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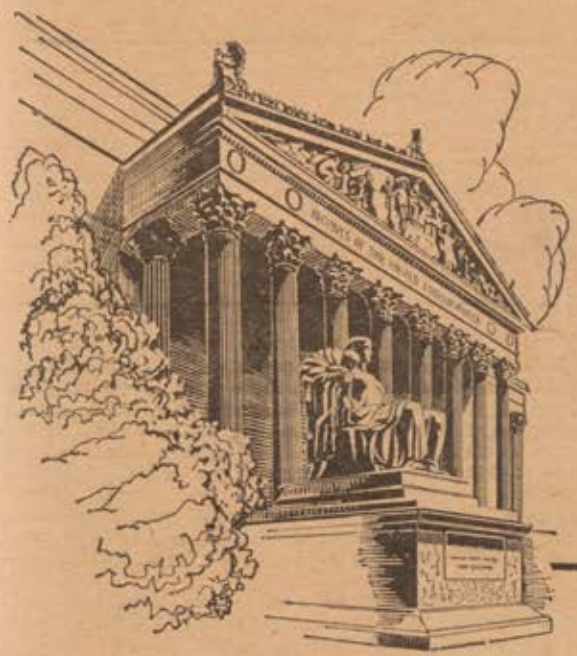

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Title 7—AGRICULTURE

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

[Grapefruit Reg. 14]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906, 31 F.R. 10461), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, 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 of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, 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 regulation 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 regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on January 17, 1967; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.328 **Grapefruit Regulation 14.**

(a) *Order.* (1) During the period beginning at 12:01 a.m., c.s.t., February 1, 1967, and ending at 12:01 a.m., c.s.t., March 1, 1967, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3^{1}\!/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{1}\!/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.685 of this title).

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

Dated: January 20, 1967.

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

[F.R. Doc. 67-867; Filed, Jan. 24, 1967; 8:47 a.m.]

[Navel Orange Reg. 121, 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 recommendations 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 restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (iii) and (iv) of § 907.421 (Navel Orange Regulation 121, 32 F.R. 407) are hereby amended to read as follows:

§ 907.421 **Navel Orange Regulation 121.**

* * * * *

(b) *Order.* (1) * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

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

Dated: January 20, 1967.

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

[F.R. Doc. 67-889; Filed, Jan 24, 1967; 8:49 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION

Correction

In F.R. Doc. 66-12200, appearing at page 14438 of the issue for Wednesday, November 9, 1966, and in F.R. Doc. 66-14059 appearing at page 16757 of the issue of Saturday, December 31, 1966, the heading for Part 1205 is corrected to read "Cotton Research and Promotion."

Dated: January 20, 1967.

S. C. RADEMAKER,
Director, Cotton Division,
Consumer and Marketing Service.

[F.R. Doc. 67-890; Filed, Jan. 24, 1967; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1 [Amended]

The existing 3d, 4th, and 5th sentences of paragraph (d) *Aliens who will perform skilled or unskilled labor* of § 204.1 *Petition* are deleted and the following sentences inserted in lieu thereof: "Before it may be accepted and considered properly filed, the petition must be accompanied by Forms ES-575A executed in accordance with the instructions for completion of that form if the beneficiary is qualified for and will be engaged in an occupation currently listed in Schedule A or Schedule C, 29 CFR Part 60. Otherwise, as specified in § 204.2(g), the petition may be accepted and considered properly filed only if it is accompanied by Forms ES-575 A and B to which the certification under section 212(a)(14) of the Act has been affixed by the Secretary of Labor or his designated representative. Nothing contained in this part shall preclude an employer who desires and intends to employ an alien who is a member of the professions or a person with exceptional ability in the sciences or the arts from filing a petition for sixth-preference classification; however, any such petition shall be subject to the requirements of this paragraph and § 204.2(g). Each petition seeking to confer sixth-preference classification upon an alien shall be filed in the office of the Service having jurisdiction over the place where the alien's services are to be employed."

§ 204.2 [Amended]

2. *Paragraph (f) Evidence of professional status or of exceptional ability in sciences or arts* of § 204.2 *Documents* is amended in the following respects: The last two sentences thereof are deleted and the following sentences are inserted in lieu of the existing 2d sentence thereof: "The Service will refer Form ES-575A and supporting documents to the Bureau of Employment Security, Department of Labor, for a determination with respect to the issuance of a certification under section 212(a)(14) of the Act, unless the alien's occupation is included in the categories of employment for which the Secretary of Labor has issued a blanket certification (Schedule A, 29 CFR Part 60) and the alien clearly comes within the terms of such certification, or unless the alien is clearly not within the purview of section 203(a)(3). In any individual case the Service may request the Bureau of Employment Security to furnish an advisory opinion concerning the beneficiary's qualifications as a member of the professions or as a person of exceptional ability in the sciences or the arts."

3. Paragraph (g) of § 204.2 is amended to read as follows:

(g) *Evidence required to accompany petition for skilled or unskilled labor.* Form ES-575A or Forms ES-575 A and B, properly executed in accordance with the instructions for completion of those forms and accompanied by the documentary evidence specified in the instructions attached to the visa petition, shall be submitted with each visa petition on Form I-140 to accord an alien classification under section 203(a)(6) of the Act. Form ES-575B is not required if the occupation for which the alien is qualified and in which he will be employed is included in the Department of Labor's current Certification List or List of Occupations Requiring No Job Offer, contained in Schedules A and C respectively, 29 CFR Part 60. A petition on behalf of such an alien may be submitted without attaching the certification by the Secretary of Labor issued under section 212(a)(14) of the Act, but must be accompanied by Form ES-575A before the petition may be filed. If the occupation in which the alien will be employed is not included in Schedules A or C, the petition may be filed only if the petitioner submits with it the certification of the Secretary of Labor issued under section 212(a)(14) of the Act, obtained in accordance with the procedure specified in § 212.8(c)(5) of this chapter. In addition, when the qualifications of an alien are based in whole or in part on attendance at a school, the evidence must include a certified copy of his school record. The record must show the period of attendance, his major field of study, and the certificates, diplomas, or degrees awarded. If the alien's eligibility is based on training or experience, documentary evidence thereof, such as affidavits, must be submitted by the petitioner. Affidavits must be made by the alien's present and former employers or by other persons familiar with the alien's work. Each such affidavit must set forth the name and address of the affiant and state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien gained his training or experience, and must describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. The district director may request the Secretary of Labor or his designated representative to furnish an advisory opinion concerning the beneficiary's qualifications.

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

4. Paragraph (a) of § 212.8 is amended and a new paragraph (c) is added to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

(a) *General.* The certification requirement of section 212(a)(14) of the Act applies to aliens seeking admission to the United States or adjustment of status under section 245 of the Act for the purpose of performing skilled or unskilled labor, and who are special immigrants as described in section 101(a)(27)(A) of the Act (except the parents, spouses, or children of the United States citizens or aliens lawfully admitted to the United States for permanent residence), or who are preference immigrants as described in section 203(a)(3) or (6) of the Act, or who are nonpreference immigrants as described in section 203(a)(8). The certification requirement shall not be applicable to an applicant for admission to the United States or to an applicant for adjustment of status under section 245 who establishes that he will not perform skilled or unskilled labor.

* * * * *

(c) *Department of Labor certifications in connection with visa petitions and applications for adjustment of status.* The following shall be applicable when a labor certification is required with a visa petition for classification under section 203(a)(3) or (6) of the Act filed pursuant to section 204 of the Act and Part 204 of this chapter, or an application by a nonpreference alien for adjustment of status under section 245 of the Act and Part 245 of this chapter:

(1) *Schedule A, 29 CFR Part 60.* The Secretary of Labor has, by regulation, issued a blanket certification under section 212(a)(14) of the Act to aliens having occupations in the categories of employment currently listed in Schedule A, 29 CFR Part 60. In such cases, Forms ES-575A and the documentary evidence required by the instructions attached to the visa petition or applica-

tion for adjustment of status shall be submitted to the Service with such visa petition or application for adjustment of status. Form ES–575B is not required. Upon a determination by the district director that the evidence establishes the alien's qualifications for employment in one of the categories currently listed in Schedule A, the alien will be considered as having obtained the required labor certification.

(2) *Members of the professions, or persons with exceptional ability in the sciences or the arts.* Regardless of whether the profession or the scientific or artistic field in which the alien is alleged to have exceptional ability is included in the categories of employment currently listed in Schedule A, 29 CFR Part 60, Forms ES–575A and the documentary evidence required by the instructions attached to the visa petition or application for adjustment of status must be submitted to the Service in support of any visa petition on Form I–140 to accord the alien preference classification on the basis of his profession or occupation, or in support of an application for adjustment of status by a nonpreference alien who claims to be a member of the professions or a person with exceptional ability in the sciences or the arts. Form ES–575B is not required in such cases. If the district director determines that the alien is qualified in one of the categories of employment currently listed in Schedule A, the alien will be considered as having obtained the required certification. If the district director determines that the alien is qualified in a profession, art, or science which is not included in Schedule A, the district director will refer Form ES–575A to the Administrator, Bureau of Employment Security, U.S. Department of Labor for a determination as to whether an individual labor certification will be issued. In such cases, the visa petition or application for adjustment of status may not be approved unless and until the required certification is issued.

(3) *Schedule B, 29 CFR Part 60.* The Secretary of Labor has by regulation, Schedule B, 29 CFR Part 60, listed categories of employment for which he has determined that he cannot now issue the labor certification required by section 212(a)(14) of the Act. Since the required certification cannot be obtained when the alien will be engaged in an occupation included in Schedule B, the district director shall deny any visa petition seeking to confer a preference classification upon the basis of the alien's employment in such occupation. The district director shall also deny an application for adjustment of status by a nonpreference alien who will be employed in such occupation.

(4) *Schedule C, 29 CFR, Part 60.* The Secretary of Labor has by regulation, Schedule C, 29 CFR Part 60, listed categories of employment which require individual labor certifications, but which do not require a job offer from an employer. If the alien's occupation is included in the categories of employment currently listed in Schedule C, Forms ES–575A and the documentary evidence required by the instructions attached to the visa petition or application for adjustment of status shall be submitted in support of the visa petition or application for adjustment of status. Form ES–575B is not required in such cases. Upon the district director's determination that the alien is qualified for and will be employed in a category of employment included in Schedule C, the district director will refer Form ES–575A to the Administrator, Bureau of Employment Security, U.S. Department of Labor for a determination as to whether an individual labor certification will be issued. In such cases, the visa petition or application for adjustment of status may not be approved unless and until the required certification is issued.

(5) *Aliens who are not members of the professions, who do not have exceptional ability in the sciences or arts, and whose occupations are not included in Schedules A, B, or C, 29 CFR Part 60.* When an alien will be employed in an occupation not included in the categories of employment currently listed in Schedules A, B, of C, 29 CFR Part 60, and the alien is not a member of the professions or a person with exceptional ablity in the sciences or the arts, the visa petition or application for adjustment of status must be supported by Forms ES–575 A and B, bearing the individual certification of the Secretary of Labor or his designated representative and by the documentary evidence required by the instructions attached to the visa petition or application for adjustment of status. To apply for the certification, the executed Forms ES–575 A and B and required documentary evidence must be submitted by the alien's employer or prospective employer to the local office of the State Employment Service serving the area of intended employment.

(6) *Availability of information concerning Schedules A, B, and C.* Information concerning the categories of employment listed in Schedules A, B, and C, 29 CFR Part 60, may be obtained from principal offices of the Service, from State Employment Service offices and from U.S. consular offices.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

5. Paragraph (e) of § 245.1 is amended to read as follows:

§ 245.1 Eligibility.

* * * * *

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien seeking adjustment of status for the purpose of engaging in gainful employment in the United States, and who is not exempted under § 212.8(b) of this chapter from the labor certification requirement of section 212(a)(14) of the Act, is ineligible for the benefits of section 245 of the Act unless an individual labor certification is issued by the Secretary of Labor or his designated representative, or unless the applicant establishes that his occupation is included in the current list of categories of employment in Schedule A, 29 CFR Part 60, for which the Secretary of Labor has issued a blanket certification under section 212(a)(14).

* * * * *

6. Subparagraphs (1) and (2) of paragraph (b) of § 245.2 are amended to read as follows:

§ 245.2 Application.

* * * * *

(b) *Application by nonpreference alien seeking adjustment of status for purpose of engaging in gainful employment—(1) Alien whose occupation is included in Schedules A or C, 29 CFR Part 60, or who is a member of the professions or has exceptional ability in the sciences or arts.* An applicant for adjustment of status as a nonpreference alien under section 245 of the Act must submit Forms ES–575A with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A or C, 29 CFR Part 60, or if he is a member of the professions or has exceptional ability in the sciences or the arts. The Forms ES–575A must be executed in accordance with the instructions for completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status. The other documents specified in paragraph (a) of this section must also be submitted in support of the application for adjustment of status. If the applicant is clearly qualified for and will be engaged in an occupation currently listed in Schedule C, the district director will refer Form ES–575A and evidence of the applicant's qualifications to the Administrator, Bureau of Employment Security, U.S. Department of Labor for determination with respect to issuance of a certification. The district director will similarly refer Form ES–575A and evidence of the applicant's qualifications when the applicant is clearly qualified as a member of the professions or as a person with exceptional ability in the sciences or the arts, unless the applicant's profession or occupation is included in the categories of employment currently listed in Schedule A, 29 CFR Part 60, for which the Secretary of Labor has issued a blanket certification under section 212(a)(14) of the Act. The district director may also request the Secretary of Labor or his designated representative to furnish an advisory opinion of the applicant's occupational qualifications in any specific case.

(2) *Other nonpreference aliens who will engage in gainful employment.* If the applicant for adjustment as a nonpreference alien under section 245 of the Act is not a member of a profession, is not a person with exceptional ability in the sciences or the arts, and is unqualified for a category of employment currently listed in Schedule A or C, 29 CFR Part 60, he must submit with his application a certification of the Secretary of Labor issued under section 212(a)(14) of the Act. The applicant's employer or prospective employer may apply for the certification to the local State Employment Service.

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

This order shall be effective on February 1, 1967. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order pertain to agency procedure and are beneficial to persons affected thereby.

Dated: January 19, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-875; Filed, Jan. 24, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. D, H, Q, Y]

PART 204—RESERVES OF MEMBER BANKS

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN FEDERAL RESERVE SYSTEM

PART 217—PAYMENT OF INTEREST ON DEPOSITS

PART 222—BANK HOLDING COMPANIES

Revocations of Interpretations

1a. Effective July 1, 1966, § 208.112 is revoked.

b. This action results from enactment of Public Law 89-485, effective July 1, 1966. Section 12(b) of that Act (80 Stat. 241) amended section 25 of the Federal Reserve Act (12 U.S.C. 601) to permit certain investments by member banks in foreign banks.

2a. Effective July 1, 1966, §§ 222.105, 222.106, 222.108, 222.110, 222.117, and 222.120 are revoked.

b. This action results from enactment of Public Law 89-485, effective July 1, 1966. Section 9 of that Act (80 Stat. 240) repealed section 6 of the Bank Holding Company Act of 1956 relating to borrowings by bank holding companies or their subsidiaries.

3a. Effective July 1, 1966, §§ 222.116 and 222.119 are revoked.

b. This action results from enactment of Public Law 89-485, effective July 1, 1966. Section 3 of that Act (80 Stat. 236) amended the definition of "bank" for the purposes of the Bank Holding Company Act of 1956 in such a way as to eliminate from its coverage banks, such as industrial banks, that do not accept deposits that the depositor has a legal right to withdraw on demand.

4a. Effective September 1, 1966, §§ 204.110 and 217.138 are revoked.

b. This action results from the amendments to Part 204 and Part 217 that added §§ 204.1(f) and 217.1(f) effective September 1, 1966 (31 F.R. 9103).

5. 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 actions because, in the circumstances, such procedures would serve no useful purpose.

(Public Law 89-485 (80 Stat. 236); 12 U.S.C. 248(i) and 461)

Dated at Washington, D.C., this 19th day of January 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-841; Filed, Jan. 24, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 67-EA-8; Amdt. 39-344]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Model G-159

Amendment 39-324 of § 39.13 of Part 39, Airworthiness Directive 66-30-6, requires the removal of bottom wing center fairings and inspection of the wing planks on Grumman Model G-159 aircraft.

Since the publication of A.D. 66-30-6, there have been instances of owners and operators providing an acceptable equivalent means of compliance. However, A.D. 66-30-6 does not contain the necessary authority to permit representatives of the Administrator to review and approve such equivalent methods which also would permit variances in the inspection intervals. Thus, it is believed appropriate that A.D. 66-30-6 be amended to permit more flexibility in compliance.

This amendment provides an alternative means of compliance and imposes no additional burden on any person. Therefore, the notice and public procedure provisions of the Administrative Procedure Act are not necessary and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated, 14 CFR 11.85 (31 F.R. 13697), to me by the Administrator, § 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, or use an FAA-approved equivalent method to visually inspect the wing planks under these fairings for corrosion. If corrosion is found, repair in accordance with (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.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the initial inspection interval and the repetitive inspection interval specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase for that operator.

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

This supersedes Amendment 39-324, A.D. 66-30-6.

This amendment is effective upon publication in the FEDERAL REGISTER.

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

Issued in Jamaica, N.Y., on January 18, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-880; Filed, Jan. 24, 1967; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7896; Amdt. 95-150]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regula-

tions is amended, effective March 2, 1967 as follows:

1. By amending Subpart C as follows:

From, to and MEA

Section 95.48 *Green Federal airway 8* is amended to read in part:

Delta Island INT, Alaska, Anchorage, Alaska, LFR; 2,000.

Section 95.49 *Green Federal airway 9* is amended to read in part:

*Spurr INT, Alaska, Delta Island INT, Alaska; 6,000. *8,500—MCA Spurr INT, westbound.
Delta Island INT, Alaska, Anchorage, Alaska, LFR; 2,000.

Section 95.103 *Red Federal airway 103* is amended to read in part:

Anchorage, Alaska, LFR; Delta Island INT, Alaska; 2,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Greenhead INT, Fla., Dothan, Ala., VOR; *1,900. *1,600—MOCA.
*Chason INT, Fla., Tallahassee, Fla., VOR; **2,500. *3,000—MRA. **1,600—MOCA.
Panama City, Fla., VOR; Greenhead INT, Fla.; *1,600. *1,500—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Dothan, Ala., VOR; Albany, Ga., VOR; 2,500.
Kremmling, Colo., VORTAC; Conifer INT, Colo.; *18,000. *15,600—MOCA. MAA—37,000.
Greenhead INT, Fla., Marianna Fla., VOR; 1,500. (MAI 237/PFN 009)
*Chason INT, Fla., Marianna, Fla., VOR; **2,000. *3,000—MRA. **1,300—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Alexandria, Minn., VOR; Minneapolis, Minn., VOR; *3,000. *2,600—MOCA.
Nodine, Minn., VOR; Lone Rock, Wis., VOR; *3,000. *2,800—MOCA.
Dodge INT WIS., via N alter; Nodine, Wis., VOR via N alter; *3,000. *2,800—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Smyrna INT, Fla., Daytona Beach, Fla., VOR; *2,000. *1,400—MOCA.
Daytona Beach, Fla., VOR; *Bunnel INT, Fla.; **1,800. *3,000—MRA. **1,300—MOCA.
St. Augustine INT, Fla., Jacksonville, Fla., VOR; *1,600. *1,500—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Port Angeles, Wash., VOR; *Jamestown INT, Wash., westbound 3,600; eastbound 4,100. *MCA 7,000 westbound for aircraft arriving Jamestown INT, southeastbound via V-440.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Tarboro INT, Ga., via E alter; *Dixie INT, Ga., via E alter; **3,000. *3,000—MRA. **1,400—MOCA.
Dixie INT, Ga., via E alter; *Baxley INT, Ga., via E alter; **6,000. *3,000—MRA. *6,000—MCA Baxley INT, southbound. **1,400—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Bussey INT, Iowa, via S alter; Iowa City, Iowa, VOR via S alter; *4,000. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From, to, and MEA

Bussey INT, Iowa, via S alter; Iowa City, Iowa, VOR via S alter; *4,000. *2,100—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Cloverdale INT, Ind., via W alter; Indianapolis, Ind., VOR via W alter; *2,500. *2,300—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

*Chester INT, Ark., West Fork DME Fix, Ark.; **3,500. *4,500—MRA. **3,000—MOCA.
West Fork DME Fix, Ark., Fayetteville, Ark., VOR; *3,000. *2,700—MOCA.
Daisetta, Tex., VOR via E alter; Lufkin, Tex., VOR via E alter; *2,000. *1,600—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Sioux Falls, S.Dak., VOR; Huron S. Dak., VOR; *3,500. *3,100—MOCA.
Canova DME Fix, S. Dak., via W alter; Huron, S. Dak., VOR via Walter; *3,000. *2,500—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

San Antonio, Tex., VOR; Mission INT, Tex.; *3,000. *2,600—MOCA.

