MC-F-8036 and MC 59135 (Sub-No. 13), petitioner sought authority under section 5 of the Act for purchase of the operating rights and properties of Springer's Express Lines, and a certificate authorizing operations as described in Springer's certificate of registration in MC 32665 (Sub-No. 5). Petitioner states that the service authorized under MC 32665 (Sub-No. 5), and which was subsequently granted to Red Star, Inc., included authority to transport general commodities, with the usual exceptions, between Syracuse, N.Y., and Oswego, N.Y., serving all intermediate points including Fulton, N.Y. Petitioner now holds certificate in MC 59135 (Sub-No. 13), which reads as follows: Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Syracuse and Oswego, N.Y., serving all intermediate points: (a) From Syracuse over New York Highway 48 via Baldwinsville, N.Y., to Oswego, and return over the same route; (b) from Syracuse over New York Highway 57 via Fulton, N.Y., to Oswego, and return over the same route; (c) from Syracuse over New York Highway 370 to Baldwinsville and thence to Oswego as specified above, and return over the same route; and (d) from Syracuse over New York Highway 57 to Fulton, thence over New York Highway 48, thence over New York Highway 48 to Oswego, and return over the same route; and (2) between Syracuse, N.Y., and Cortland, N.Y., serving all intermediate points, and the off-route points of Apulia, Delphi Falls, Lebanon, Erieville, and Willett, N.Y.:

(a) From Syracuse over New York Highway 5 to DeWitt, N.Y., thence over New York Highway 91 to junction New York Highway 80, thence over New York Highway 80 via Fabius, N.Y., to Sheds, N.Y., and thence over New York Highway 13 to Cortland; and (b) return, from Cortland over New York Highway 41 to Gee Brook, N.Y., thence over New York Highway 26 to Georgetown, N.Y., thence over New York Highway 80 to Sheds, N.Y., thence over New York Highway 13 to De Ruyter, N.Y., thence return over New York Highway 13 to Sheds, N.Y., thence over New York Highway 13 to Cazenovia, N.Y., thence over New York Highway 92 to Fayetteville, N.Y., and thence over New York Highway 5 to Syracuse. Alternate routes for operating convenience only: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Syracuse, N.Y., and Cortland, N.Y., serving no intermediate points: From Syracuse over U.S. Highway 11 to Cortland and return over the same route; and (2) between Tully, N.Y., and Cortland, N.Y., serving no intermediate points, and serving Tully, N.Y., for joinder purposes only: From Tully over New York Highway 281 to junction New York Highway 222, thence over New York Highway 222 to Cortland, and return over the same route. Petitioner states that the purpose of the instant petition is to seek a reissuance of the above-cited certificate, in a form that was originally intended by the Commission and the parties to the proceeding so as to include the commercial zones of both Oswego and Fulton, N.Y., as defined by the New York Public Service Commission. 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.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-9318. (Amendment) (D'AGATA NATIONAL TRUCKING CO.—Consolidation—DINO D'AGATA AND NATIONAL TRUCKING & STORAGE CO., INC.), published in the January 19, 1966, issue of the FEDERAL REGISTER, on page 730. By amendment filed December 7, 1966, applicants seek to include the following additional operating rights to be consolidated: *Malt beverages*, in containers, as a *common*

*carrier*, over irregular routes, from Reading, Pa., to Philadelphia, Pa.

No. MC-F-9597. (Correction) (B. F. WALKER, INC.—Control—TROJAN TRANSIT, INC.), published in the November 30, 1966, issue of the FEDERAL REGISTER, on page 15047. The operating rights sought to be controlled should have included the following: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Colorado (which was inadvertently omitted).

No. MC-F-9612. Authority sought for purchase by WAREHOUSE TRANSPORT, INC., 211 Plainfield Street, Springfield, Mass., of the operating rights and property of TOBIN TRANSPORTATION CO., 35 Carlsbad Street, Cranston, R.I., and for acquisition by JOHN J. MCCARTHY, also of Springfield, Mass., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier*, over irregular routes, between certain specified points in Massachusetts and New Hampshire, between points in the above territory, on the one hand, and, on the other, Springfield, Mass., Providence, R.I., and Portland, Maine, and between certain specified points in Connecticut, Massachusetts, and points in Rhode Island. Vendee holds no authority from this Commission. However, its controlling stockholder also controls MCCARTHY TRANSPORT, INC., Post Office Box 1658, Portland, Maine, which is authorized to operate as a *contract carrier* in Maine, Vermont, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9614. Authority sought for purchase by IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, Utah 84110, of the operating rights of MARR FREIGHT TRANSIT, INC. (JAMES A. A. SMITH, TRUSTEE), 2535 East 14th Street, Los Angeles, Calif. 90021, and for acquisition by GATES CORPORATION, and, in turn by CHARLES C. GATES, JR., both of 999 South Broadway, Denver, Colo., of control of such rights through the purchase. Applicants' attorney and representatives: Marshall G. Berol, 100 Bush, Suite 2107, San Francisco, Calif., Quittner, Stutman, Treister and Glatt, 639 South Spring Street, Los Angeles, Calif.