Section 95.6024 *VOR Federal airway 24* is amended to read in part:

Hope INT, Minn., Caledonia INT, Minn., *3,000. *2,500—MOCA.
Rochester, Minn., VOR via S alter; Waukon, Iowa, VOR via S alter *3,000. *2,500—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

*Cadott INT, Wis., Edgar INT, Wis.; **3,000. *3,500—MRA. **2,400—MOCA. MAA—14,000.
*Wausen, Wis., VOR; Wittenberg INT, Wis.; **3,000. *3,500—MCA Wausau VOR, westbound. **2,500—MOCA.

Section 95.6032 *VOR Federal airway 32* is amended to read in part:

Battle Mountain, Nev., VOR; *Elko, Nev., VOR; **10,000. *10,800—MCA Elko VOR, eastbound. **9,400—MOCA.
Elko, Nev., VOR; Shafter INT, Nev.; 13,000.
Shafter INT, Nev., Bonneville, Utah, VOR; eastbound 11,000, westbound 13,000.
*Salt Lake City, Utah, VOR; Fort Bridger, Wyo., VOR; 12,000. *10,400—MCA Salt Lake City VOR, northeastbound.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

Plains INT, Mich.; Troy INT, Mich.; 2,700.
Troy INT, Mich.; United States-Canadian border; 2,800.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Saginaw, Mich., VOR via W alter; Alpena, Mich. VOR via W alter; *3,500. *2,300—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Smyrna INT, Fla., Daytona Beach, Fla., VOR; *2,000. *1,400—MOCA.
Daytona Beach, Fla., VOR; *Bunnell INT, Fla.; **1,800. *3,000—MRA. **1,300—MOCA.

From, to, and MEA

St. Augustine, INT, Fla.; Jacksonville, Fla., VOR; *1,600. *1,500—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Banta INT, Ind.; Indianapolis, Ind., VOR; *2,300. *2,000—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Junction City INT, Wis.; Eau Claire, Wis., VOR; *3,000. *2,600—MOCA. MAA—14,000.
Grantsburg, Wis., VOR; Brainerd, Minn., VOR; *3,000. *2,600—MOCA.
Brainerd, Minn., VOR; Park Rapids, Minn., VOR; *3,000. *2,800—MOCA.

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

Mason City, Iowa, VOR; Rochester, Minn., VOR; *3,000. *2,600—MOCA.
Austin INT, Minn., via W alter; Rochester, Minn., VOR via W alter; *3,000. *2,700—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Bradford, Pa., VOR; Elkland INT, Pa; 4,500.
Elkland INT, Pa.; Elmira, N.Y., VOR; 4,000.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Thief River Falls, Minn., VOR via N alter; Bemidji, Minn., VOR via N alter; *3,000. *2,600—MOCA.
Brainerd, Minn., VOR; Minneapolis, Minn., VOR; *3,000. *2,500—MOCA.
Rochester, Minn., VOR; Nodine, Minn., VOR; *3,000. *2,600—MOCA.
Nodine, Minn., VOR; Dells, Wis., VOR; *3,000. *2,600—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

*Ranch INT, Ariz., via W alter; **Winslow, Ariz., VOR via W alter; ***14,000. *14,000—MCA Ranch INT, northeastbound. **9,500—MCA Winslow VOR, southwestbound. ***10,100—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Lone Rock, Wis., VOR; Nodine, Minn., VOR; *3,000. *2,800—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

Sioux City, Iowa, VOR; Fort Dodge, Iowa, VOR; *3,000. *2,800—MOCA.

Section 95.6122 *VOR Federal airway 122* is amended to delete:

Talent DME Fix, Oreg.; Klamath Junction INT, Oreg.; *10,500. *9,500—MOCA.
Klamath Junction INT, Oreg.; Pinehurst INT, Oreg.; *10,000. *9,500—MOCA.
Pinehurst INT, Oreg.; Klamath Falls, Oreg., VOR; 9,000.

Section 95.6122 *VOR Federal airway 122* is amended by adding:

Medford, Oreg., VOR; Lakecreek DME Fix, Oreg.; eastbound 9,000; westbound 5,800.
Lakecreek DME Fix, Oreg.; Klamath Falls, Oreg., VOR; *9,000. *8,500—MOCA.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Caledonia INT, Minn.; Nodine, Minn., VOR; *3,000. *2,400—MOCA.

Section 95.6131 *VOR Federal airway 131* is amended to read in part:

From, to, and MEA

Tulsa, Okla., VOR; Delaware INT, Kans.; *2,700. *2,200—MOCA.
Delaware INT, Kans.; Tyro INT, Kans.; *2,700. *2,400—MOCA.
Tyro INT, Kans.; Chanute, Kans., VOR; *2,800. *2,400—MOCA.

Section 95.6146 *VOR Federal airway 146* is amended to read in part:

Providence, R.I., VOR; Coastal INT, Mass.; 2,000.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Smyrna INT, Fla., via S alter; Daytona Beach, Fla., VOR via S alter; *2,000. *1,400—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Newton, Iowa, VOR; Dunbar INT, Iowa; *2,800. *2,200—MOCA.
Dunbar INT, Iowa, *Reinbeck INT, Iowa, **2,800. *2,700—MRA. **2,400—MOCA.
New Hampton INT, Iowa; Rochester, Minn., VOR; *3,000. *2,700—MOCA.
Minneapolis, Minn., VOR; Brainerd, Minn., VOR; *3,000. *2,500—MOCA.

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

San Diego, Calif., VOR; Sargo INT, Calif.; 3,000.
*Valley INT, Calif.; Lang INT, Calif.; 6,500. *5,600—MCA Valley INT, northbound.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

Nodine, Minn., VOR; Dells, Wis., VOR; *3,000. *2,600—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Lone Rock, Wis., VOR; Nodine, Minn., VOR; *3,000. *2,800—MOCA.
Nodine, Minn., VOR; Elba INT, Minn.; *3,000. *2,800—MOCA.
Eden Valley INT, Minn.; Alexandria, Minn., VOR; *3,000. *2,900—MOCA.
Bemidji, Minn., VOR; Baudette, Minn., VOR; *3,000. *2,700—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Cloverdale INT, Ind.; via S alter; Indianapolis, Ind., VOR via S alter; *2,500. *2,300—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Rochester, Minn., VOR; Waukon, Iowa., VOR; *3,000. *2,500—MOCA.
Rewey, Wis., VOR; Rockford, Ill., VOR; *3,000. *2,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Tarboro INT, Ga., via E alter; *Dixie INT, Ga., via E alter; **3,000. *3,000—MRA. **1,400—MOCA.
Dixie INT, Ga., via E alter; *Baxley INT, Ga., via E alter; **6,000. *3,000—MRA. *6,000—MCA Baxley INT, southbound. **1,400—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Carr INT, Wash.; *Lofall INT, Wash; **5,000. *MCA 6,000 southbound for aircraft arriving Lofall INT, northwestbound via V–4/V–440. **4,000—MOCA.

From, to, and MEA

Lofall INT, Wash.; *Jamestown INT, Wash.; 4,100. *MCA 7,000 westbound for aircraft arriving Jamestown INT, southeastbound via V–440.
Jamestown INT, Wash., Port Angeles, Wash., VOR; westbound 3,600; eastbound 4,100.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Kountze INT, Tex.; Lufkin, Tex., VOR; *2,200. *1,600—MOCA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Bailey INT, Fla.; Orlando, Fla., VOR; *2,000. *1,400—MOCA.

Section 95.6431 *VOR Federal airway 431* is amended to read in part:

Revere INT, Mass.; Acton INT, Mass.; *2,000. *1,800—MOCA.
Acton INT, Mass.; Hollis INT, Mass.; *2,000. *1,600—MOCA.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

*Marion INT, Fla.; **Starfish INT, Ga.; ***7,500. *3,500—MRA. **3,000—MRA. ***1,000—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Anchorage, Alaska, VOR; *Big Lake, Alaska, VOR; #2,000. *4,700—MCA Big Lake VOR, northbound.
Big Lake, Alaska, VOR; *Cantwell INT, Alaska; **#10,000. *12,000—MRA. **8,700—MOCA.
Cantwell INT, Alaska; Liberty INT, Alaska; *#10,000. *8,700—MOCA. #MEA is established with a gap in Navigation signal coverage.
Kodiak, Alaska, VOR; Dark Island INT, Alaska; 4,000.
Dark Island INT, Alaska; Homer, Alaska, VOR; 6,000.
Kodiak, Alaska, VOR; via W alter; Int. 335° M rad, Kodiak VOR and a beam from Shuyak LF/RBN via W alter; 4,000.
Int, 335° M rad, Kodiak VOR and a beam from Shuyak LF/RBN via W alter; *Homer, Alaska; VOR via W alter; 6,000. *3,000—MCA Homer VOR, southeastbound.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

United States-Canadian border; Lofall INT, Wash.; 4,100.
Lofall INT, Wash.; Seattle, Wash., VOR; 3,000.

Section 95.6516 *VOR Federal airway 516* is amended to read in part:

Ponca City, Okla., VOR; Tyro INT, Kans.; *3,100. *2,500—MOCA.
Tyro INT, Kans.; Oswego, Kans., VOR; *2,700. *2,400—MOCA.

Section 95.7020 *Jet Route No. 20* is amended by adding:

From, to, MEA, and MAA

Montgomery, Ala., VORTAC; Tallahassee, Fla., RBN; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: Distance; from

V–484 is amended to read in part:
Twin Falls, Idaho, VOR; Salt Lake City, Utah, VOR; 69; Twin Falls.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 510)

Issued in Washington, D.C., on January 16, 1967.

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

[F.R. Doc. 67–775; Filed, Jan. 24, 1967; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34–8024, AS–107]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Interpretation and Guide to Net Capital Computation for Brokers and Dealers

The Securities and Exchange Commission released the following staff interpretation of, and guide to computations under, its "net capital" Rule 15c3–1 (17 CFR 240.15c3–1) under the Securities Exchange Act of 1934 (the "Act"). This material, which was prepared jointly by the Commission's Division of Trading and Markets (the "Division") and Office of Chief Accountant, is intended to assist brokers and dealers in complying with Rule 15c3–1 (17 CFR 240.15c3–1).

This release is divided into two parts. Part I explains the operation of Rule 15c3–1 (17 CFR 240.15c3–1), including the exemptions therefrom, and discusses the application of the rule with respect to questions frequently presented to the Division for interpretation. Part II of this release consists of an example of the computation of "net capital" pursuant to Rule 15c3–1 (17 CFR 240.15c3–1) made by a hypothetical broker-dealer, and includes a detailed trial balance worksheet with explanatory notes. The worksheet is merely illustrative of the application of Rule 15c3–1 (17 CFR 240.15c3–1).

PART I

A. INTRODUCTION

Rule 15c3–1 (17 CFR 240.15c3–1) was adopted to provide safeguards for public investors by setting standards of financial responsibility to be met by brokers and dealers.[2] The basic concept of the rule is liquidity; its objective being to require a broker or dealer to have at all times sufficient liquid assets to cover his current indebtedness.[3] The applicability of the rule does not depend on whether or not a broker or dealer is required to be registered with the Commission, since the exemptive provisions of section 15

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(a)(1) of the Act provide exemptions only from the registration requirements of that section, and not from other applicable provisions of the Act or the rules and regulations.

Rule 15c3–1 (17 CFR 240.15c3–1) is made up of three parts: A statement of the minimum standards of liquidity to be maintained by brokers and dealers;[4] provisions for exemption from the rule for certain brokers or dealers;[5] and definitions of terms for the purpose of determining liquidity under the rule.[6] Each part will be discussed separately.

B. GENERAL REQUIREMENTS AS TO NET CAPITAL RATIO AND MINIMUM NET CAPITAL

The rule prohibits a broker or dealer from permitting his "aggregate indebtedness" from exceeding 2,000 percent of his "net capital," as those terms are defined in subparagraphs (c)(1) and (c)(2) of the rule.[7] This has often been referred to as "the twenty to one rule."

In addition, every broker or dealer subject to the rule is required to have and maintain a minimum "net capital" of $5,000.[8] However, the rule permits a minimum "net capital" of only $2,500 for a broker or dealer meeting the following conditions: (i) His dealer transactions (as principal for his own account) are limited to the purchase, sale, and redemption of redeemable shares of registered investment companies (mutual funds); (ii) his transactions as broker (agent) are limited to the sale and redemption of mutual funds, the solicitation of share accounts for certain insured savings and loan associations, and the sale of securities for the account of a customer to obtain funds for immediate reinvestment in mutual funds; and (iii) he promptly transmits all funds and delivers all securities received in connection with his activities as a broker or dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers.[9] In this connection, the rule provides[10] that a sole proprietor broker or dealer who otherwise qualifies for the reduced minimum "net capital" requirement of $2,500 may also effect occasional transactions in other securities for his own personal account with or through another registered broker-dealer without having to maintain a minimum "net capital" of more than $2,500 (unless, of course, additional "net capital" is needed to comply with the ratio requirement).[11]

C. EXEMPTIONS FROM THE RULE

An exemption from the rule is available for a broker who is also licensed as an insurance agent, whose securities business is limited to selling variable annuity contracts as agent for the issuer, who promptly transmits[12] all funds and delivers all variable annuity contracts, and who does not otherwise hold funds or securities for, or owe money or securities to, customers; and only if the issuer files with the Commission a satisfactory undertaking that it assumes repsonsibility for all valid claims arising out of the securities activities of the agent.[13] The rule also provides that this exemption will not be lost to a person conducting such limited type of brokerage business as a sole proprietor simply because he effects occasional transactions in other securities for his own personal account with or through another registered broker-dealer.

An exemption from the rule is also provided for members in good standing and subject to specific capital requirements of the American, Boston, Midwest, New York, Pacific Coast, Philadelphia-Baltimore-Washington and Pittsburgh Stock Exchange.[14] The Commission has reviewed the rules, settled practices and applicable regulatory procedures of those securities exchanges and deems them to impose requirements more comprehensive than those of Rule 15c3–1 (17 CFR 240.15c3–1). However, this exemption is not available to a member of any such exchange if he is not subject to the capital requirements of the exchange; and a suspended member of any such exchange would become subject to Rule 15c3–1 (17 CFR 240.15c3–1), and would have to be in compliance therewith, immediately upon such suspension.[15]

The rule further provides that the Commission may, upon written application, exempt from the rule, either unconditionally or on specified terms and conditions, a broker or dealer who satisfies the Commission that because of (i) the special nature of his business, (ii) his financial position, and (iii) the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular broker or dealer to the provisions of the rule.[16] This provision is strictly construed; it is not intended to afford an exemption to any particular class or category of brokers or dealers. Only a broker or dealer who has substantial net worth and who, because of the special nature of his business, has safeguards for the protection of customers' funds and securities should apply for this exemption. A broker or dealer should not apply for this exemption simply because he is having difficulty in raising the necesary capital. Any application for this exemption should contain detailed information demonstrating that the applicant can meet all the conditions mentioned above, so that the matter may ordinarily be considered on the basis of the information contained in such application.

D. DEFINITIONS

1. *"Aggregate indebtedness"*—(a) *General.* As defined in the rule,[17] "aggregate indebtedness" is the total money liabilities (except those specifically excluded as indicated below) of a broker or dealer arising in connection with any transaction whatsoever, including, among other things, money borrowed, customers' free credit balances, credit balances in customers' accounts having short positions in securities, and equities in customers' commodities futures accounts.

A broker or dealer which is also engaged in some other business in addition to its business as a broker or dealer must include the money liabilities of such other business in its "aggregate indebtedness." For example, where a broker-dealer also sells life insurance and accepts payments of premiums that are deposited in a special account pending transmission to the insurance company or return to the applicant, the premium represents a liability of the broker-dealer during the time the funds are in its possession, and therefore should be included in "aggregate indebtedness."[18] In fact, where two partners have exactly the same interest in two partnerships, one partnership conducting a securities business and the other conducting another business, the liabilities and assets of both partnerships should be taken into consideration in determining whether the broker or dealer is in compliance with the "net capital" requirements.

However, not all liabilities of a broker or dealer are taken into account in determining his "aggregate indebtedness"; certain items are specifically excluded, as discussed below.[19]

(b) *Exclusions from "aggregate indebtedness"*—(1) *Collateralized indebtedness.* The rule specifically excludes from "aggregate indebtedness" any indebtedness adequately collateralized[20] by securities (including exempted securities[21]) or spot commodities owned by the broker or dealer.[22] In this connection, since time deposit certificates of a bank are securities within the meaning of section 3(a)(10) of the Act, bank loans adequately collateralized by such certificates owned by the broker or dealer may ordinarily be excluded from "aggregate indebtedness."[23]

Fixed liabilities which are adequately secured by real estate or any other asset which is not included in the computation of "net capital" under subparagraph (c)(2) of the rule[24] are also excluded from "aggregate indebtedness."[25]

(2) *Securities loaned and securities failed to receive.* Amounts payable against securities loaned which securities are owned by the broker or dealer are excluded from "aggregate indebtedness."[26] Also, amounts payable against securities "failed to receive" which were purchased for the account of, and have not been sold by, the broker or dealer are excluded from "aggregate indebtedness."[27] Except for these two exclusions, the amounts payable against other securities loaned and securities "failed to receive" are specifically included in "aggregate indebtedness."

(3) *Contractual commitments.*[28] The rule also excludes from "aggregate indebtedness" liabilities on open contractual commitments.[29] This exclusion is intended generally to apply to liabilities in connection with firm commitment underwriting contracts, because in computing "net capital" any securities position contemplated by a firm commitment underwriting contract would be subject to a deduction from "net worth" based on the market value of the securities.[30] Therefore, it is not considered necessary to require a broker-dealer to maintain additional "net capital" under the "twenty to one rule" to carry that commitment.

See footnotes at end of docket.

In addition, since a traditional "best-efforts" underwriting ordinarily imposes no obligation on a broker-dealer to pay for the securities being offered until certain events occur (e.g., the sale of the security) the broker-dealer does not ordinarily incur a liability to pay for such securities for purposes of computing his "aggregate indebtedness" until such time as he is under a legally binding obligation to pay funds to the issuer (or to the managing underwriter).[31] However, if the broker-dealer receives advances from the issuer (e.g., for expenses) in connection with a best-efforts underwriting, any liability of the broker-dealer to return the unexpended portion of such advances is not excluded from "aggregate indebtedness."

(4) *Satisfactorily subordinated debt; amounts segregated under the Commodity Exchange Act.* Other items specifically excluded from "aggregate indebtedness" are: Indebtedness subordinated to the claims of general creditors pursuant to a "satisfactory subordination agreement"[32] (however, any interest on such satisfactorily subordinated debt, whether in arrears or currently due, should be included in "aggregate indebtedness" unless the debt arising from failure to pay the interest is also subordinated under the subordination agreement); and amounts segregated in accordance with the Commodity Exchange Act and the rules and regulations thereunder.[33]

(5) *Other excludable items*—(i) *Funds held as agent or trustee; escrow accounts.* Questions have frequently arisen as to whether funds held either (1) in a separate account by a broker-dealer as agent or trustee, or (2) in an escrow account by a bank, pursuant to Rule 15c2-4 (17 CFR § 240.15c2-4) of the Act,[34] are part of "aggregate indebtedness." Where funds are held in a separate bank account by a broker-dealer as agent or trustee, the amount due to the issuer or the purchasing customers is an obligation of the broker-dealer which must be considered as part of his "aggregate indebtedness." If, on the other hand, the funds are promptly transmitted to an escrow bank under an agreement which contains the provisions contemplated by Rule 15c2-4 (17 CFR § 240.15c2-4) that the funds will be transmitted directly to the persons entitled thereto at the appropriate time, and the broker-dealer has no control over such funds, the funds held by the escrow bank are not treated as part of "aggregate indebtedness."

(ii) *Contingent liabilities.* Questions also arise occasionally with respect to whether various items of contingent liabilities are to be included in "aggregate indebtedness." Where a judgment has been rendered against a broker or dealer, the amount of the judgment would have to be included in "aggregate indebtedness" even though an appeal from that judgment may be pending.[35] Whether claims which have not been reduced to judgment are to be included in "aggregate indebtedness" would depend on the particular facts. No general rule can be given that would be applicable to all cases. Accordingly, situations involving contingent liabilities should be presented to the Division for consideration on the basis of the facts in the particular case.

2. *"Net Capital"*—(a) *General.* The "net capital" of a broker or dealer is essentially his adjusted "net worth." As defined in the rule,[36] it is the excess of his total assets over his total liabilities,[37] adjusted by adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer, or if such broker or dealer is a partnership, by adding the equities (or deducting the deficits) in the accounts of partners.[38]

As pointed out in the introductory material, the principal purpose of the rule is to require that the capital position of a broker or dealer will always be sufficiently liquid to cover his current indebtedness, in order to be able at all times to promptly meet the demands of customers. Therefore, the rule provides that certain assets not readily convertible into cash, although salable by negotiation, are excluded from "net capital" even though such assets are a part of "net worth." Also, certain other assets, although liquid, are valued at less than their market value in order to provide a cushion for market fluctuations. (The required percentage deductions from "net worth" for those assets are referred to as "haircuts." These are discussed separately.)[39]

(b) *Fixed and other assets not readily convertible into cash.* In computing "net capital," a broker or dealer must deduct from his "net worth" all fixed assets and all other assets not readily convertible into cash, to the extent that such assets do not constitue bona fide collateral for actual bona fide indebtedness.[40] The rule contains specific examples[41] of some of the assets which for purposes of computing "net capital" are considered as not readily convertible into cash, including: Real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses; good will; organization expenses; deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System; [42] all unsecured advances and loans; and customers' unsecured notes and accounts. Thus, unsecured insurance accounts receivable of a broker-dealer also engaged in the insurance business would be deducted from "net worth" in computing "net capital." Similarly, a broker-dealer's earned commissions receivable, being generally unsecured, would also be excluded from "net capital."[43]

Of course, the specific exclusion from "net capital" of unsecured loans and advances and of customers' unsecured notes and accounts does not mean that every secured loan, advance, note or account is included as part of a broker-dealer's "net capital." A secured receivable may be excluded from "net capital" if, because of the nature of the collateral or for some other reason, the broker-dealer cannot demonstrate that the account is readily convertible into cash.[44] For example, advances made by a broker-dealer to his sales representatives against their commissions to be earned upon monthly payments by planholders of contractual plans for the accumulation of shares of a mutual fund are excluded from "net capital" (on the basis that they are not adequately secured), even though the sales representatives signed loan agreements providing (1) that the amounts owed by them are payable on demand, and (2) that the broker-dealer has liens on all commissions due and to become due to such sales representatives until the indebtedness is satisfied. In addition, notes receivable secured by titles on house trailers, by insurance premium finance contracts, and by second mortgages or second deeds of trust are excluded from a broker-dealer's "net capital" unless the broker-dealer is able to furnish convincing evidence to demonstrate that the notes are readily convertible into cash (i.e., that there is a ready market for the securities—notes).[45]

Securities for which there is no independent market,[46] and securities which cannot be publicly offered and sold by the broker or dealer because of contractual arrangements or other restrictions, also fall within the category of assets which are not readily convertible into cash, and are given no value when computing "net capital." In this connection, the Commission held, in Whitney-Phoenix Co., Inc., 39 SEC 245 (1959), that securities which can be publicly offered or sold by the broker or dealer only after registration under the Securities Act of 1933 or pursuant to some exemption under section 3(b) of that Act should be given no value for "net capital" purposes until such securities have been effectively registered or there has been compliance with an appropriate exemption under section 3(b).[47]

Other examples of assets ordinarily considered to be assets not readily convertible into cash include a "good faith" deposit by a broker-dealer in connection with a bid for exempted or nonexempted securities; a cash deposit in lieu of, or as security for, statutory or other required bonds of a broker-dealer; oil royalties (unless it can be demonstrated that there is a ready market for such oil royalties); a bank account in which a sole proprietor-broker-dealer is a joint tenant; and the cash surrender value of a life insurance policy, unless such cash surrender value and the face amount of such policy are payable (1) to the estate of a sole proprietor-broker-dealer, or (2) to the broker-dealer, if a partnership or corporation.

Questions have been raised as to how to treat deposits in savings and loan associations which are ordinarily considered to be securities in the form of shares in the association. Generally, if such deposits are in a solvent, federally insured savings and loan association and the broker-dealer can furnish assurances to the Division that the particular federally insured association has been paying such deposits on demand, such deposits may be treated for "net capital" purposes as though they were cash in a bank.

See footnotes at end of docket.

(c) *"Haircuts".* In computing "net captial," the rule requires deductions from "net worth" of certain specified percentages of the market values of marketable securities and future commodity contracts, long and short, in the capital and proprietary accounts of the broker or dealer, and in the "accounts of partners." (These deductions are generally referred to in the industry as "haircuts.") It also requires a deduction with respect to total long or total short futures contracts in each commodity carried for all customers.[46] The purpose of these deductions from "net worth," is to provide a margin of safety against losses incurred by a broker or dealer as a result of market fluctuations in the prices of such securities or future commodity contracts.

(1) *"Haircuts" for marketable securities.* The amount of the "haircut" required with respect to marketable securities depends on the nature of the particular security, as follows: (i) In the case of a nonconvertible debt security having a fixed interest rate and a fixed maturity date, and which is not in default, the "haircut" ranges between 5 and 30 percent, depending on the percentage by which the market value is less than the face value of such security; (2) in the case of cumulative, nonconvertible, preferred stock not in arrears as to dividends and ranking prior to all other classes of stock of the same issuer the "haircut" is 20 percent of market value; and (3) in the case of all other marketable securities, the "haircut" is 30 percent of market value.[49]

The above "haircuts" are also applicable to securities loaned to a broker or dealer pursuant to a "satisfactory subordination agreement,"[50] and to other marketable securities owned by a broker or dealer which he has pledged as collateral to secure his indebtedness to another. However, no "haircut" need be taken with respect to securities which belong to a person other than the broker or dealer and which are in his possession as collateral for an indebtedness to such broker or dealer. Also, the rule provides[51] that no "haircut" need be taken with respect to the following: (i) A security which is convertible into or exchangeable for other securities within a period of 30 days, subject to no conditions other than the payment of money, if the other securities into which such security is convertible, or for which it is exchangeable, are short in the accounts of such broker or dealer or in the "accounts of partners"; or (ii) a security which has been called for redemption and which is redeemable within 90 days. However, this latter exemption is not ordinarily available for redeemable investment company shares for two reasons: First, because they are not "called for redemption"; and second, even though they may be redeemable within 90 days, their redemption value is subject to fluctuation with changes in the market value of the portfolio securities held by the investment companies.

The rule applies the above "haircut" provisions to securities positions contemplated by open contractual commitments.[52] In this connection, a firm commitment underwriting is a contractual commitment, and the required "haircut" is applied to the net long position contemplated by the commitment. This "haircut" is applicable even though there is no public market for the security until after the offering begins. (If, however, no market has developed for the security after the offering has begun, and the underwriter has a position in the security, consideration would then have to be given to whether the securities should be given no value as assets not readily convertible into cash.) As the underwriter sells shares to customers, the number of shares which he is obligated to take down decreases, and the "haircut" is reduced pro tanto.[53] However, the rule provides that no "haircut" shall apply to "exempted securities" as defined in section 3(a)(12) of the Act.[54]

(2) *"Haircuts" for futures commodity contracts.* The rule requires that "haircuts" also be taken with respect to future commodity contracts, as follows: A "haircut" of 30 percent with respect to the market value of all long and all short future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary or other accounts of the broker or dealer, and if a partnership, in the "accounts of partners"; and a "haircut" of 1½ percent with respect to the total long or total short futures contracts in each commodity, whichever is greater, carried for all customers.

3. *Subordinated debt; "Satisfactory Subordination Agreement".*[55] It was previously pointed out that indebtedness subordinated to the claims of general creditors pursuant to a "satisfactory subordination agreement" is excluded from "aggregate indebtedness,"[56] and from total liabilities in the computation of "net capital."[57] The combined effect of these exclusions is to treat such subordinated loans as if they were part of the broker-dealer's capital[58] in computing his "net capital."

In substance, the rule requires that in order to be considered a "satisfactory subordination agreement," a binding and enforceable written agreement must be executed by both the broker-dealer and the lender, whereby a specific amount of cash or specific securities are loaned to the broker-dealer for a period of not less than 1 year (and giving the broker-dealer the right to the use of such cash or securities as though they were in fact his own) under conditions which effectively subordinate any right of the lender to demand or receive repayment to the claims of all present and future creditors of the broker-dealer. The agreement must provide that it may not be canceled by either party, and that the loan may not be repaid or the agreement in any way be terminated, rescinded, or modified by mutual consent or otherwise if the effect would be to put the broker-dealer out of compliance with the "net capital" requirements of the rule. The agreement must also provide that no default of any kind shall have the effect of accelerating the maturity of the indebtedness; and that any note or other written instrument evidencing the indebtedness shall bear on its face an appropriate legend stating that it is issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference.

Thus, the rule contemplates that, if the proceeds of a subordinated loan are to be considered as part of the capital of a broker-dealer, cash or securities will be turned over to the broker-dealer for his use as part of his capital and subject to the risks of his business, and subject further only to an obligation of repayment at the end of the term of the loan.[59] Accordingly, the agreement must contemplate that if repayment cannot be made without reducing the broker-dealer's "net capital" below the amount required by the rule, the subordination must continue, even though the indebtedness is not repaid at maturity. However, the loan may be repaid and the subordination agreement terminated by mutual consent if, after repayment, the broker-dealer's required "net capital" is not impaired.

The rule also requires that two copies of the subordination agreement, and of any notes or written instruments evidencing the indebtedness, must be filed, within 10 days after the agreement is entered into, with the Regional Office of the Commission for the region in which the broker-dealer maintains his principal place of business, together with a statement of the name and address of the lender, the business relationship of the lender to the broker-dealer, and information as to whether the broker-dealer carried funds or securities for the lender at or about the time the agreement was entered into. (If each copy of the agreement is bound separately and marked "Non-Public", such agreements will be maintained in a nonpublic file.) A broker-dealer should give notice of any proposed repayment of the loan, or of termination of or any other change in the agreement, to the Regional Office with which the agreement is filed so that the information on file with that Regional Office is always current and accurate.[60]

E. SOLE PROPRIETOR-BROKER-DEALER

As indicated earlier, there are special considerations under the rule with respect to determining the "net capital" position of a sole proprietor-broker-dealer. For purposes of computing "aggregate indebtedness" and "net capital," a broker or dealer who is a sole proprietor must also take into account his personal assets and liabilities not related to the business;[61] and where he conducts some other business in addition to the securities business, the assets and liabilities of such other business must also be taken into account.[62]

See footnotes at end of docket.

A sole proprietor-broker-dealer who is also engaged in some other business activity as a sole proprietor may record the assets and liabilities and transactions of such other business in the same books of account as he uses for his broker-dealer business or in a separate set of books. A consistent test of protection for the customer of such a sole proprietor requires that "aggregate indebtedness" in this situation must include all of the money liabilities in connection with any other business in which he is engaged as a sole proprietor, less the specific exclusions provided by subdivisions (i) through (ix) of subparagraph (c)(1) of the rule. In computing "net capital," his "net worth" must be determined from the combined assets and liabilities of all his businesses as a sole proprietor; and, in addition to the adjustments to "net worth" required of all brokers or dealers, whether or not sole proprietors, he is required by subdivision (viii) of subparagraph (c)(2) to make a further deduction from "net worth" of any excess of his personal liabilities over his personal assets.

This situation suggests the advisability of the formation of one or more corporations to carry on the securities business or any other business conducted by the sole proprietor. The separate incorporation of the other business will tend to relieve the securities business of the jeopardy from the liabilities of the other business and eliminate the question of whether the assets and liabilities of such other business should be taken into account in determining aggregate indebtedness and net capital.

F. AVAILABILITY OF INTERPRETATIVE ADVICE

While this release endeavors to answer questions frequently raised, it is not possible to cover every question which may arise under Rule 15c3–1 (17 CFR § 240.15c3–1). Moreover, the general opinions expressed herein will not necessarily be applicable to situations which differ factually from those on which such opinions are based. Consequently, a broker or dealer who has a question as to the application of Rule 15c3–1 (17 CFR § 240.15c3–1) to a specific matter may request interpretative assistance from the Division of Trading and Markets. While the Commission provides such interpretative assistance through its staff wherever possible, the responsibility for compliance rests with the broker or dealer.

PART II

The following example based on the trial balance of a hypothetical broker-dealer shows the evaluation of the assets and liabilities required to be made in the determination of aggregate indebtedness and net capital. The example includes many situations frequently found in calculations made by small and medium sized broker-dealers. The trial balance work sheet shows (a) money balances of ledger accounts, (b) long and short security valuations related to certain ledger accounts (c) net losses or gains in commodity contracts, (d) ledger balances included in aggregate indebtedness, and (e) and (f) adjusted balances of assets and liabilities and percentage deductions. Explanatory notes following the example are referenced to certain of the captions and details of open commodity contracts in both customers' and firm accounts are shown on a separate schedule.

		Trial balance	Security valuations		Commodity contracts losses (Gains)	Aggregate indebtedness	Adjusted balances	
			Long	Short			Assets	Liabilities and deductions
		(a)	(b)	(b)	(c)	(d)	(e)	(f)
ASSETS								
Cash:								
In banks and on hand		$25,000					$25,000	
Good faith deposit	(g)	2,800						
Segregated under Commodity Exchange Act		6,900					6,900	
Deposits on future commodity contracts		1,100					1,100	
Failed to deliver		3,000	$3,100				3,000	
Depos t against securities borrowed		10,000	10,200				10,000	
Customers' securities accounts:								
Cash	(h)	10,000	11,000				10,000	
Fully secured	(h)	81,500	112,000				81,500	
Partly secured	(i)	5,000	3,000				3,000	
Unsecured	(j)	200						
Customers' commodity accounts:								
Future commodity contracts	(k)	(5,700)			$(350)			$5,700
Spot (cash) commodities	(h)	4,500	35,300				4,500	
Accounts of partners	(l)	5,000	8,000				8,000	
Firm trading accounts:								
Exempted securities (long)	(m)	3,000	3,200				3,200	
Nonexempted securities (long)	(m)	12,000	18,000				18,000	
Nonexempted securities (short)	(m)	(2,000)		$1,600				1,600
Securities not readily marketable	(n)	2,000						
Future commodity contracts	(o)				(500)		500	
Land and building	(p)	48,000						
Furniture and fixtures	(p)	6,000						
Exchange memberships	(q)	10,000						
Notes receivable (unsecured)	(q)	1,500						
Advances (unsecured)	(q)	900						
Dividends receivable	(q)	500						
Earned commissions receivable	(q)	1,400						
Prepaid expenses	(q)	500						
Other assets	(q)	1,500						
Total		234,600						
LIABILITIES AND NET WORTH								
Bank loans collateralized by:								
Firm securities	(r)	10,000		20,000				10,000
Customers' securities		75,000		105,000		$75,000		75,000
Failed to receive:								
Firm securities (long)	(s)	1,000		1,100				1,000
Customers' securities		5,000		5,200		5,000		5,000
Deposits against securities loaned:								
Firm securities	(s)	3,000		3,200				3,000
Customers' securities		2,000		2,100		2,000		2,000
Customers' free credit balances		21,000				21,000		21,000
Accounts payable		7,350				7,350		7,350
Accrued expenses and taxes		6,500				6,500		6,500
Dividends payable		1,400				1,400		1,400
Mortgage payable on land and building	(p)	30,000						
Commodity "difference" account	(t)	850			850			850
Valuation of securities and spot (cash) commodities in "box" and transfer	(u)			77,600				
Contractual commitment	(v)							
		163,100						
Subordinated borrowings:								
Loan payable	(w)	13,000						
Nonexempted securities	(w)		4,000				4,000	
Capital:								
Ledger balances		50,000						
Nonexempted securities	(x)		8,000				8,000	
Profit and loss		8,500						
		234,600	215,800	215,800				
"Haircuts":								
Firm securities	(y)							11,880
Firm commodities	(z)							7,735
Contractual commitments	(aa)							7,500
Customers' commodities	(bb)							780
Aggregate indebtedness						118,250		
Total							186,700	168,315
Net capital	(cc)							18,385
Total							186,700	186,700

"Net capital" required—greater of $5,000 or 1/20th of "aggregate indebtedness" of $118,250 ..... $5,913
"Net capital" as computed 18,385
Ratio of "aggregate indebtedness" to "net capital" ($118,250÷$18,385) (percent) 643

See footnotes at end of docket.

The "net capital" of $18,385 is the result of the following adjustments:

Capital	$50,000
Profit and loss	8,500
Securities contributed as capital	8,000
Total	66,500
Subordinated borrowings:	
Loan payable	13,000
Securities	4,000
Total	17,000
Total	83,500
Add:	
Unrealized profits:	
Partners' accounts	3,000
Exempted securities—long	200
Nonexempted securities—long	6,000
Nonexempted securities—short	400
Future commodity contracts	500
Total	10,100
Total	93,600
Deduct:	
Land and building	48,000
Mortgage payable	30,000
Total	18,000
Furniture and fixtures	6,000
Cash—good faith deposit	2,800
Deficits in partly secured customers' accounts	2,000
Unsecured customers' accounts	200
Securities not readily marketable	2,000
Exchange memberships	10,000
Notes receivable—unsecured	1,500
Advances—unsecured	900
Dividends receivable	500
Earned commissions receivable	1,400
Prepared expenses	500
Other assets	1,500
"Haircuts":	
Firm securities	11,880
Firm commodities	7,755
Contractual commitments	7,500
Customers' commodities	780
Total	75,215
"Net Capital"	18,385

(a) The trial balance column includes the ledger balances of all asset, liability and capital accounts. One account, profit and loss, represents the net balance of all income and expense accounts for the period.

(b) The market value of security and spot (cash) commodity positions is entered in these two columns. Generally, long positions indicate ownership or right of possession (customers' securities; firm trading accounts) and short positions indicate location or responsibility to deliver (pledged as collateral on bank loans; sold short; in physical possession—"box"). In order to show a balanced securities position, in this example values have been shown for all accounts in which there is a securities position although not all such values are used in making the evaluations necessary for determination of "aggregate indebtedness" and "net capital." Valuations used in making the "net capital" computation should be supported by schedules showing for each security or spot (cash) commodity: title of issue or other description, market price and total market value.

(c) Balances in this column represent the net unrealized appreciation or depreciation (market value compared to cost) of future commodity contracts and the offset of such amounts to the commodity "difference" account.

(d) All liabilities are included as "aggregate indebtedness," except those specifically excluded by subparagraph (c)(1).

(e) The asset balances extended to column (e) reflect certain of the adjustments specified in subparagraph (c)(2) for determining "net capital."

(f) Column (f) includes all liabilities, except those specifically excluded by provisions of subparagraph (c)(2), and the "haircut" on marketable securities, future commodity contracts, and contractual commitment.

(g) A good-faith deposit made in connection with an underwriting is considered a balance not readily convertible into cash and is not assigned any value in the "net capital" computation.[68]

(h) Customers' cash accounts, fully secured accounts, and spot (cash) commodities accounts are included in the computation of "net capital" at the amount of their ledger balances. Although such accounts also contain securities or commodities which have a market value greater than the balance due to the broker-dealer, no consideration is given to such excess since these assets belong to the customers.