90014. Operating rights sought to be transferred: *General commodities*, and except dangerous explosives, livestock, commodities in bulk, and those requiring special equipment, over irregular routes, as a *common carrier*, between certain specified points in California, between points in the Los Angeles harbor commercial zone as defined in LOS ANGELES, CALIF., COMMERCIAL ZONE, as defined by the Commission in 3 M.C.C. 248, between points in the Los Angeles harbor commercial zone as defined in LOS ANGELES, CALIF., COMMERCIAL ZONE, SUPRA, on the one hand, and, on the other, points in the above California territory; and under a certificate of registration, in Docket No. MC-7318 Sub-2, covering the transportation of general commodities, as a highway common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in Colorado, Utah, Nevada, California, Illinois, Nebraska, Iowa, Wyoming, Arizona, Oregon, Idaho, Kansas, Missouri, Washington, Ohio, and Kentucky. Application has been filed for temporary authority under section 210a(b). NOTE: MC-33641 Sub. No. 61 is a matter directly related.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F-9423. (Amendment) (THAMES VALLEY TRANSPORTATION, INC.—Purchase (Portion)—THE SHORT LINE OF CONNECTICUT, INC.), published in the May 25, 1966, issue of the FEDERAL REGISTER, on page 7543. By amendment filed December 8, 1966, applicant seeks to include the following additional operating rights to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, during the season extending from May 15 to September 15, both inclusive, of each year, as a *common carrier*, over a regular route, between Norwich, Conn., and Misquamicut Beach, R.I., serving all intermediate points between Westerly and Misquamicut Beach, R.I., including Westerly.

No. MC-F-9613. Authority sought for control by TANNER GRAY LINE OF PHOENIX, INC., 612 North First Street, Phoenix, Ariz., of ARIZONA TOURS, INC., 618 North Central Avenue, Phoenix, Ariz., and for acquisition by L. A. TANNER and FRANCIS M. TANNER, both of 600 East Jefferson, Phoenix, Ariz., of control of ARIZONA TOURS, INC., through the acquisition by TANNER GRAY LINE OF PHOENIX, INC. Applicants' representative: Harold L. Jerman, 222 North Central, Suite 904, Phoenix, Ariz. Operating rights sought to be controlled: Passengers and their baggage, restricted to traffic originating at the point and in the territory indicated, in charter operations, as a *common carrier*, over irregular routes, from Phoenix, Ariz., and points within 20 miles of Phoenix, to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and El Paso County, Tex., and return; passengers and their baggage, in special operations, on round trip sight-seeing or pleasure tours, beginning and ending at the points indicated, from

Phoenix, Ariz., and points within 20 miles of Phoenix, to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and El Paso County, Tex., and return; and passengers and their baggage, in special operations, on one-way sightseeing or pleasure tours, beginning at the points indicated, from Globe, Ariz., to Phoenix, Ariz., from Phoenix, Ariz., to Globe, Ariz. TANNER GRAY LINE OF PHOENIX, INC., holds no authority from this Commission. However, its controlling stockholders, also control (1) VALLEY TRANSIT LINES, INC., Broadway and English, Post Office Box 730, Wichita, Kans., 67201, which is authorized to operate as a *common carrier* in New Mexico and Colorado; and (2) SUN VALLEY BUS LINES, INC., 600 East Jefferson Street, Phoenix, Ariz., which is authorized to operate as a *common carrier* in California, Nevada, and Arizona. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13682; Filed, Dec. 20, 1966;  
8:49 a.m.]

[Notice 1006]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 16, 1966.

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

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

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

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

#### SPECIAL RULES OF PROCEDURE FOR HEARING

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

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

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

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

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

No. MC 119765 (Sub-No. 11) (Amendment), filed July 19, 1966, published FEDERAL REGISTER issue of August 11, 1966, amended November 30, 1966, and republished as amended this issue. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Illinois, Indiana, and Wisconsin. NOTE: The purpose of this republication is to add the destination State of Wisconsin and to reflect the hearing information.

HEARING: January 30, 1967, at the Iowa Commerce Commission, East 12th

and Court Avenue, Des Moines, Iowa, before Examiner Abraham J. Essrick.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13683; Filed, Dec. 20, 1966;  
8:49 a.m.]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 16, 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 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. MRC 2391, filed December 6, 1966. Applicant: DALE A. HUDSON, doing business as KOOTENAI MOTOR FREIGHT, Box 416, Eureka, Mont. Certificate of public convenience and necessity sought to operate a freight service as follows: Additional authority, in addition to that already contained in MRC 2391 and certificate of registration No. MC 120694 (Sub-No. 1), for irregular off-route points in Flathead and Lincoln Counties, including Roosville, GN tunnel portals and Vredenberg development near Fortine to transport property. Both intrastate and interstate authority sought.

HEARING: Unknown—Interested parties should contact Montana Public Service Commission, Helena, Mont. 59601. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to Board of Railroad Commissioners of the State of Montana, Public Service Commission of Montana, Helena, Mont., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-13684; Filed, Dec. 20, 1966;  
8:49 a.m.]