(i) Partly secured customers' accounts are assigned a value no greater than the market value of the security collateral. In this case, receivables of $5,000 are taken into account at the liquidating value of the related securities, $3,000.[64]

(j) Unsecured customers' accounts are not assigned any value.[65]

(k) The credit balance in customers' future commodity accounts, properly segregated in accordance with the Commodity Exchange Act and the rules and regulations thereunder, is excluded from "aggregate indebtedness" but included in liabilities considered in determining "net capital."[66]

(l) Recognition is given to unrealized profits or losses in the accounts of partners who have agreed in writing that the equity in their accounts with the firm shall be included as partnership property. In the example the ledger balances of these accounts is $5,000, but in determining "net capital" the accounts are included at the amount of the market value of the securities, $8,000. If the accounts were not subject to these signed agreements they would be considered as customers' accounts and evaluated only at the amount of the ledger balance, $5,000.[67]

(m) Recognition is given to unrealized profits or losses in the firm securities and investment accounts. In the example the ledger balances of firm trading accounts are stated at book value; consequently, in determining "net capital," security valuations are substituted. The long position in exempted securities is increased from $3,000 to market value of $3,200 and that in nonexempt securities from $12,000 to market value of $18,000. The credit balance in the short position is decreased from $2,000 to $1,600 because the market value of securities necessary to cover the liability is less than the ledger balance.[68]

(n) Securities not readily marketable because no independent public market exists, or which are subject to some restriction as to their sale, are considered as assets not readily convertible into cash and are not assigned any value in determining "net capital."[69]

(o) The unrealized gain of $500 on future commodity contracts in firm trading accounts is taken into consideration in the "net capital" computation since this equity applies to partnership property.[70]

(p) Fixed assets such as land and building, and furniture and fixtures, which in the example are stated net of related reserves for depreciation, are not assigned any value in determining "net capital." The mortgage payable, a fixed liability adequately secured by the land and building, is excluded from both "aggregate indebtedness" and liabilities considered in determining "net capital."[71]

(q) Assets which cannot be readily converted into cash are not assigned any value in determining "net capital."[72]

(r) Indebtedness adequately collateralized by securities owned by the firm is excluded from "aggregate indebtedness" but is included in liabilities considered in determining "net capital."[73]

(s) Amounts payable against securities "failed to receive," which were purchased for the account of the firm and have not been sold, are excluded from "aggregate indebtedness" but are included in liabilities considered in determining "net capital."[74] Similarly, amounts payable against securities loaned, which are owned by the firm, are excluded from "aggregate indebtedness" but not from liabilities considered in determining "net capital."[75]

(t) The commodity "difference" account represents the balance of daily settlements with clearing houses on open future commodity contracts which customarily are not allocated to the customers' and firm accounts until final settlement of the contract. Of the balance of $850 a portion, $350, represents net gains on contracts in customers' accounts (see (k) above), and the remainder, $500, applies to net gains on contracts in firm accounts (see (o) above). Since sufficient funds have been segregated in a separate bank account or deposited with clearing houses the amount is excluded from "aggregate indebtedness."[76]

(u) The amount of $77,600 in column (b) represents the valuation of securities and spot (cash) commodities in customers' accounts ($49,000) and firm and partners' accounts ($28,600) held in "box" or in transfer.

(v) Liabilities on open contractual commitments are usually not recorded in the ledger accounts and are not included in either "aggregate indebtedness" or in liabilities considered in determining "net capital."[77] In the example a contractual commitment to purchase for $26,750 common stock which has a current mar-

See footnotes at end of docket.

ket value of $27,500 has not been recorded in the ledger accounts.

(w) A loan payable of $13,000 and nonexempted securities borrowed under "satisfactory subordination agreements" are considered as if they were capital and consequently are excluded from "aggregate indebtedness" and liabilities considered in determining "net capital."

(x) In determining "net capital," securities contributed to capital are considered as assets of the firm.

(y) In the example, as a quick test of compliance, a "haircut" is taken at the maximum rate of 30 percent on the aggregate market value of all nonexempted securities in long and short positions in firm capital and proprietory accounts, including securities in account of partners and securities borrowed pursuant to "satisfactory subordination agreements." The "haircut" is determined in the following manner:

Firm trading accounts:	
Nonexempted securities:	
Long	$18,000
Short	1,600
Partners' accounts	8,000
Subordinated borrowings:	
Nonexempted securities	4,000
Capital:	
Nonexempted securities	8,000
Aggregate market value	$39,600
30 percent	$11,880

Since the use of the maximum rate of 30 percent does not result in a "haircut" which reduces "net capital" below the amount required, no further computation is necessary. If schedules of securities are prepared in accordance with the classifications of subdivision (c)(2)(iii) then "haircuts" of lesser amounts may be applied as appropriate.[28]

(z) A "haircut" is taken on the aggregate market value of all future commodity contracts in long and short positions in firm accounts. As shown on Schedule A, short positions amount to $19,250 and long positions are $6,600 for an aggregate of $25,850, and consequently the "haircut" at 30 percent equals $7,755.[29]

(aa) A "haircut" of $7,500 is based on the contractual commitment to purchase for $26,750, common stock which has a current market value of $27,500 (see (v) above). The "haircut" represents 30 percent of market value, $8,250, reduced by the unrealized profit of $750.[30]

(bb) The "haircut" of $780 on customers' commodities represents 1½ percent of the market values of the greater of the total long or total short future commodity contracts in each commodity carried in customers' accounts. Analysis of the market values of customers' accounts on Schedule A shows that short contracts in wheat of $14,000 exceed long contracts in that commodity, and that short contracts in corn of $38,000 exceed long contracts in that commodity. Thus the "haircut" of $780 is based on the aggregate of $52,000.[31]

(cc) As developed in the example the application of the adjustments and "haircuts" converts "net worth," including subordinated borrowings, of $83,500 into "net capital" of $18,385; "aggregate indebtedness" is $118,250; and the ratio of "aggregate indebtedness" to "net capital" is 643 percent. Since the ratio does not exceed 2,000 percent and "net capital" exceeds the required minimum of $5,000, the firm is in compliance with the rule.

SCHEDULE OF OPEN FUTURE AND SPOT (CASH) COMMODITY CONTRACTS

	Delivery month	Cost		Market value		Losses (gains)	Ledger balance	
		Short	Long	Short	Long		Debit	Credit
Customers' accounts:								
Future commodities—								
Wheat:								
2 contracts (short)	Sept.	$14,400		$14,000		$(400)		$1,500
1 contract (long)	Sept.		$7,100		$7,000	100		850
Corn:								
3 contracts (short)	July	18,750		19,800		1,050		750
2 contracts (long)	July		12,500		13,200	(700)		500
1 contract (short)	Sept.	6,200		6,300		100		250
2 contracts (long)	Sept.		12,400		12,600	(200)		550
2 contracts (short)	Dec.	12,200		11,900		(300)		1,000
Total		51,550	32,000	52,000	32,800	(350)		5,700
Spot (cash) commodities—								
Wheat:								
2 contracts (long)			14,200		14,600		$2,000	
Corn:								
3 contracts (long)			18,750		20,700		2,500	
Total			32,950		35,300		4,500	
Firm trading accounts:								
Future commodities—								
Wheat:								
1 contract (short)	Sept.	7,100		7,000		(100)		
Corn:								
1 contract (long)	July		6,250		6,600	(350)		
1 contract (short)	Sept.	6,200		6,300		100		
1 contract (short)	Dec.	6,100		5,950		(150)		
Total		19,400	6,250	19,250	6,600	(500)		

FOOTNOTES

[1] All references to Rule 15c3-1 (17 CFR § 240.15c3-1) are to the rule as currently amended (see Securities Exchange Act Release No. 7611, dated May 26, 1965).

[2] The rule was adopted under section 15(c)(3) of the Act, which in effect prohibits any broker or dealer from using the mails or interstate facilities to effect, induce or attempt to induce any over-the-counter transaction in a nonexempted security in contravention of rules or regulations proscribed by the Commission as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to financial responsibility of brokers and dealers.

[3] The need for such liquidity has long been recognized as vital to the public interest and for the protection of investors. As early as 1942, the Commission stated, "Customers do not open accounts with a broker relying on suit, judgment, and execution to collect their claims—they are opened in the belief that a customer can, on reasonable demand, liquidate his cash or securities position." Guy D. Marianette, 11 SEC 967, 970–1.

[4] Paragraph (a) of the rule. [All paragraph references in the footnotes are to Rule 15c3-1 (17 CFR § 240.15c3-1)]

[5] Paragraph (b).

[6] Paragraph (c).

[7] Subparagraph (a)(1).

[8] Subparagraph (a)(2).

[9] A broker or dealer must comply with both requirements: He must maintain a minimum "net capital" of at least $5,000 (or $2,500, if applicable), and such "net capital" may not be less than 1/20th of the amount of his "aggregate indebtedness." Thus depending upon the amount of a broker or dealer's "aggregate indebtedness," his required "net capital" could be considerably greater than the specified minimum.

[10] Subdivision (a)(2)(i).

[11] Such a sole proprietor broker or dealer should be aware, however, that all such transactions, whether he considers them to be part of his business or for his personal account, must be reflected in his books and records in accordance with Rule 17a-3 (17 CFR § 240.17a-3); and that securities so held are treated for "net capital" purposes as provided in Rule 15c3-1 (17 CFR § 240.15c3-1). (See also the separate discussion, infra, with respect to sole proprietor-broker-dealers.)

[12] The term "promptly transmits" is interpreted to mean as soon as reasonably possible, but not later than 4 business days after receiving the funds.

[13] Subparagraph (b)(1).

[14] Subparagraph (b)(2).

[15] See Strand Investment Co., Securities Exchange Act Release No. 6705 (1961).

[16] Subparagraph (b)(3).

[17] Subparagraph (c)(1).

[18] The question of whether the assets of such other business may be included in "net capital" depends on the nature of such assets. (See discussion of "net capital," infra.)

[19] "Aggregate indebtedness" is not a factor in the computation of "net capital"; it is merely one element in computing "the twenty to one" ratio. Therefore, while certain liabilities are specifically excluded from the definition of "aggregate indebtedness," they are not ordinarily excluded from total liabilities for the purposes of computing "net capital" under subparagraph (c)(2).

[20] Subparagraph (c)(6) provides that indebtedness shall be deemed to be "adequately collateralized" when the difference between the amount of the indebtedness and the market value of the collateral is sufficient to make the loan acceptable as a fully secured loan to banks regularly making comparable loans to brokers or dealers in the community.

[21] However, as to exempted securities, the exclusion applies only to indebtedness arising from loans where exempted securities are given as collateral; not to indebtedness arising out of the failure to receive exempted securities. Securities "failed to receive" are discussed in the text. The term "exempted securities" is defined in subparagraph (c)(3)

See footnotes at end of docket.

to mean those securities specifically defined as "exempted securities" in section 3(a)(12) of the Act.

[23] Subdivisions (c)(1)(i), (c)(1)(ii), and (c)(1)(v).

[24] The treatment of time deposit certificates for purposes of computing "net capital" is discussed in footnote 49, infra.

[25] Subparagraph (c)(2) excludes from the computation of "net capital" fixed assets and assets which are not readily convertible into cash, including, among other things, real estate, furniture and fixtures, etc. (This is discussed separately in the section dealing with the definition of "net capital.")

[26] Subdivision (c)(1)(vii).

[27] Subdivision (c)(1)(iii).

[28] Subdivision (c)(1)(iv).

[29] This term is defined in subparagraph (c)(5). (See also footnote 52, infra.)

[30] Subdivision (c)(1)(viii).

[31] See discussion under "Haircuts," infra.

[32] See Investment Bankers of America, Inc., Securities Exchange Act Releases Nos. 6886 (Aug. 16, 1962) and 6994 (Jan. 21, 1963). See also discussion under "Other Excludable Items," infra, with respect to funds held by a broker-dealer as agent or trustee.

[33] The term "satisfactory subordination agreement," which is defined in subparagraph (c)(7) of the rule, is discussed separately, infra.

[34] Title 17, Chapter I, Code of Federal Regulations ("CFR").

[35] Rule 15c2-4 (17 CFR § 240.15c2-4) requires, in effect, that where a broker or dealer participates in the distribution of securities on any basis other than a firm-commitment underwriting, any money received for such securities on any basis whereby payment is not to be made to the person on whose behalf the distribution is being made until some further event or contingency occurs must be (A) promptly deposited in a separate bank account, as agent or trustee for the persons who have the beneficial interests therein, and promptly transmitted or returned to such persons upon the occurrence of the appropriate event or contingency, or (B) promptly transmitted to a bank which has agreed in writing to hold such funds in escrow for the persons having beneficial interests therein and to transmit or return such funds to such persons when the appropriate event or contingency occurs.

[36] Any claim for indemnity that such broker or dealer might have would not be considered to be an asset readily convertible into cash for purposes of computing "net capital."

[37] Subparagraph (c)(2).

[38] As noted earlier, liabilities which are excluded from the definition of "aggregate indebtedness" are included in total liabilities for the purpose of computing "net capital."

[39] "Accounts of partners" are defined in subparagraph (c)(4) as the accounts of partners who have agreed in writing that the equities in such accounts maintained with such partnership shall be included as partnership property.

[40] Subparagraph (c)(2) also contains provisions excluding liabilities in connection with "satisfactory subordination agreements" when computing "net capital," and relating to the treatment of liabilities of sole proprietor-broker-dealers where such liabilities were not incurred in the course of business as broker or dealer. These will be discussed infra in those sections dealing separately with "sole proprietor-broker-dealers" and "satisfactory subordination agreements."

[41] Where additional collateral is used to secure the indebtedness, it would be up to the broker-dealer to prove the extent to which the assets not readily convertible into cash are collateral for the indebtedness.

[42] 12 C.F.R. § 220.4(c).

[43] For example, some dealers sell shares of a mutual fund pursuant to a program whereby the customers make their checks payable to a custodian bank which (1) acts as agent for the various parties in effecting the sale of such shares, (2) confirms the transactions to the customers, and (3) periodically forwards to the dealer the commissions due him. Under those circumstances, the commissions due the dealer, but not yet forwarded by the bank, are treated as an unsecured account which should be deducted from the dealer's "net worth." (However, if a dealer can submit an unequivocal written statement from a custodian bank that the sums due the dealer are payable on demand, such receivables would not be deducted from "net worth" when computing that dealer's "net capital.")

[44] See footnote 40, supra.

[45] If it can be demonstrated that there is such a market for the notes, then instead of the exclusion under subdivision (ii) of subparagraph (c)(2) for the amount of the receivable, there would be a "haircut" applied to the market value of the security (the note) in accordance with the provisions of subdivision (C) of that subparagraph. (See discussion of "haircuts," infra.)

[46] See SEC v. C. H. Abraham & Co., Inc., 186 F. Supp. 19 (S.D.N.Y. 1960); Pioneer Enterprises, Inc., 36 SEC 199, 207 (1955).

[47] However, as discussed earlier, where any of the securities discussed above are in fact pledged as bona fide collateral to secure a bona fide indebtedness, the amount to be deducted from "net worth" in computing "net capital" is the difference between the book value of such securities and the amount of the indebtedness actually secured thereby. See footnote 41, supra. (In such a situation the borrower would ordinarily be expected to tell the lender of restrictions on their sale.)

[48] Subdivisions (iii) and (v) of subparagraph (c)(2) in the case of securities, and subdivisions (iv) and (vi) in the case of future commodity contracts.

[49] Subdivisions (a), (b), and (c) of subdivision (c)(2)(iii). A negotiable time certificate of deposit issued by a bank is considered to be a debt security, and if there is a ready, independent market for such security, and if it is not in default, it is subject to the "haircut" required by subdivision (a). A nonnegotiable time certificate of deposit would ordinarily be treated as an asset not readily convertible into cash, but if the broker-dealer can demonstrate that the bank will pay the certificate on demand before maturity it may be given substantial value, depending on all the surrounding circumstances in the particular case.

[50] See footnote 58, infra, and related textual discussion.

[51] Subdivision (c)(2)(iii).

[52] Subdivision (c)(2)(v). The term "contractual commitments" is defined in subparagraph (c)(5) to include underwriting, when-issued, when-distributed and delayed delivery contracts; endorsement of puts and calls; commitments in foreign currencies; and spot (cash) commodities contracts; but does not include uncleared regular way purchases and sales of securities and contracts in commodities futures.

[53] In a "rights" offering where the underwriter has a firm commitment to take down the unsubscribed portion of the underlying securities, if the underwriter can demonstrate that less than 50% of the underlying securities will remain unsubscribed he may be permitted to deduct only 50% of the required "haircut" during the "rights" offering period.

[54] It also provides that the "haircut" with respect to any individual commitment shall be reduced by the unrealized profit (or increased by the unrealized loss) in such commitment; except that the amount of such reduction shall not exceed the amount of the required "haircut," and in no event shall an unrealized profit on any closed transaction operate to increase "net capital." A series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment.

[55] The term "satisfactory subordination agreement" is defined in subparagraph (c)(7).

[56] Subdivision (c)(1)(ix).

[57] Subdivision (c)(2)(vii).

[58] If the loan consists in whole or in part of securities, such securities would, of course, be subject to the applicable "haircuts" required by subdivision (c)(2)(iii) of the rule.

[59] Where funds or securities are loaned under any conditions which permit the lender to retain domination or control over, or otherwise inhibit the broker-dealer's unrestricted use of, such funds or securities, the agreement would not be a "satisfactory subordination agreement" within the meaning of the rule.

[60] If a broker-dealer has any question concerning whether he may properly effect any such repayment, or termination or other change in the agreement, he should request interpretive assistance from that Regional Office with which the agreement is filed.

[61] See footnote 11, supra, with respect to recordkeeping requirements.

[62] These assets and liabilities must be taken into account whether or not reflected in the records of his business as a broker or dealer. For example, where a sole proprietor-broker or dealer also is engaged in the insurance business, any insurance accounts payable would be included in "aggregate indebtedness," notwithstanding the fact that the sole proprietor maintains a separate bank account and separate books and records for each business. Also, his insurance accounts receivable, being ordinarily unsecured, would be excluded from "net capital."

[63] Subdivision (c)(2)(ii).

[64] Ibid.

[65] Ibid.

[66] Subdivision (c)(1)(vi).

[67] Subdivision (c)(2)(i) and subparagraph (c)(4).

[68] Subdivision (c)(2)(i).

[69] Subdivision (c)(2)(ii).

[70] Subdivision (c)(2)(i).

[71] Subdivisions (c)(1)(vii) and (c)(2)(ii).

[72] Subdivision (c)(2)(ii).

[73] Subdivision (c)(2)(i).

[74] Subdivision (c)(1)(iv).

[75] Subdivision (c)(1)(iii).

[76] Subdivision (c)(1)(vi).

[77] Subdivision (c)(1)(viii) and subparagraph (c)(5).

[78] If, for example, the firm trading account included long positions in nonconvertible debt securities with face and market values of $4,000, and cumulative, nonconvertible preferred stocks with market values of $2,000, the computation could be made in the following manner:

	Market value	Rate (Percent)	"Haircut"
Nonconvertible debt securities	$4,000	5	$200
Cumulative, nonconvertible preferred stocks	2,000	20	400
All other securities	33,600	30	10,080
Aggregate market value	39,600		
"Haircut"			10,680

[39] Subdivision (c)(2)(iv).
[40] Subdivision (c)(2)(v).
[41] Subdivision (c)(2)(vi).

By the Commission.

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

JANUARY 18, 1967.

[F.R. Doc. 67-735; Filed, Jan. 24, 1967; 8:45 a.m.]

[Release No. 34-8023]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Records To Be Made and Preserved by Certain Exchange Members, Brokers and Dealers

On March 10, 1965, in Securities Exchange Act Release No. 7550, and in the FEDERAL REGISTER of March 16, 1965 (30 F.R. 3457) the Securities and Exchange Commission published its proposal to amend paragraph (a)(11) of Rule 17a-3 (17 CFR 240.17a-3) and paragraph (b)(5) of Rule 17a-4 (17 CFR 240.17a-4) under the Securities Exchange Act of 1934 to require members of national securities exchanges and other brokers and dealers to prepare and preserve a record of the computation of "aggregate indebtedness" and "net capital" as of the date of the trial balance now required to be made at least once a month. The Commission has considered the comments and suggestions received and has adopted the amendment as set forth below, effective March 1, 1967.

Rule 15c3-1 (17 CFR 240.15c3-1), which establishes safeguards with respect to financial responsibility of brokers and dealers, provides that a broker or dealer subject to the rule shall maintain a specified minimum net capital, and shall not permit his aggregate indebtedness to exceed 20 times his net capital. The terms "aggregate indebtedness" and "net capital" are defined in the rule. The amendments require that a computation be made at least once a month and be preserved in order to assist the members, brokers and dealers in keeping currently informed of their capital position.

A broker or dealer should, of course, keep currently informed as to his net capital position and make a computation as often as necessary to insure that his net capital position is adequate at all times; but he must preserve only the monthly computation mentioned above. On the other hand, those brokers and dealers whose capital position is substantially in excess of that required may omit detailed schedules and analyses in support of the computation if they apply a more stringent application of the provisions of the rule. For example, in the computation of "nest capital" in preparing a schedule of marketable securities, groupings in accordance with classifications of subdivision (c)(2)(C) of Rule 15c3-1 (17 CFR 240.15c3-1) need not be made if the market value of all marketable securities is subjected to a percentage deduction of 30 percent; and, similarly, supporting analyses of assets only partially allowable or otherwise of questionable value need not be made if such assets are excluded in their entirety.

A person exempt from Rule 15c3-1 (17 CFR 240.15c3-1) under the provisions of paragraph (b)(1) or (3) thereof would not be required to prepare a computation. Paragraph (b)(1) exempts a broker who is also licensed as an insurance agent under the laws of any State or the District of Columbia, whose securities business is limited to effecting transactions in variable annuities as general agent for the issuer, who promptly transmits all funds and delivers all securities, and who does not otherwise hold funds or securities for or owe money or securities to customers, if the issuer files with the Commission an undertaking satisfactory to it that the issuer will assume responsibility for all valid claims arising out of all activities of such agent in effecting transactions in such variable annuity contracts. Paragraph (b)(3) provides for the granting of a specific exemption by the Commission to a broker or dealer who satisfies the Commission that, because of the special nature of his business, his financial position (which generally means his very substantial net worth), and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of customers to subject the particular broker or dealer to the provisions of this rule.[1] A broker-dealer exempt from the rule because he is a member of one or more of the exchanges specified in paragraph (b)(2) would be required to make and preserve a computation in accordance with the rules of at least one of such exchanges of which he is a member.

Under the amended provisions of Rule 17a-4(b)(5) (17 CFR 240.17a-4(b)(5)) a member, broker or dealer subject to the rule would be required to preserve the computations of aggregate indebtedness and net capital (and the working papers in connection therewith) for a period of not less than 3 years.

The Commission has also published, in Securities Exchange Act Release No. 8024,[2] an interpretative release explaining Rule 15c3-1 (17 CFR 240.15c3-1) and the exemptions therefrom, discussing various questions frequently presented under it, and containing an example of the computation of "net capital" by a hypothetical broker-dealer. Copies of this release are being sent to all registered brokers and dealers and copies will also be available at all the regional offices and the Washington office of the Commission.

[1] This exemption is very strictly construed, and at the time of the publication of this release only two broker-dealers were able to meet the requirements to obtain this exemption.

[2] See F.R. Doc. 67-735, *supra.*

Commission action. The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, and particularly sections 17(a) and 23(a) thereof, deeming such action necessary in the public interest, for the protection of investors, to provide safeguards with respect to the financial responsibility of brokers and dealers, and for the execution of its functions, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending Rules 17a-3(a)(11) and 17a-4(b)(5) (17 CFR 240.17a-3(a)(11) and 240.17a-4(b)(5)) thereof.

The revised text of subparagraph (11) of paragraph (a) of Rule 17a-3 (17 CFR 240.17a-3) is as follows:

§ 240.17a-3 Records to be made by certain exchange members, brokers and dealers.

(a) * * *

(11) A record of the proof of money balances of all ledger accounts in the form of trial balances, and a record of the computation of aggregate indebtedness and net capital, as of the trial balance date, pursuant to § 240.15c3-1: *Provided, however,* (i) That such computation need not be made by any member, broker or dealer unconditionally exempt from § 240.15c3-1 by paragraph (b)(1) or (b)(3), thereof; and (ii) that any member of an exchange whose members are exempt from § 240.15c3-1 by paragraph (b)(2) thereof shall make a record of the computation of aggregate indebtedness and net capital as of the trial balance date in accordance with the capital rules of at least one of the exchanges therein listed of which he is a member. Such trial balances and computations shall be prepared currently at least once a month.

* * * * *

The revised text of subparagraph (5) of paragraph (b) of Rule 17a-4 (17 CFR 240.17a-4) is as follows:

§ 240.17a-4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(b) * * *

(5) All trial balances, computations of aggregate indebtedness and net capital (and working papers in connection therewith), financial statements, branch office reconciliations, and internal audit working papers, relating to the business of such member, broker or dealer, as such.

* * * * *

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

By the Commission.

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

JANUARY 18, 1967.

[F.R. Doc. 67-734; Filed, Jan. 24, 1967; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. R-199; Order 334]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF NATURAL GAS ACT

Certain Daily-Contract-Quantity and Makeup Provisions in Contracts

JANUARY 18, 1967.

Nonacceptability of contracts between independent producers and interstate natural gas companies containing certain provisions in daily-contract-quantity and take-or-pay-for clauses; Docket No. R-199.

On May 22, 1961, the Commission issued a notice of proposed rule making in this proceeding (26 F.R. 4615), as amended on June 20, 1961 (26 F.R. 5689), and as further amended on March 16, 1965 (30 F.R. 3715), wherein it proposed to limit provisions in rate schedules by prohibiting the use of certain daily-contract-quantity and makeup provisions in contracts for the sale for resale of natural gas by independent producers in interstate commerce. This rule was proposed primarily because of the potential economic dangers posed by the prepayment positions of many pipeline companies and the likelihood of higher gas costs for consumers caused thereby, contrary to the public interest.

Comments were invited from interested persons and 42 replies to the amended notice were received.[1] Of these, 32, including the Independent Natural Gas Association of America, representing pipeline companies, and the Independent Petroleum Association of America, representing producers, requested termination of the proceeding without any affirmative action. In addition, a number of pipeline companies, independent producers, the Railroad Commission of the State of Texas and the Kansas Corporation Commission independently filed responses in opposition to the proposal. Ten parties submitted responses suggesting substantial modifications to the proposed rule. Included among them were various distribution companies, independent producers and the Pennsylvania Public Utilities Commission.

The Commission has carefully reviewed the various comments and has considered the prepayment obligations of the pipeline companies as they currently exist. While we maintain concern over the potential harm which could be caused by an undue burden of excess prepayment balances, we are cognizant of the fact that there are but a limited number of pipeline companies who currently have made prepayments to the same degree as that prevalent in earlier years. Most companies have been able to reduce their prepayment burdens. One major contribution to the alleviation of the burden has been our relaxation of the 12-year deliverability requirement for pipeline companies, resulting from a change in Commission policy (see § 2.61 of regulations, 18 CFR 2.61; promulgated by Order No. 279, March 31, 1964, 31 FPC 750, 29 F.R. 4873).

A general application of the standards herein proposed would not necessarily result in savings to consumers. Responses to the notice of proposed rulemaking demonstrate that while certain of the provisions might be beneficial as to specific pipeline companies, they would not be desirable as to other pipeline companies and the application of the standards might be such as to require investment by producers even in instances where not necessary. We have found that the proposals in this rulemaking proceeding have been complied with in many gas sales contracts and that in other cases the specific pipeline companies purchasing gas either do not require the proposed prepayment provisions for efficient operation of their systems, or have entered into contracts with the producers which contain provisions meeting their specific needs. Accordingly, most of the proposed provisions would serve no valid purpose today. We do recognize, however, that where pipeline companies have made prepayments for gas not taken, a broad approach to insure the ability of the companies to make up this prepaid gas is necessary. This approach should be consistent with one which does not result in a substantial unjustified burden to the producer who must make the gas available. We find that a lengthening of the makup period to a minimum of 5 years will provide relief for those pipeline companies that might otherwise incur substantial prepayment balances on their books and will lessen the risk of future forfeiture and loss of the payments. Since the independent producers already will have received payment for this gas, we do not foresee any substantial harm to them by the imposition of the requirement that contracts entered into after the effective date of this order shall contain makeup provisions permitting the pipeline companies to make up prepaid gas within a minimum of 5 years from the date the prepayment is made. During the 5-year period before termination of the contract, the makeup period will be shortened consistent with the time remaining under the contract.

In other respects we find that, at this time, it is unnecessary that the remaining portions of our proposed rule become effective and we will terminate the proceeding as to them.

Since the initiation of the proposed rule in 1961, the Commission, in a number of opinions and orders, has conditioned the issuance of numerous producer certificates making them subject to the final outcome of Docket No. R-199. Each of those producer certificates will be subject to the rule which is prescribed herein. Amendments to the rate schedules for each of these producers should be filed within 60 days from the issuance hereof to provide a makeup period of no less than 5 years in the event there are prepayments for gas not taken for those contracts which have provided a makeup period of less than 5 years.

The Commission further finds in view of the foregoing and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received, it is necessary and appropriate in the administration of the Natural Gas Act that the regulations under the Natural Gas Act be amended as herein provided.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 825, 830; 56 Stat. 83; 15 U.S.C. 717c, 717d, 717f, and 717o), orders:

(A) Part 154, Subchapter E, Regulations Under the Natural Gas Act, Chapter I, of Title 18 of the Code of Federal Regulations, is amended by adding a new § 154.103 and revising § 154.110 as follows:

§ 154.103 Limitations on provisions in rate schedules relating to makeup period for taking prepaid-for gas.

Contracts for the transportation or sale of natural gas, subject to the jurisdiction of the Commission, executed after February 1, 1967, will be rejected if they contain provisions precluding buyer from receiving, at no additional charge per Mcf, gas paid for but not taken at any time during a period of at least 5 years immediately following payment for such gas not taken, subject to contract provisions to protect against drainage. If the contract terminates before the end of the minimum 5-year makeup period, a shorter makeup period, consistent with the time remaining under the contract, will be permitted.

[1] Amerada Petroleum Corp.; Ashland Oil and Refining Co.; Associated Gas Distributors; Perry R. Bass; The California Co., a division of California Oil Co.; Cities Service Co., Cities Service Oil Co., Columbian Fuel Corp.; Columbia Gas System Co.; Consolidated Gas Supply Corp.; Continental Oil Co.; El Paso Natural Gas Co.; Forrest Oil Corp.; Gulf Oil Corp.; Humble Oil and Refining Co.; Hunt Interests; Independent Natural Gas Association of America; Independent Petroleum Association of America; Kansas Corporation Commission; Kansas-Nebraska Natural Gas Co., Inc.; Kerr-McGee Oil Industries, Inc.; Marathon Oil Co.; Natural Gas Pipeline Co. of America; Northern Natural Gas Co.; Pan American Petroleum Corp.; Panhandle Eastern Pipe Line Co.; Pennsylvania Public Utilities Commission; Philadelphia Gas Works Division of The United Gas Improvement Co.; Phillips Petroleum Co.; Railroad Commission of Texas; Shell Oil Co.; Sinclair Oil and Gas Co.; Socony Mobil Oil Co., Inc.; Southern Natural Gas Co.; Sun Oil Co.; Superior Oil Co.; Tennessee Gas Transmission Co.; Texaco, Inc.; Texas Eastern Transmission Corp.; Texas Gas Transmission Corp.; Transcontinental Gas Pipeline Corp.; Trunkline Gas Co.; Union Oil Co. of California; Warren Petroleum Corp.

§ 154.110 Applicability of §§ 154.92 through 154.103.

Sections 154.92 through 154.103 shall be applicable only to those persons specified in § 154.91 and shall not apply to small producer sales made under small producer certificates issued pursuant to § 157.40 of this chapter.

(B) Part 157 of the said Title 18 is amended by revising Exhibit B in § 157.25 to read as follows:

§ 157.25 Necessary exhibits.

There shall be filed * * * the following exhibits:

* * * * *

Exhibit B. Contracts. Conformed copy of each contract for sale or transportation of gas for which a certificate is requested: *Provided, however,* That contracts on file with the Commission in other proceedings may be included by reference as heretofore provided in § 157.24(b); *And provided further,* That acceptance of contracts hereunder shall not be construed as approval of the rates therein contained under Part 154 hereof or under the Natural Gas Act. On or after April 2, 1962, the application shall be rejected if any contract submitted in support thereof contains any price-changing provisions other than those defined as permissible in § 154.93 of this chapter. The application will be rejected if any contract, executed after February 1, 1967, submitted in support thereof contains any makeup provisions proscribed by § 154.103 of this chapter.

(Secs. 4, 5, 7, 16, 52 Stat. 822, 56 Stat. 83; 15 U.S.C. 717c, 717d, 717f, and 717o)

(C) In all other respects the proceeding herein is terminated.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 67-840; Filed, Jan. 24, 1967; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-43]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Exemptions for Returning Residents; Entry of Replacement Articles

Section 10.17(l), Customs Regulations pursuant to Item 813.40, Tariff Schedules of the United States, as amended, authorizes the duty-free importation of an article furnished by a foreign supplier to replace a like article of comparative value previously exempted from duty under Item 813.31 if the article previously exempted was exported in accordance with the applicable provisions of the regulation. It has been decided that a certificate of registration, customs Form 4455, may be issued to the importer at the time the unsatisfactory articles are exported for use upon the importation of the replacement articles.

Accordingly, § 10.17(l) is amended to read as follows:

§ 10.17 Exemptions for returning residents.

* * * * *

(l) *Replacements.* (1) An article furnished by a foreign supplier to replace a like article of comparable value previously exempted from duty under Item 813.31, Tariff Schedules of the United States, shall be allowed free entry if the article previously exempted is found by the importer to be unsatisfactory and is returned to customs custody and exported under customs supervision at the expense of the importer within 60 days after its importation.[25a] A certificate of registration on customs Form 4455 shall be issued to the importer with appropriate instructions as to its use when the unsatisfactory article is exported for replacement under the provisions of Item 813.40, Tariff Schedules of the United States.

(2) In any case where the importer has failed to return the unsatisfactory article to customs custody for supervision of exportation, the district director of customs may allow free entry of the replacement article if he is satisfied that the unsatisfactory article was timely exported and that the failure to return it to customs custody was due to inadvertence or lack of experience in customs matters and was without willful intent to avoid customs supervision.

(3) The requirement that the original article be exported under customs supervision does not apply when a duplicate article is furnished by a foreign supplier as a replacement for an article declared for entry under the $100 or $200 exemption and found by the customs inspector or other examining officer to be so damaged as to constitute a nonimportation (sec. 15.10 of this chapter). In such a case, customs Form 4455 will be issued to the importer at the time the determination of nonimportation is made and the duplicate replacement shall be considered to have been acquired abroad for the purposes of the $100 or $200 exemption provision, provided no charge is made to the importer for such article.

* * * * *

(Sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

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

Approved: January 16, 1967.

TRUE DAVIS, *Assistant Secretary of the Treasury.*

[F.R. Doc. 67-873; Filed, Jan. 24, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

Subpart D—Food Additives Permitted in Food for Human Consumption

SULFAMETHAZINE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5D1770) filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sulfamethazine sustained-release boluses for nonlactating cattle for the treatment of specified conditions. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

1. The following new section is added to Subpart C:

§ 121.293 Sulfamethazine.

Sulfamethazine may be safely used in the treatment of food-producing animals in accordance with the following conditions:

	Quantity	Limitations	Indications for use
Sulfamethazine....	22.5 gm. per bolus...	In sustained-release bolus for oral administration to nonlactating cattle; one bolus per each 185-200 lb. of body weight; do not slaughter for food within 15 days of treatment; for sale by or on the order of a licensed veterinarian.	For treatment of infections diseases in which the causative organism is sensitive to sulfamethazine, and for the prevention of bacterial infections associated with hemorrhagic septicemia (shipping fever complex).

§ 121.1124 [Amended]

2. Section 121.1124 *Sulfamethazine* is amended by changing the word "calves" to read "cattle".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed ob-

jectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: January 18, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-887; Filed, Jan. 24, 1967; 8:49 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

Miscellaneous Amendments

In the December 23, 1966, issue of the FEDERAL REGISTER (31 F.R. 16466), there was published a proposal to amend the above entitled regulations. Interested persons were invited to file statements of data, views, or argument in regard to the proposal. After consideration of all such relevant material as was presented, I have decided to and do hereby amend 29 CFR Part 60 as set forth below.

As the only function of this amendment is to relieve a restriction upon immigration, delay in its effective date is not required (5 U.S.C. 553(c)). Accordingly, the amendment shall become effective February 1, 1967.

1. Section 60.3 is revised to read as follows:

§ 60.3 Request for certification not covered by § 60.2.

(a) Any alien, or person in his behalf, seeking admission to the United States under sections 101(a)(27)(A) (other than the parent, spouse, or child of a U.S. citizen or alien lawfully admitted to the United States for permanent residence), 203(a)(6), or 203(a)(8) whose category of employment is not included in the certification Schedule A or noncertification Schedule B described in § 60.2 or Schedule C referred to in paragraph (b) of this section may request a 212(a)(14) certification by filing a Form ES-575-A describing the alien's qualifications and a Form ES-575-B describing his prospective employment in the United States. These forms and instructions concerning their use, completion and transmission may be obtained from any consular office, any office of the Immigration and Naturalization Service, or any local office of a State employment service. These forms should not be filed directly with the U.S. Department of Labor in Washington, D.C.

(b) Any alien seeking admission to the United States otherwise subject to the provisions of paragraph (a) of this section whose category of employment is described in Schedule C may request a 212(a)(14) certification by filing a Form ES-575-A describing his qualifications and may omit filing a Form ES-575-B describing his prospective employment in the United States. Instructions for filing in these circumstances are available from U.S. Consular offices abroad and Embassies and Immigration and Naturalization Service offices. Such instructions will where appropriate require aliens to indicate where they will reside. When the Consular offices abroad or the Immigration and Naturalization Service send the ES-575-A's to the Department of Labor, all sources of labor in the area of residence will be reviewed and certification will be issued depending on the circumstances at that time. If the local review shows workers are available, or that wages or working conditions will be adversely affected, the certification will not be issued. Applications should not be sent directly to the U.S. Department of Labor by the alien.

(c) Schedule C is a list of occupations which have been found to be in short supply generally, although not nationwide as in Schedule A. Schedule C is reviewed continuously to be sure that the list will be kept current. If information shows adverse effects are occurring from the use of immigrant workers, or if an adequate supply of qualified workers becomes available, the occupation will be removed from Schedule C promptly.

2. Section 60.4 is amended by adding the phrase "or prospective employer" after the words "Any alien." As amended, this section would read as follows:

§ 60.4 Reconsideration or review by the Secretary of Labor.

Any alien or prospective employer denied a certification pursuant to § 60.3 may request reconsideration or review by the Secretary of Labor. Requests for reconsideration or review should be made in writing to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, and should set forth reasonable grounds therefor.

3. A new schedule C is added to the end of Part 60 to read as follows:

SCHEDULE C

I

Accounting Clerks.
Aircraft-Assemblers-Installers, General.
Airplane Inspectors.
Airplane Mechanics.
Airplane Pilots, Commercial.
Arc Welders.
Assemblers, Subassemblies, Aircraft.
Assembly Mechanics, Experimental Aircraft.
Automobile-Body Repairmen.
Automobile Mechanics.
Automobile Upholsterers.
Bakers.
Boring-Machine Operators.
Boring-Machine Set-Up Operators, Jig.
Boring-Mill Set-Up Operators, Horizontal.
Cabinetmakers.

SCHEDULE C—Continued

Chassis Assemblers.
Chefs.
Clothes Designers.
Combination Welders.
Compositors.
Coppersmiths, Ship.
Cylindrical-Grinder Operators.
Dental-Laboratory Technicians.
Draftsmen.
Drop-Hammer Operators.
Electrical-Appliance Servicemen.
Electrical-Instrument Repairmen.
Electrical Repairmen.
Electricians, Airplane.
Electric-Motor Repairmen.
Electrocardiograph Technicians.
Electroencephalograph Technicians.
Electronics Mechanics.
Form Builders, Aircraft.
Gamma-Facilities Operators.
Household-Appliance Repairmen.
Inspectors, Floor.
Instrument Men, Aircraft
Interior Decorators.
Jewelers.
Key-Punch Operators.
Linemen.
Loftsmen, Ship.
Machinists.
Maintenance Mechanics.
Maintenance Men, Factory or Mill.
Medical Technologists.
Milling-Machine Operators.
Millwrights.
Nurses, Practical
Office-Machine Servicemen.
Orthoptists.
Patternmakers, Plaster, Aircraft.
Pipefitters, Ship.
Production Planners.
Psychiatric Aides.
Radio-Repairmen.
Screw-Machine Operators, Production.
Secretaries.
Sheet-Metal Workers.
Shipfitters.
Shoe Repairmen.
Skilled Garment Occupations, Master Tailors and Dressmakers.
Specialty Cooks.
Stenographers.
Stonecutters, Hand.
Structural-Steel Workers.
Surgical Technicians.
Systems Engineers (Data-Processing).
Technicians, Engineering and Physical Sciences.
Television Service-and-Repairmen.
Template Makers, Aircraft.
Test-Reactor Operators.
Tool-and-Die Makers.
Tool-Grinder Operators.
Tool Planners.
Turret-Lathe Operators.
Watchmakers.
Wheel-Alinement Mechanics.

OCCUPATIONAL DEFINITIONS

ACCOUNTING CLERKS

Post details of business transactions; total accounts, using adding machines; and compute and record interest charges, refunds, cost of lost or damaged goods, freight or express charges, rentals, and other similar items. (Six months training and six months experience are generally necessary for satisfactory work performance in this field.)