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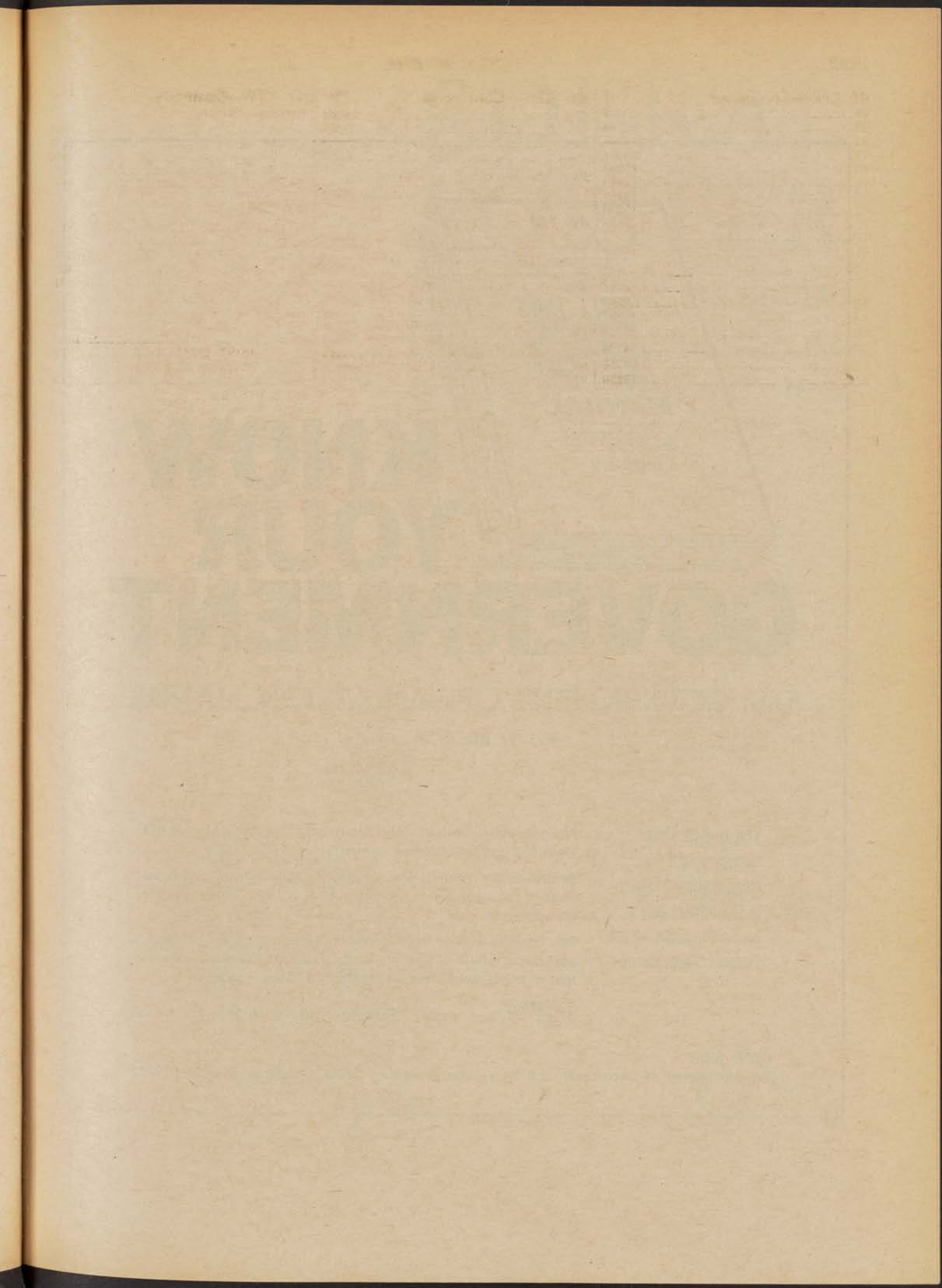
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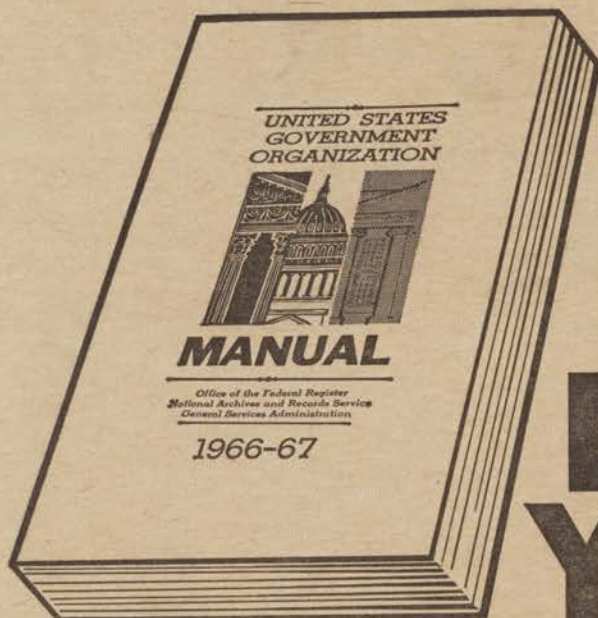
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