AIRCRAFT-ASSEMBLERS-INSTALLERS, GENERAL

Join wings and tail assemblies to fuselages and install landing gears, power-plants, propellers, and equipment, such as doors, windows, bulkheads, and control stand armament assemblies, according to specifications, using wrenches, shears, drills, and rivet guns.

(Six months training and six months experience are generally necessary for satisfactory work performance in this field.)

AIRPLANE INSPECTORS

Examine airframes, engines, and operating equipment to insure that repairs are made according to specifications, and certify airworthiness of aircraft. (Six years training is generally necessary for satisfactory work performance in this field.)

AIRPLANE MECHANICS

Service, repair, and overhaul aircraft and aircraft engines to insure safety and airworthiness. Involves such tasks as assembling wings, fuselages, landing gears, control cables, and fuel and oil tanks, using a variety of equipment; and testing engine operation, using testing equipment, to replace worn or damaged parts. (Four years training is generally necessary for satisfactory work performance in this field.)

AIRPLANE PILOTS, COMMERCIAL

Pilot airplanes to transport passengers, mail, or freight, or for other commercial purposes. (Two years training is generally necessary for satisfactory work performance in this field.)

ARC WELDERS

Weld metal parts together, as specified by layout, diagram, work orders, or oral instruction, using electric arc welding equipment. (Two years training is generally necessary for satisfactory work performance in this field.)

ASSEMBLERS, SUBASSEMBLIES, AIRCRAFT

Assemble parts, such as spars, ribs, and braces to form structural subassemblies, such as air foils, rudders, flaps, stabilizers, elevators, ailerons, fins, fuselage tops and bulkheads, doorframes, doors and windows, according to specifications. (One year's training is generally necessary for satisfactory work performance in this field.)

ASSEMBLY MECHANICS, EXPERIMENTAL AIRCRAFT

Fabricate, assemble, and install parts and assemblies, such as armaments, power plants, and plumbing and hydraulic systems in experimental aircraft or missiles. (Two years training is generally necessary for satisfactory work performance in this field.)

AUTOMOBILE-BODY REPAIRMEN

Repair damaged bodies and body parts of automotive vehicles, such as automobiles and light trucks. (Four years training is generally necessary for satisfactory work performance in this field.)

AUTOMOBILE MECHANICS

Repair and overhaul automobiles, buses, trucks, and other automotive vehicles. Involves such tasks as repairing shock absorbers and similar parts; relining or adjusting brakes, alining front ends; and rewiring ignition systems, lights, and instrument panels. (Four years training is generally necessary for satisfactory work performance in this field.)

AUTOMOBILE UPHOLSTERERS

Repair or replace upholstery in automobiles, buses, and trucks. (Four years training is generally necessary for satisfactory work performance in this field.)

BAKERS

Prepare bread, rolls, pastries, muffins, biscuits, or other baked goods according to recipes in bakery, hotel, restaurant, or other establishments. Measure and mix ingredients to form dough or batter. Cut dough and mold it into loaves or various desired shapes and pour batter into pans to make cakes. Place shaped dough in greased pans or batter in cake tins for baking in oven for specified period of time, adjusting controls to regulate temperature. Prepare and cook ingredients for pie fillings, puddings, custards, or other desserts. (Three years training is generally necessary for satisfactory work performance in this field.)

BORING-MACHINE OPERATORS

Set up and operate one or more boring machines to bore, drill, mill, or ream metal parts according to specifications, tooling instructions, standard charts, and knowledge of boring procedures. (Six months training and six months experience are generally necessary for satisfactory work perfromance in this field.)

BORING-MACHINE SET-UP OPERATORS, JIG

Set up and operate machines to drill, bore, ream, or tap holes in metal workpieces, such as jigs, fixtures, dies, or gages, according to knowledge of tooling and jig-boring procedures. (Three years training is generally necessary for satisfactory work performance in this field.)

BORING-MILL SET-UP OPERATORS, HORIZONTAL

Set up and operate horizontal boring, drilling, and milling machines to perform machining operations, such as milling, drilling, boring and reaming, on metal workpieces, such as machine, tool, or die parts, analyzing specifications and deciding on tooling according to knowledge of shop mathematics, metal properties, and machining procedures. (Three years training is generally necessary for satisfactory work performance in this field.)

CABINETMAKERS

Construct and repair wooden articles, such as store fixtures, office equipment, cabinets, and high grade furniture, according to blueprints or drawings, using woodworking machines, and handtools. Trim parts of joints, bore holes, glue, fit, and clamp parts and subassemblies together to form complete unit. (Four years training is generally necessary for satisfactory work performance in this field.)

CHASSIS ASSEMBLERS

Assemble chassis of electronic equipment, such as radio and television receivers, electric organs, and record players, using handtools and power tools and following wiring diagrams or sample assemblies. (Three months training and six months experience are generally necessary for satisfactory work performance in this field.)

CHEFS

Supervise, coordinate, and participate in activities of cooks and other personnel engaged in preparing and cooking foods in hotel, restaurant, or other establishments. (Four years training is generally necessary for satisfactory work performance in this field.)

CLOTHES DESIGNERS

Create designs and prepare patterns for new types and styles of men's, women's and children's wearing apparel or knitted garments. (Four years training is generally necessary for satisfactory work performance in this field.)

COMBINATION WELDERS

Weld metal parts together according to layouts, blueprints, or work orders, using both gas welding or brazing and any combination of arc welding processes. (Two years training is generally necessary for satisfactory work performance in this field.)

COMPOSITORS

Set type by hand and machine, and assemble type and cuts in a galley, for the printing of articles, headings, and other printed matter, determining type, size, style, and compositional pattern from work order. (Six years training is generally necessary for satisfactory work performance in this field.)

COPPERSMITHS, SHIP

Lay out, cut, bend, and assemble pipe sections, pipefittings, and other parts from copper, brass, and other nonferrous metals according to blueprints to construct or repair ships and boats. (Four years training in generally necessary for satisfactory work performance in this field.)

CYLINDRICAL-GRINDER OPERATORS

Set up and operate one or more external grinding machines to grind external cylindrical and tapered surfaces of rotating metal workpieces to blueprint specifications, following tooling instructions and standard charts, and applying knowledge of grinding procedures. (Four years training is generally necessary for satisfactory work performance in this field.)

DENTAL-LABORATORY TECHNICIANS

Construct and repair dental appliances, such as crowns, inlays, and wire frames, according to dentist's prescriptions. (Four years training is generally necessary for satisfactory work performance in this field.)

DRAFTSMEN

Prepare clear, complete, and accurate working plans and detail drawings from rough or detailed sketches or notes, engineering ideas, specifications, and calculations of engineers, architects, and designers for use in building or manufacturing. (Four years training is generally necessary for satisfactory work performance in this field.)

DROP-HAMMER OPERATORS

Set up and operate closed-die drop-hammers to forge metal parts, following work order specifications and using measuring instruments and handtools. (Two years training is generally necessary for satisfactory work performance in this field.)

ELECTRICAL-APPLIANCE SERVICEMEN

Install, service, and repair stoves, refrigerators, dishwashing machines, and other electrical household appliances, using handtools and test meters and following wiring diagrams and manufacturer's specifications. (Three years training is generally necessary for satisfactory work performance in this field.)

ELECTRICAL-INSTRUMENT REPAIRMEN

Repair, calibrate, and test instruments, such as voltmeters, armmeters, resistance bridges, galvanometers, temperature bridges, and temperature controlling and recording gages and instruments, using jewelers' handtools, electricians' tools, and measuring instruments. (Four years training is generally necessary for satisfactory work performance in this field.)

ELECTRICAL REPAIRMEN

Repair, maintain, and install electrical systems and equipment, such as motors, transformers, wiring, switches, and alarm systems. (Four years training is generally necessary for satisfactory work performance in this field.)

ELECTRICIANS, AIRPLANE

Install, adjust, and maintain electrical wiring, switches, and fixtures in airplanes. (Three years training is generally necessary for satisfactory work performance in this field.)

ELECTRIC-MOTOR REPAIRMEN

Repair electric motors, generators, and accessory equipment, such as starting devices and switches, using handtools, power tools, precision gages, and electrical test instruments. (Two years training is generally necessary for satisfactory work performance in this field.)

ELECTROCARDIOGRAPH TECHNICIANS

Record electromotive variations in action of heart muscle, using electrocardiograph machines, to provide data for diagnosis of heart ailments. (Two years training is generally necessary for satisfactory work performance in this field.)

ELECTROENCEPHALOGRAPH TECHNICIANS

Measure impulse frequencies and differences in electrical potential between various portions of the brain, using equipment that records data as a series of irregular lines on a continuous graph to be used by medical practitioners in diagnosing brain disorders. (Two years training is generally necessary for satisfactory work performance in this field.)

ELECTRONICS MECHANICS

Repair electronic equipment, such as computers, industrial controls, radar systems, telemetering and missile control systems, transmitters, antennas, and servomechanisms, following blueprints and manufacturers' specifications, and using handtools and test instruments. (Four years training is generally necessary for satisfactory work performance in this field.)

FORM BUILDERS, AIRCRAFT

Build forms, fixtures, or templates of wood, metal, or plastic for use in production of airplanes, following blueprints. (Four years training is generally necessary for satisfactory work performance in this field.)

GAMMA FACILITIES OPERATORS

Irradiate materials in a gamma canal (water-filled irradiating tank) for experimental purposes, and receive and store spent nuclear fuel elements and materials from completed experiments. (Two years training is generally necessary for satisfactory work performance in this field.)

HOUSEHOLD-APPLIANCE REPAIRMEN

Repair gas and electric appliances and equipment, such as refrigerators, ranges, washing machines, hot-water heaters, toasters, and irons, using handtools. (Four years training is generally necessary for satisfactory work performance in this field.)

INSPECTORS, FLOOR (MACHINE SHOPS)

Test or examine machinery parts, materials, and assemblies at assembly, inspection, or machining stations in machine shops, to insure conformance to blueprints or other specifications. (Two years training is generally necessary for satisfactory work performance in this field.)

INSTRUMENT MEN, AIRCRAFT

Overhaul, repair, and test aircraft instruments, using precision handtools and following blueprints, work orders, and manufacturers' specifications. (Four years training is generally necessary for satisfactory work performance in this field.)

INTERIOR DECORATORS

Plan and design artistic interiors for homes, hotels, ships, commercial and institutional structures, and other establishments. (Four years training is generally necessary for satisfactory work performance in this field.)

JEWELERS

Fabricate and repair various jewelry articles, such as rings, brooches, pendants, bracelets, and lockets. (Three years training is generally necessary for satisfactory work performance in this field.)

KEY-PUNCH OPERATORS

Operate alphabetic and numeric keypunch machines, similar to operation to electric typewriters, to transcribe data from source material onto punch cards and produce prepunched data. (Six months training and six months experience are generally necessary for satisfactory work performance in this field.)

LINEMEN

Erect wood poles and prefabricated light-duty metal towers, cables, and related equipment to construct transmission and distribution powerlines and to conduct electrical energy between generating stations, substations, and consumers. (Four years training is generally necessary for satisfactory work performance in this field.)

LOFTSMEN, SHIP

Lay out lines of ship to full scale on mold-loft floor and construct templates and molds to be used as patterns and guides for layout fabrication of various structural parts of ships. (Four years training is generally necessary for satisfactory work performance in this field.)

MACHINISTS

Set up and operate machine tools, and fit and assemble parts to make or repair metal parts, mechanisms, tools, or machines, applying knowledge of mechanics, shop mathematics, metal properties, and layout machining procedures. (Four year training is generally necessary for satisfactory work performance in this field.)

MAINTENANCE MECHANICS

Repair and maintain, in accordance with diagrams, sketches, operation manuals, and manufacturer's specifications, machinery and mechanical equipment, such as cranes, pumps, engines, motors, pneumatic tools, conveyor systems, production machines, and automotive and construction equipment, using handtools, power tools, and precision-measuring and testing instruments. (Four year training is generally necessary for satisfactory work performance in this field.)

MAINTENANCE MEN, FACTORY OR MILL

Repair and maintain machinery, plumbing, physical structures, and electrical wiring and fixtures of commercial and industrial establishments in accordance with blueprints, manuals, and building codes, using carpenters', electricians', and plumbers' handtools. (Four years training is generally necessary for satisfactory work performance in this field.)

MEDICAL TECHNOLOGISTS

Apply technical knowledge in fields of medicine and perform chemical, microscopic, and bacteriologic tests to provide data for use in treatment and diagnosis of diseases, usually under supervision of physician. (Four years training is generally necessary for satisfactory work performance in this field.)

MILLING-MACHINE OPERATORS

Set up and operate one or more milling machines to mill plane or curved surfaces on metal workpieces, such as machine, tool, or die parts, according to specifications and deciding on tooling according to knowledge of milling procedures. (Four years training is generally necessary for satisfactory work performance in this field.)

MILLWRIGHTS

Install machinery and equipment according to layout plans, blueprints, and other drawings in an industrial establishment, using hoists, lift trucks, handtools, and power tools. (Four years training is generally necessary for satisfactory work performance in this field.)

NURSES, PRACTICAL

Assist in care of hospital patients, under direction of nursing and medical staff. Involves such tasks as bathing and dressing bed patients; cleaning rooms and changing bed linens; administering prescribed medications and making notations of amounts and quantities; taking and recording temperatures, pulses, and respiration rates; sterilizing equipment and supplies, using germicides, sterilizers, or autoclaves; preparing food trays, feeding patients, and recording food and liquid intake and output. (Six months training and six months experience are generally necessary for satisfactory work performance in this field.)

OFFICE-MACHINE SERVICEMEN

Repair and service office machines, such as adding, accounting, calculating machines, and typewriters, using handtools, power tools, micrometers, and welding equipment. (Four years training is generally necessary for satisfactory work performance in this field.)

ORTHOPTISTS

Teach persons with correctable focusing defects to develop and use binocular vision (focusing of both eyes). Measure visual acuity, focusing ability, and eye-motor movement of eyes, separately and jointly, using various equipment. (Two years training is generally necessary for satisfactory work performance in this field.)

PATTERNMAKERS, PLASTER, AIRCRAFT

Build plaster and clay patterns used for making sand molds from which tools and parts used in aircraft manufacturing are cast. (Five years training is generally necessary for satisfactory work performance in this field.)

PIPEFITTERS, SHIP

Lay out, install, and maintain ships' piping systems, such as steam heat and power, hot water, hydraulic, air pressure, and oil lines, following blueprints, and using handtools and shop machines. (Five years training is generally necessary for satisfactory work performance in this field.)

PRODUCTION PLANNERS

Plan and prepare production schedules for manufacture of industrial or commercial products. (Four years training is generally necessary for satisfactory work performance in this field.)

PSYCHIATRIC AIDES

Assist mentally ill patients, working under direction of nursing and medical staff. Involves such tasks as bathing, dressing, and grooming patients; accompanying patients to and from wards for treatment and examination, and administering prescribed medications; encouraging patients to participate in social and recreational activities; observing patients to insure that none wander from grounds or to detect unusual behavior; and restraining or aiding them to prevent injury to themselves or other patients. (Six months training and six months experience are generally necessary for satisfactory work performance in this field.)

RADIO REPAIRMEN

Repair radio-receivers, phonographs, recorders, and other electronic-audio equipment, using circuit diagrams, test meters and handtools. (Four years training is generally necessary for satisfactory work performance in this field.)

SCREW-MACHINE OPERATORS, PRODUCTION

Tend one or more previously set up single-or-multiple spindle screw machines, equipped with automatic indexing and feeding mechanisms, to perform series of machining operations on metal bar stock on production basis. (Three months training and six months experience are generally necessary for satisfactory work performance in this field.)

SECRETARIES

Schedule appointments, give information to callers, take dictation, type, and otherwise relieve officials of clerical work and minor administrative and business details. (Two years training is generally necessary for satisfactory work performance in this field.)

SHEET-METAL WORKERS

Fabricate, assemble, install, and repair sheet metal products and equipment, such as control boxes, drainpipes, ventilators, and furnace castings, according to job order or blueprints. (Four years training is generally necessary for satisfactory work performance in this field.)

SHIPFITTERS

Lay out and fabricate metal structural parts, such as plates, bulkheads, and frames, and braces them in position within hull of ship for riveting or welding to construct or repair ships and boats. (Four years training is generally necessary for satisfactory work performance in this field.)

SHOE REPAIRMEN

Repair or refinish shoes, following customers' specifications, or according to nature of damage, or type of shoe. (Three years training is generally necessary for satisfactory work performance in this field.)

SKILLED GARMENT OCCUPATIONS, MASTER TAILORS AND DRESSMAKERS

Perform all tasks required to design and produce finished made-to-measure garments or perform equivalent tasks requiring tailoring skills in the manufacture or alteration of readymade or tailored apparel. Such persons must be all-around skilled tailors capable of performing all the tasks involved in the tailoring or dressmaking crafts. (Five years training is generally necessary for satisfactory work performance in this field.)

SPECIALTY COOKS

Prepare, season, and cook soups, meats, vegetables, desserts, and other foodstuffs for consumption in restaurants or other establishments. (Three years training is generally necessary for satisfactory work performance in this field.)

STENOGRAPHERS

Take dictation, in shorthand, of correspondence, reports, and other matter, and transcribe dictated material, using typewriter. (One year's training and one year's experience are generally necessary for satisfactory work performance in this field.)

STONECUTTERS, HAND

Cut, shape, and finish granite, marble, and/or other types of stone according to diagrams or patterns. (Three years training is generally necessary for satisfactory work performance in this field.)

STRUCTURAL-STEEL WORKERS

Raise, place, and unite girders, columns, and other structural-steel members to form completed structures or structure frameworks, working as members of a crew. (Four years training is generally necessary for satisfactory work performance in this field.)

SURGICAL TECHNICIANS

Perform a variety of tasks before and during operation to assist medical team. Involves such tasks as washing, shaving, and sterilizing operative area of patients; placing equipment and supplies in operating room according to surgeon's directions, and arranging instruments; maintaining supply of specified fluids during operation; adjusting lights and equipment as directed; and washing and sterilizing used equipment. (Two years training is generally necessary for satisfactory work performance in this field.)

SYSTEMS ENGINEERS (DATA-PROCESSING)

Study information-assembling and filing problems of establishments, plan suitable punched-card procedure, and design card and report forms. Revise and refine existing punched-card procedures in line with technical developments, and prepare instruction manuals covering use and maintenance of machine. (Six years training is generally necessary for satisfactory work performance in this field.)

TECHNICIANS, ENGINEERING AND PHYSICAL SCIENCES

Solve practical problems encountered in fields of specialization, such as those concerned with development of electrical and electronic circuits, and establishment of testing methods for electrical, electronic, electromechanical, and hydromechanical devices and mechanisms. Apply engineering principles and techniques to solve, design, develop, and modify problems of parts or assembles for products or systems. Apply natural and physical science principles to basic or applied research problems in fields such as metallurgy, chemistry, and physics. Technicians in these various fields work in direct support of engineers and scientists, utilizing theoretical knowledge of fundamental scientific, engineering, mathematical, or draft design principles. (Four years training is generally necessary for satisfactory work performance in this field.)

TELEVISION SERVICE-AND-REPAIRMEN

Repair and adjust radios and television receivers, using handtools and electronic testing instruments. (Four years training is generally necessary for satisfactory work performance in this field.)

TEMPLATE MAKERS, AIRCRAFT

Design and fabricate templates of wood, paper, sheet metal, and plastic used for laying out reference points and dimensions on metal plates, sheets, tubes and structural shapes for fabricating, welding, and assembling into structural metal products. (Four years training is generally necessary for satisfactory work performance in this field.)

TEST-REACTOR OPERATORS

Set up and control operation of nuclear reactors in which neutrons and gamma rays are used to study structure of atoms, determine properties of materials, and create radioisotopes and radio-active fission products for research purposes. (Four years training is generally necessary for satisfactory work performance in this field.)

TOOL-AND-DIE MAKERS

Analyze variety of specifications, lay out metal stock, set up and operate machine tools, and fit and assemble parts to make and repair metalworking dies, cutting tools, jigs, fixtures, gages, and machinists' handtools, applying knowledge of tool and die designs and construction, shop mathematics, metal properties, and layout, machining, and assemly procedures. (Four years training is generally necessary for satisfactory work performance in this field.)

TOOL-GRINDER OPERATORS

Set up and operate grinding machines, such as surface and universal, carbide, drill, and tool-and-cutter grinders, to sharpen cutting tools to specifications, using knowledge of abrasives and metal properties. (Four years training is generally necessary for satisfactory work performance in this field.)

TOOL PLANNERS

Determine tools, fixtures, and equipment to be used and plan sequence of operations for fabrication and assembly of products, such as airplane assemblies, automobile parts, cutting tools, and ball bearings. (Six years training is generally necessary for satisfactory work performance in this field.)

TURRET-LATHE OPERATORS

Set up and operate turret lathes to perform series of machining operations, such as turning, facing, boring, and tapping, on metal workpieces, such as machine, tool, or die parts, analyzing specifications and deciding on tooling according to knowledge of machining operations. (Four years training is generally necessary for satisfactory work performance in this field.)

WATCHMAKERS

Repair, clean, and adjust mechanisms of instruments, such as watches, time-clocks, and timing switches, using handtools and measuring instruments. (Four years training is generally required for satisfactory work performance in this field.)

WHEEL-ALINEMENT MECHANICS

Aline wheels, axles, frames, torsion bars, and steering mechanisms of automotive vehicles, such as automobiles, buses, and trucks. (Two years training is generally necessary for satisfactory work performance in this field.)

II

Any person qualified as a professional or who has exceptional ability in the sciences or arts and whose occupation is not listed on Schedule A. (Certification requires full documentation as defined in instructions for completion of the Form 575–A.)

(79 Stat. 911)

Signed at Washington, D.C., this 20th day of January, 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-876; Filed, Jan. 24, 1967; 8:48 a.m.]

Title 46—SHIPPING

Chapter III—Great Lakes Pilotage Administration, Department of Commerce

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Requirements for Training of Applicant Pilots

The significant stabilization of the number of licensed deck officer personnel employed on American Flag Great Lakes Fleet vessels over the past several years and the concurrent increased demand for licensed deck officer personnel on vessels supporting the U.S. Viet Nam commitment has drastically reduced the available manpower resources for recruitment of replacement and needed additional U.S. registered pilots on the Great Lakes.

A temporary suspension of the requirement that the necessary experience be acquired within five years of date of application has been deemed necessary and desirable in the public interest in order to recruit applicant pilots apparently available and otherwise qualified to meet the substantial increased demand for pilotage services on Lake Ontario and District No. 2.

Because of the urgent need and the time required to solicit and process applications in time for such applicants to be available for training during the 1967 navigation season it has been determined that public rule making procedure would be impractical and omission thereof in the public interest.

Therefore, notice is hereby given that the language requiring the necessary experience be within 5 years of the application is temporarily suspended; and from date of this publication until June 30, 1967, the language in § 401.211(a)(3) "* * * has within 5 years preceding date of application * * *" will not be applicable.

Dated: January 10, 1967.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 67-878; Filed, Jan. 24, 1967; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-100]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Vandalia, Ill., terminal area.

The Vandalia, Ill., transition area is presently designated as follows:

That airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 5 miles E and 8 miles W of the Vandalia 003° and 183° radials extending from the 10-mile radius area to 12 miles N of the VOR; within an area bounded on the S by V-14N, on the NW by V-191, on the E by a line 8 miles W of and parallel to the 003° radial; and within an area bounded on the N by V-14 and V-210, on the E by the arc of a 10-mile radius circle centered on the Vandalia Municipal Airport, on the SW by the arc of a 40-mile radius circle centered on the Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°57'05" W.); and that airspace extending upward from 3,000 feet MSL within an area bounded on the W by V-191, on the E by V-313, and on the S by a line 12 miles N of the Vandalia VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Vandalia, Ill., terminal area, as the result of the development of a VOR/DME public use instrument approach procedure at the Vandalia Municipal Airport, utilizing the Vandalia VORTAC as a navigational aid, proposes the following airspace action:

Redesignate the Vandalia, Ill., transition area as that airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); and within a 14-mile radius of the Vandalia VORTAC; and that airspace extending upward from 3,000 feet MSL within an area bounded on the W by V-191, on the E by V-313 and on the S by the arc of a 14-mile radius circle centered on the Vandalia VORTAC.

The proposed 1,200 foot floor transition area will provide controlled airspace protection for aircraft during the portion of the approach procedure executed above 1,500 feet above the surface. This transition area in conjunction with the 3,000-foot MSL floor transition area will provide more efficient radar service to aircraft.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

Specific details of this proposal and the approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on January 6, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-829; Filed, Jan. 24, 1967; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD METHOD FOR CALCULATING RADIATION

Order Extending Time for Filing Comments

In the matter of amendment of Part 73 of the Commission rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the Standard Broadcast Service; Docket No. 16222.

1. The Commission issued a notice of proposed rule making in the above entitled matter on October 8, 1965. At the request of the Association of Federal Communications Consulting Engineers (Association) and A. Earl Cullum, Jr. & Associates, the time for filing comments on the proposal was extended to January 14, 1967, and for reply comments, to February 17, 1967.

2. The Association now requests that the time for filing comments be extended for an additional 6 months because of new matters which have developed and the necessity of exploring modified procedures of computing MEOV and other matters relating to directive antenna systems. These are presently being discussed with the Commission staff and further conferences will be required.

3. Under the circumstances, the Commission is of the view that the extension requested is justified: *And accordingly, it is ordered*, This 12th day of January, 1967, that the time for filing comments herein is extended from January 14, 1967, to July 14, 1967, and the time for filing reply comments is extended from February 17, 1967, to August 14, 1967.

4. This action is taken pursuant to authority found 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: January 20, 1967.

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

[F.R. Doc. 67-881; Filed, Jan. 24, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17108; FCC 67-87]

TELEVISION BROADCAST CHANNELS; TABLE OF ASSIGNMENTS

Proposed Replacement of Short-Spaced Assignment at Lake City, Fla.

1. A recent examination of the table of assignments for UHF television broadcast channels revealed that Channel 34 assigned to Lake City, Fla., does not meet the minimum geographic separation requirement with respect to Channel 20 assigned to Gainesville, Fla. The geographic separation should be at least 60 miles. The actual distance between the standard reference point in Lake City and the standard reference point in Gainesville is only 40.263 miles.

2. A further study shows that Channel 41 may be substituted for Channel 34 in Lake City in full compliance with all required geographic separations and consistent with the efficiency criteria used in creating the overall assignment plan. Therefore, Channel 41 is considered to be the preferred assignment.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by deleting Channel 34 from Lake City, Fla., and substituting therefor Channel 41.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before February 27, 1967, and reply comments on or before March 10, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: January 18, 1967.

Released: January 20, 1967.

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

[F.R. Doc. 67-882; Filed, Jan. 24, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17109; FCC 67-88]

TELEVISION BROADCAST CHANNELS; TABLE OF ASSIGNMENTS

Proposed Replacement of Short-Spaced Assignment at Lansing, Mich.

1. A recent examination of the table of assignments for UHF television broadcast channels revealed that Channel 47 assigned to Lansing, Mich., does not meet the minimum geographic separation requirement with respect to the transmitter site of WXON, Channel 62, Detroit, Mich. The geographic separation should be at least 75 miles. The actual distance between the standard reference point in Lansing and the transmitter site of WXON is only 65.635 miles.

2. A further study shows that Channel 36 may be substituted for Channel 47 in Lansing in full compliance with all required geographic separations and consistent with the efficiency criteria used in creating the overall assignment plan. Therefore, Channel 36 is considered to be the preferred assignment.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by deleting Channel 47 from Lansing, Mich., and substituting therefor Channel 36.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before February 27, 1967, and reply comments on or before March 10, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: January 18, 1967.

Released: January 20, 1967.

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

[F.R. Doc. 67-883; Filed, Jan. 24, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17110; FCC 67-89]

TELEVISION BROADCAST CHANNELS; TABLE OF ASSIGNMENTS

Proposed Replacement of Short-Spaced Assignment at Temple, Tex.

1. A recent examination of the table of assignments for UHF television broadcast channels revealed that Channel 28 assigned to Temple, Tex., does not meet the minimum geographic separation requirement with respect to the transmitter site of KHFI-TV, Channel 42, Austin, Tex. The geographic separation should be at least 60 miles. The actual distance between the standard reference point in Temple and the transmitter site of KHFI-TV is only 59.064 miles.

2. A further study shows that Channel 46 may be substituted for Channel 28 in Temple in full compliance with all required geographic separations and consistent with the efficiency criteria used in creating the overall assignment plan. Although the shortage between Channel 28 at Temple and Channel 42 at Austin is relatively small, retention of Channel 28 in Temple would restrict the choice of a transmitter site to a location north of the city. Therefore, Channel 46 is considered to be the preferred assignment.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by deleting Channel 28 from Temple, Tex., and substituting therefor Channel 46.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before February 27, 1967, and reply comments on or before March 10, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: January 18, 1967.

Released: January 20, 1967.

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

[F.R. Doc. 67-884; Filed, Jan. 24, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17111, RM-1050; FCC 67-90]

UHF TELEVISION BROADCAST CHANNEL

Table of Assignments; Crossville, Tenn.

1. On October 20, 1966, Millard V. Oakley Broadcasting Co. filed a petition for rule making (RM-1050) requesting the assignment of Channel 20 or some other suitable UHF television broadcast channel to Crossville, Tenn. In support thereof, the petitioner states that Crossville is a rapidly growing community with a 1960 population of 4,668 and estimated to have risen to 6,000 in 1966. According to the petitioner, Crossville enjoys a highly diversified economy from truck farming and a local cannery to a textile mill, housetrailer factory, rubber products plant, Carter Ink plant, woodworking and furniture factories. With two airports, golf courses, several lake developments, and a State Park nearby, Crossville is rapidly becoming known as one of the finest resort areas in Tennessee. Crossville has daily airline service at one of its modern airports and the Federal Aviation Agency maintains a full-time Flight Service and Weather Station there. The petitioner states that if a UHF channel is assigned to Crossville he will promptly file an application for authority to construct and operate a TV broadcast station thereon.

2. Crossville is located in east-central Tennessee, approximately 65 miles west of Knoxville, 65 miles north of Chattanooga, and 120 miles east of Nashville, Tenn. Although it is beyond the Grade B contours of the Knoxville and Chattanooga TV stations it apparently relies heavily upon direct reception from those two cities. The 1966 edition of the TV Factbook does not list any CATV system for Crossville. Southeastern Broadcasting Corp., licensee of WBIR-TV, Channel 10, Knoxville, Tenn., operates a 1-watt VHF translator on Channel 7 at Crossville.

3. Channel 20 is already assigned to Crossville and reserved for educational use as a part of the Tennessee statewide educational TV broadcasting system. Therefore, it is not available to the petitioner. However, an examination of assignment possibilities at Crossville shows that Channel 55 may be assigned

with geographic flexibility for the selection of a transmitter site of at least 10 miles cochannel and 5 miles on the "taboo" channels. Crossville is in an area where available but unassigned channels are considered to be adequate. Under the circumstances, the institution of rule making appears warranted.

4. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by assigning Channel 55 to Crossville, Tenn.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before February 27, 1967, and reply comments on or before March 10, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: January 18, 1967.

Released: January 20, 1967.

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

[F.R. Doc. 67-885; Filed, Jan. 24, 1967; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17112, RM-1053; FCC 67-96]

UHF TELEVISION BROADCAST CHANNEL

Table of Assignments; Kenosha, Wis.

1. On October 24, 1966, Perry John Anderson filed a petition for rule making requesting the assignment of Channel 61 to Kenosha, Wis. In support thereof, the petitioner notes that Channel 61 was at one time assigned to Kenosha but was not included in the revised assignment table for UHF channels adopted as a result of the proceedings in Docket No. 14229. The petitioner asserts that he wishes to construct a television broadcast station in Kenosha but cannot do so unless the Commission reinstates Channel 61. Petitioner recognizes that he could apply for Channel 49, currently assigned to Racine, Wis., and available to Kenosha under the so-called "15 mile rule", but does not wish to do so because there are already two pending applications for that channel in Racine. The petitioner estimates the present population of Kenosha to be approximately 75,000 and recites statistics concerning average individual income, industrial and commercial activities, educational and recreational facilities and transportation systems serving the city.

2. Kenosha is located between Chicago and Milwaukee, on the shores of Lake Michigan, approximately 35 miles from Milwaukee and 50 miles from Chicago. It is within the Grade A contour of the three Milwaukee VHF commercial stations and just beyond the Grade A contour of the Milwaukee UHF commercial station. It is also within the Grade B contour of the Chicago VHF and UHF stations. Despite this fact, there are 4 pending applications for CATV franchises in Kenosha according to the 1966 edition of the TV Factbook. Kenosha is only about 10 miles from Racine, Wis., a somewhat larger city with a 1960 population of 89,144. In a "saturated" assignment plan, Kenosha would normally warrant an assignment in spite of its proximity to Racine. However, in the present unsaturated plan, only one channel was placed in this general area because the effect of heavy "overshadowing" by Milwaukee and Chicago TV stations and the demand for channels could not be accurately evaluated. In view of the apparent demand that has developed, the institution of rule making appears warranted.

3. We have examined the assignment possibilities at Kenosha based on a current computer printout of available channels below Channel 70 and find that any 3 out of 4 available channels may be assigned in the area. Using the criteria employed in developing the overall UHF assignment plan it is found that Channel 55 may be assigned with geographic flexibility of at least 10 miles cochannel and 5 miles on the "taboo" channels and would have the least impact on other available assignments within 165 miles of Kenosha.

4. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in § 73.606(b) of the Commission rules by assigning Channel 55 to Kenosha, Wis.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before February 27, 1967, and reply comments on or before March 10, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: January 18, 1967.

Released: January 20, 1967.

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

[F.R. Doc. 67-886; Filed, Jan. 24, 1967; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

FEDERAL RESERVE SYSTEM

[12 CFR Part 213]

FOREIGN ACTIVITIES OF NATIONAL BANKS

Notice of Proposed Rule Making

A notice of proposed rule making concerning adoption by the Board of Governors of the Federal Reserve System of a revision of Part 213 (Reg. M)—Foreign Branches of National Banks—pursuant to section 25 of the Federal Reserve Act (12 U.S.C. 601–604(a)) was published in the FEDERAL REGISTER on August 16, 1966. That notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than September 20, 1966.

After consideration of the comments and views submitted, the Board of Governors has amended the proposed revision. The major amendments to the previous notice are those increasing the aggregate percentage which a national bank may invest in foreign banks (§ 213.4), and deleting the restrictions on loans or extensions of credit by national banks to foreign banks contained in § 213.5 of the prior notice of proposed rule making.

If § 213.5 is finally adopted, the Board also proposes to make a conforming amendment to Part 211 (Reg. K) by deleting § 211.9(d).

The proposed amended revision of Part 213 is as follows:

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS [1]

Sec.
213.1 Authority and scope.
213.2 Definitions.
213.3 Foreign branches.
213.4 Acquisition and holding of stock in foreign banks.
213.5 Loans or extensions of credit to foreign banks.
213.6 Conditions.

§ 213.1 Authority and scope.[1a]

Pursuant to authority conferred upon it by section 25 of the Federal Reserve Act [2] (the "Act"), as amended (12 U.S.C. 601–604a), the Board of Governors of the Federal Reserve System (the "Board") prescribes the following regulations relating to (a) foreign branches of national banks, (b) the acquisition and holding of stock in foreign banks by national banks, and (c) loans or extensions of credit to or for the account of such foreign banks by national banks.

§ 213.2 Definitions.

For the purposes of this part—

[1] The text corresponds to the Code of Federal Regulations, Title 12, Chapter II, Part 213; cited as 12 CFR Part 213. The subject matter of this part is in addition to that contained in 12 CFR Part 211 (Reg. K).

[1a] Insofar as provisions of Federal law are concerned, the provisions of this part apply to State member banks of the Federal Reserve System as well as to national banks.

[2] Pertinent portions of this section are printed in the appendix.

(a) "Foreign branch" means any branch established by a national bank pursuant to section 25 of the Act.

(b) "Foreign country" or "country" means any foreign nation or colony, dependency, or possession thereof, any overseas territory, dependency, or insular possession of the United States, or the Commonwealth of Puerto Rico.

(c) "Foreign bank" means a bank organized under the law of a foreign country and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the Board of Governors of the Federal Reserve System, shall be incidental to the international or foreign business of such foreign bank.

§ 213.3 Foreign branches.

(a) *Establishing foreign branches.* A foreign branch may be established with prior Board permission. If a national bank has established a branch in a foreign country, it may, unless otherwise advised by the Board, establish other branches in that country after thirty days' notice to the Board with respect to each such branch.

(b) *Further powers of foreign branches.* In addition to its other powers, a foreign branch may, subject to paragraph (c) of this section and § 213.6 and so far as usual in connection with the transaction of the business of banking in the places where it shall transact business:

(1) Guarantee customers' debts or otherwise agree for their benefit to make payments on the occurrence of readily ascertainable events,[3] if the guarantee or agreement specifies its maximum monetary liability thereunder; but, except to the extent secured with respect thereto, no national bank may have such liabilities outstanding (i) in an aggregate amount exceeding 50 percent of its capital and surplus or (ii) for any customer in excess of the amount by which 10 percent of its capital and surplus exceeds the aggregate of such customer's "obligations" to it which are subject to any limitation under section 5200 of the Revised Statutes (12 U.S.C. 84);

(2) Accept drafts or bills of exchange drawn upon it, which shall be treated as "commercial drafts or bills" for the purposes of paragraphs (c), (d), and (e) of § 203.1 of Part 203 of this chapter (Reg. C);

(3) Acquire and hold securities (including certificates or other evidences of ownership or participation) of the central bank, clearing houses, governmental entities, and development banks of the country in which it is located, unless after such an acquisition the aggregate amount invested by the branch in such securities (exclusive of securities held as required by the law of that country or as authorized under section 5136 of the Revised Statutes (12 U.S.C. 24)) would exceed 1 percent of its total deposits on the preceding year-end call report date (or on the date of such acquisition in the case of a newly-established branch which has not so reported);

(4) Underwrite, distribute, buy, and sell obligations of the national government of the country in which it is located;[4] but not bank may hold, or be under commitment with respect to, obligations of such a government as a result of underwriting, dealing in, or purchasing for its own account in an aggregate amount exceeding 10 percent of its capital and surplus;

(5) Take liens or other encumbrances on foreign real estate in connection with its extensions of credit, whether or not of first priority and whether or not such real estate is improved or has been appraised, and without regard to the maturity or amount limitations or amortization requirements of section 24 of the Act (12 U.S.C. 371);

(6) Extend credit to an executive officer of the branch in an amount not to exceed $50,000 or its equivalent in order to finance the acquisition or construction of living quarters to be used as his residence abroad, provided each such credit extension is promptly reported to its home office;

(7) Pay to any officer or employee of the branch a greater rate of interest on deposits than that paid to other depositors on similar deposits with the branch.

(c) *Limitations.* Nothing in paragraph (b) of this section shall authorize a foreign branch to engage in the general business of producing, distributing, buying, or selling goods, wares, or merchandise or, except as permitted by paragraph (b)(4) of this section, to engage or participate, directly or indirectly, in the business of underwriting, selling, or distributing securities.

(d) *Suspending operations during disturbed conditions.* The officer in charge of a foreign branch may suspend its operations during disturbed conditions which, in his judgment, make conduct of such operations impracticable; but every effort shall be made before and during such suspension to serve its depositors and customers. Full information concerning any such suspension shall be promptly reported to the branch's home office, which shall immediately send a copy thereof to the Board through the Federal Reserve Bank of its district.

§ 213.4 Acquisition and holding of stock in foreign banks.

(a) *General.* With the prior consent of the Board, and subject to the provisions of section 25 of the Act and this part, a national bank may acquire and hold directly or indirectly[5] the stock or other evidences of ownership in one or more foreign banks: *Provided*, That the aggregate amount invested directly in the stock or other evidences of ownership of all foreign banks, taken together with investments by the national bank in the shares of corporations operating under section 25 of the Act or organized under section 25(a) of the Act, shall not exceed 25 percent of the national bank's capital and surplus. Nothing contained in this part shall prevent the acquisition and holding of stock or other evidence of ownership in a foreign bank where such acquisition is necessary to prevent a loss upon a debt previously contracted in good faith; but such stock or other evidences of ownership shall be disposed of within 12 months from the date of acquisition unless such time is extended by the Board.

(b) *Limitations.* (1) Stock or other evidences of ownership in a foreign bank shall be disposed of as promptly as practicable if (i) such bank should engage in the business of underwriting, selling, or distributing securities in the United States or (ii) the national bank is advised by the Board that its holding is inappropriate under section 25 of the Act or this part. The terms "stock", "shares", and "evidences of ownership" in this section include any right to acquire stock, shares, or evidences of ownership.

(c) *Required information.* A national bank applying for the consent of the Board to acquire and hold stock or other evidences of ownership in a foreign bank pursuant to this section shall furnish full information concerning such foreign bank including (unless previously furnished): (1) The cost, number, and class of shares to be acquired, and the proposed carrying value of such shares on the books of the national bank; (2) recent balance sheet and income statement of the foreign bank; (3) brief description of the foreign bank's business (including full information concerning any direct or indirect business transacted in the United States); (4) lists of directors and principal officers (with address and principal business affiliation of each) and of all shareholders known to the issuing bank holding 10 percent or more of any class of the foreign bank's stock or other evidences of ownership, and the amount held by each; and (5) information concerning the rights and privileges of the various classes of shares outstanding.

(d) *Reports.* (1) A national bank shall immediately inform the Board through the Federal Reserve Bank of its district with respect to any acquisition or disposition of stock in a foreign bank including the cost and number of shares acquired pursuant to this section.

(2) When requested by the Board, a national bank shall cause any foreign bank controlled by it (i) to make reports to the Board at such time and in such form as the Board may prescribe; and (ii) to submit to examination by examiners selected or auditors approved by the Board. The cost of such examinations shall be fixed by the Board and paid by the national bank.

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[3] Including, but limited to, such types of events as nonpayment of taxes, rentals, customs duties, or costs of transport and loss or nonconformance of shipping documents.

[4] Including obligations issued by any agency or instrumentality, and supported by the full faith and credit, of such government.

[5] However, prior consent of the Board is not required hereunder for indirect acquisitions in the stock of foreign banks made pursuant to the general consent provisions of § 211.8(a) (Reg. K).

§ 213.5 Loans or extensions of credit to foreign banks.

(a) A national bank which holds directly or indirectly * stock or other evidences of ownership in a foreign bank may make loans or extensions of credit to or for the account of such foreign bank without regard to the provisions of section 23A of the Act.

§ 213.6 Conditions.

(a) The continued or prospective exercise of any power under this part shall be subject to any notice interpreting or applying it that a national bank may receive from the Board, and such bank shall immediately comply therewith.

(b) The Board may from time to time require a national bank to make reports at such time and in such form as the Board may prescribe regarding the exercise of any power hereunder and to submit information regarding compliance with this part.

This notice is published pursuant to section 553 of title 5, United States Code, and section 1(b) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board of Governors, interested persons are invited to submit relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district, which will forward it to the Board for consideration. All such material should be submitted in writing to be received not later than the 10th day of February 1967.

Dated at Washington, D.C., this 19th day of January 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-842; Filed, Jan. 24, 1967; 8:45 a.m.]

* Whether through a corporation operating under section 25 of the Act or organized under section 25(a) of the Act, or otherwise.

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

GEORG HIRSCHFELDT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the adminstration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Georg Hirschfeldt, Apartado de Correos, 421, Malaga, Spain; Claim No. 63971; Vesting Order No. 4229; $81.24 in the Treasury of the United States.

Executed at Washington, D.C., on January 19, 1967.

For the Attorney General.

BAREFOOT SANDERS,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[F.R. Doc. 67-828; Filed, Jan. 24, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AREA MANAGERS, MISSOULA DISTRICT, MONT.

Redelegation of Authority

In accordance with Bureau Order No. 701 dated July 23, 1964, as amended, the Area Managers of the Missoula and Helena Resource Areas of the Missoula District, Mont., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended, together with any limitations specified below:

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 *Fiscal affairs.* The Area Manager may take all action on:

(d) Determine liability and accept damages for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation.

(e) Controlled brush burning. In accordance with plans and specifications approved by the State Director.

SEC. 3.8 *Forest management.* The Area Manager may take all actions on:

(a) Dispose of or permit the use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR. This authority does not include sale of forest products exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all actions on:

(g) Material other than forest products not exceeding $100 in value.

(m) Grant logging road rights-of-way over public and acquired land pursuant to 43 CFR 2234.2-3(a)(2).

EDWARD G. STAUBER,
District Manager.

Approved: December 29, 1966.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-843; Filed, Jan. 24, 1967; 8:46 a.m.]

AREA MANAGERS, MALTA DISTRICT, MONT.

Redelegation of Authority

In accordance with Bureau Order No. 701 dated July 23, 1964, as amended, the Area Managers of the Glacier, Blaine, Phillips, and Valley Resource Areas of the Malta District, Mont., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended, together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 *Fiscal affairs.* The Area Manager may take all action on:

(d) Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses to graze or trail livestock.

(3) Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation.

SEC. 3.8 *Forest management.* The Area Manager may take all actions on:

(a) Dispose of or permit the use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR. This authority does not include sale of forest products exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

NYLES L. HUMPHREY,
District Manager.

Approved: December 29, 1966.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-844; Filed, Jan. 24, 1967; 8:46 a.m.]

AREA MANAGERS, LEWISTOWN DISTRICT, MONT.

Redelegation of Authority

In accordance with Bureau Order No. 701 dated July 23, 1964, as amended, the Area Managers of the Judith, Black Butte, and Roundup Resource Areas of the Lewistown District, Mont., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended, together with any limitations specified below:

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 *Fiscal affairs.* The Area Manager may take all action on:

(d) Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses to graze or trail livestock.

(3) Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation.

SEC. 3.8 *Forest management.* The Area Manager may take all actions on:

(a) Dispose of or permit the use of forest products when authorized by law

on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR. This authority does not include sale of forest products exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

GARTH M. COLTON,
District Manager.

Approved: December 29, 1966.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-845; Filed, Jan. 24, 1967; 8:46 a.m.]

AREA MANAGERS, MILES CITY DISTRICT, MONT.

Redelegation of Authority

In accordance with Bureau Order No. 701 dated July 23, 1964, as amended, the Area Managers of the Big Dry, Prairie, Powder River Resource Areas, and Little Beaver and Makotapi Project Areas, of the Miles City District, Mont., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended, together with any limitations specified below:

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 *Fiscal affairs.* The Area Manager may take all action on:

(d) Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

SEC. 3.7 *Range management.* The Area Manager may take all the listed actions on:

(a) Licenses to graze or trail livestock.

(3) Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(b) Grazing leases.

(d) Soil and moisture conservation.

SEC. 3.8 *Forest management.* The Area Manager may take all actions on:

(a) Dispose of or permit the use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR. This authority does not include sale of forest products exceeding $100.

SEC. 3.9 *Land use.* The Area Manager may take all actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

L. M. LAITALA,
District Manager.

Approved: December 29, 1966.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-846; Filed, Jan. 24, 1967; 8:46 a.m.]

AREA MANAGERS, DILLON DISTRICT, MONT.

Redelegation of Authority

In accordance with Bureau Order No. 701 dated July 23, 1964, as amended, the Area Managers of the Lewis and Clark, and Sacajawea Resource Areas of the Dillon District, Mont., are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitation set forth in Bureau Order No. 701, as amended, together with any limitations specified below:

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 *Fiscal affairs.* The Area Manager may take all action on:

(d) Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

SEC. 3.7 *Range management.* The Area Manager may take all listed action on:

(a) Licenses to trail or graze livestock except conflicting or adverse decisions.

(3) Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(b) Grazing leases, except conflicting or adverse decisions.

(d) Soil and moisture conservation.

SEC. 3.8 *Forest management.* The Area Manager may take all action on:

(a) Dispose of or permit the use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management under applicable portions of 43 CFR. This authority does not include sale of forest products exceeding $100 in value.

SEC. 3.9 *Land use.* The Area Manager may take all actions on:

(g) Material other than forest products not exceeding $100 in value.

This order will become effective upon publication in the FEDERAL REGISTER.

R. MCELDERY,
District Manager.

Approved: December 29, 1966.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-847; Filed, Jan. 24, 1967; 8:46 a.m.]

[OR 898 (WASH.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

JANUARY 16, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number OR898 (Wash.), for the withdrawal of the public lands described below, from all forms of appropriation under the mining laws (Ch. 2, 30 U.S.C.) but not from leasing under the mineral leasing laws.

The applicant desires the land in order to protect the Klip Chuck Campground area for public recreational use and to safeguard the Government's present and future investments in the area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

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

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

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN

OKANOGAN NATIONAL FOREST

Klip Chuck Campground

T. 36 N., R. 19 E., unsurveyed (Protraction approved Jan. 9, 1964, filed May 1, 1964),
Sec. 29, S½NW¼;
Sec. 30, NE¼NE¼.

The area described aggregates 120 acres.

ERLING A. OLSON,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-848; Filed, Jan. 24, 1967; 8:46 a.m.]

Fish and Wildlife Service

CHUPADERA, INDIAN WELL, AND LITTLE SAN PASCUAL UNITS

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on March 29, 1967, at the National Guard Armory on Highway 60 about one-half mile southwest of Socorro, Socorro County, N. Mex., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Chupadera, Indian Well, and Little San Pascual study areas in the National Wilderness Preservation System. The study units consist of a total of approximately 37,735 acres within the Bosque del Apache National Wildlife Refuge, and are located in Socorro County, State of New Mexico.

A brochure containing a map and information about the Chupadera, Indian Well, and Little San Pascual units may be obtained from the Refuge Manager, Bosque del Apache National Wildlife Refuge, Post Office Box 278, San Antonio, N. Mex. 87832, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Individuals or organizations may express their oral or written view by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by March 29, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-942; Filed, Jan. 24, 1967; 8:50 a.m.]

COPALIS, QUILLAYUTE NEEDLES, AND FLATTERY ROCKS NATIONAL WILDLIFE REFUGES

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on March 28, 1967, at the VFW Hall, 105½ East Heron, Aberdeen, Grays Harbor County, Wash., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including Copalis, Flattery Rocks, and Quillayute Needles National Wildlife Refuges in the National Wilderness Preservation System. Copalis Refuge contains approximately 5 acres in Grays Harbor County; Flattery Rocks Refuge 125 acres in Clallam County; and Quillayute Needles Refuge comprises 117 acres in Clallam and Jefferson Counties, State of Washington.

A brochure containing a map and information about these units may be obtained from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or may submit written comments for inclusion in the official record to the Regional Director at the above address by March 28, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-943; Filed, Jan. 24, 1967; 8:50 a.m.]

CEDAR KEYS UNIT

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on April 7, 1967, at the Don Ce-Sar Office Building, St. Petersburg Beach, Pinellas County, Fla., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Cedar Keys Unit in the National Wilderness Preservation System. The Unit consists of approximately 378 acres within the Cedar Keys National Wildlife Refuge, and is located in Levy County, State of Florida.

A brochure containing a map and information about the Cedar Keys Unit may be obtained from the Refuge Manager, Chassahowitzka National Wildlife Refuge, Route 1, Box 153, Homosassa, Fla. 32646, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by April 7, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-944; Filed, Jan. 24, 1967; 8:50 a.m.]

ISLAND BAY UNIT

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on April 7, 1967, at the Don Ce-Sar Office Building, St. Petersburg Beach, Pinellas County, Fla., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Island Bay Unit in the National Wilderness Preservation System. The Unit consists of approximately 20 acres within the Island Bay National Wildlife Refuge, and is located in Charlotte County, State of Florida.

A brochure containing a map and information about the Island Bay Unit may be obtained from the Refuge Manager, Chassahowitzka National Wildlife Refuge, Route 1, Box 153, Homosassa, Fla. 32646, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by April 7, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-945; Filed, Jan. 24, 1967; 8:50 a.m.]

MICHIGAN ISLANDS

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on March 29, 1967, at the County Fairgrounds, Petoskey, Emmet County, Mich., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Michigan Islands Unit in the National Wilderness Preservation System. The Unit consists of approximately 12 acres within the Michigan Islands National Wildlife Refuge, and is located in Charlevoix and Alpena Counties, State of Michigan.

A brochure containing a map and information about the Michigan Islands Unit may be obtained from the Refuge Manager, Shiawassee National Wildlife Refuge, Rural Route No. 1, Saginaw, Mich., or the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 29, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-946; Filed, Jan. 24, 1967; 8:50 a.m.]

PASSAGE KEY UNIT

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on April 7, 1967, at the Don CeSar Office Building, St. Petersburg Beach, Pinellas County, Fla., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Passage Key Unit in the National Wilderness Preservation System. The Unit consists of approximately 20 acres within the Passage Key National Wildlife Refuge, and is located in Manatee County, State of Florida.

A brochure containing a map and information about the Passage Key Unit may be obtained from the Refuge Manager, Chassahowitzka National Wildlife Refuge, Route 1, Box 153, Homosassa, Fla. 32646, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by April 7, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-947; Filed, Jan. 24, 1967; 8:50 a.m.]

PELICAN ISLAND UNIT

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on April 5, 1967, at the New Community Building, Vero Beach, Indian River County, Fla., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Pelican Island Unit in the National Wilderness Preservation System. The Unit consists of approximately 616 acres within the Pelican Island National Wildlife Refuge, and is located in Indian River County, State of Florida.

A brochure containing a map and information about the Pelican Island Unit may be obtained from the Refuge Manager, Merritt Island National Wildlife Refuge, Box 956, Titusville, Fla. 32780, or the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by April 5, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-948; Filed, Jan. 24, 1967; 8:50 a.m.]

THREE ARCH ROCKS AND OREGON ISLANDS NATIONAL WILDLIFE REFUGES

Notice of Public Hearing Regarding Wilderness Study

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on April 4, 1967, at the Auditorium, Extension Service Building, 950 West 13th Avenue (immediately west of Fairgrounds), in Eugene, Lane County, Oreg., on a study leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including Three Arch Rocks and Oregon Islands National Wildlife Refuges in the National Wilderness Preservation System. Three Arch Rocks consists of approximately 17 acres in Tillamook County, Oreg.; Oregon Islands Refuge comprises 21 acres in Curry County, Oreg.

A brochure containing a map and information about these areas may be obtained from the Refuge Manager, William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Director at the above address by April 4, 1967.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1967.

[F.R. Doc. 67-949; Filed, Jan. 24, 1967; 8:50 a.m.]

National Park Service

[Order No. 6]

NATCHEZ TRACE PARKWAY

Assistant Superintendent et al.; Delegation of Authority Regarding Contracts for Supplies, Equipment or Services

1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve, and administer contracts not in excess of $100,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and availability of allotted funds. This authority may be exercised by the Assistant Superintendent for all areas under the administrative jurisdiction of the Superintendent.

2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and availability of allotted funds. This authority may be exercised by the Administrative Officer for all areas under the administrative jurisdiction of the Superintendent.

3. *General Supply Specialist.* The General Supply Specialist may execute, approve, and administer contracts not in access of $25,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and availability of allotted funds. This authority may be exercised by the General Supply Specialist for all areas under the administrative jurisdiction of the Superintendent.

4. *District Park Rangers.* The District Park Rangers in grades GS-9 and above may issue purchase orders not in excess of $300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

5. *Construction and Maintenance Representatives.* Construction and Maintenance Representatives in grades GS-9 and above may issue purchase orders not in excess of $300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

6. *Foremen III.* Foremen III may issue purchase orders not in excess of $300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

7. *Revocation.* This order supersedes Order No. 5 which was issued March 25, 1963.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 4 (31 F.R. 8135))

Dated: December 20, 1966.

MALCOLM GARDNER,
Superintendent, Natchez Trace Parkway.

[F.R. Doc. 67-849; Filed, Jan. 24, 1967; 8:46 a.m.]

Office of the Secretary

EDWARD T. AUGUSTINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 5, 1967.

Dated: January 5, 1967.

EDWARD T. AUGUSTINE.

[F.R. Doc. 67-850; Filed, Jan. 24, 1967; 8:46 a.m.]

LORAN A. EISELE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 6, 1967.

Dated: January 6, 1967.

LORAN A. EISELE.

[F.R. Doc. 67-851; Filed, Jan. 24, 1967; 8:46 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1966.

Dated: January 9, 1967.

A. PAT JONES.

[F.R. Doc. 67-852; Filed, Jan. 24, 1967; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 5, 1967.

Dated: January 5, 1967.

VIVAN B. JONES.

[F.R. Doc. 67-853; Filed, Jan. 24, 1967; 8:46 a.m.]

GEORGE V. KENNEDY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 11, 1967.

Dated: January 11, 1967.

GEORGE V. KENNEDY.

[F.R. Doc. 67-854; Filed, Jan. 24, 1967; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 9, 1967.

Dated: January 9, 1967.

MAX R. LLEWELLYN.

[F.R. Doc. 67-855; Filed, Jan. 24, 1967; 8:47 a.m.]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1967.

Dated: January 6, 1967.

CARLOS O. LOVE.

[F.R. Doc. 67-856; Filed, Jan. 24, 1967; 8:47 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of January 15, 1967.

Dated: January 16, 1967.

JOHN P. MADGETT.

[F.R. Doc. 67-857; Filed, Jan. 24, 1967; 8:47 a.m.]

CLARENCE WILBUR MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 11, 1967.

Dated: January 11, 1967.

CLARENCE WILBUR MAYOTT.

[F.R. Doc. 67-858; Filed, Jan. 24, 1967; 8:47 a.m.]

SAMUEL R. SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1967.

Dated: January 6, 1967.

RIGGS SHEPPERD.

[F.R. Doc. 67-859; Filed, Jan. 24, 1967; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 5, 1967.

Dated: January 5, 1967.

W. B. SIMONDS.

[F.R. Doc. 67-860; Filed, Jan. 24, 1967; 8:47 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 5, 1967.

Dated: January 5, 1967.

A. H. WADE, Jr.

[F.R. Doc. 67-861; Filed, Jan. 24, 1967; 8:47 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Appointee is currently participating in an employee stock purchase plan adopted by Niagara Mohawk Power Corp. effective January 1, 1965, and has elected the maximum participation possible which is 6 percent of appointee's annual salary.
(3) No change.
(4) No change.

This statement is made as of January 9, 1967.

Dated: January 9, 1967.

W. D. WILDER.

[F.R. Doc. 67-862; Filed, Jan. 24, 1967; 8:47 a.m.]

DIRECTOR, BUREAU OF MINES

Delegation of Authority

The following delegation is a portion of the Department of the Interior Manual and the numbering system is that of the Manual.

PART 215—BUREAU OF MINES DELEGATIONS

SEC. 215.9.1 *Delegation of authority.* Federal Coal Mine Safety Act. Except as provided in 200 DM 1, the Director, Bureau of Mines, is authorized to exercise the authority of the Secretary of the Interior under subsection (e) of section 212 of the Federal Coal Mine Safety Act (30 U.S.C. 482), as amended (P.L. 89-376, 80 Stat. 84).

The delegation of authority under the same part and section published in the FEDERAL REGISTER of October 21, 1966 (31 F.R. 13609) is hereby revoked.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 4, 1967.

[F.R. Doc. 67-870; Filed, Jan. 24, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[HMP 135a]

FROZEN CONCENTRATED ORANGE JUICE

Notice of Purchase Program

In order to encourage the domestic consumption of oranges by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the U.S. Department of Agriculture offers to purchase frozen concentrated orange juice processed from oranges produced in the continental United States. Purchases will be made on an offer and acceptance basis as a surplus removal activity. The Consumer and Marketing Service will distribute the juice for use in school lunch programs, summer camps for children, and charitable institutions. Details and specifications of the invitation to offer frozen orange concentrate are contained in Announcement FV-406 issued by the Department on January 17, 1967. Quantities purchased will depend on quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: January 20, 1967.

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

[F.R. Doc. 67-891; Filed, Jan. 24, 1967; 8:49 a.m.]

Office of the Secretary

INDIANA

Designation of Area for Emergency Loans

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

INDIANA

Rush.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county 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 19th day of January 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-868; Filed, Jan. 24, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order No. E-24652]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of January, 1967.

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 an IATA letter dated January 13, 1967,[1] as set forth in the attachment hereto, (1) names rates under existing commodity descriptions, and (2) reduces a rate under an existing commodity description. The new rates reflect reductions ranging from 28.0 to 67.3 percent and are consistent with the present level of specific commodity rates within the applicable area.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not

[1] Received in the Board Jan. 16, 1967 and filed as part of the original document.

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–12 through R–16, 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. 67–879; Filed, Jan. 24, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–8552 etc.]

DEPCO, INC., ET AL

Findings and Order After Statutory Hearing

JANUARY 17, 1967.

Findings and order after statutory hearing issuing small producer certificate of public convenience and necessity, amending orders issuing certificates, terminating certificates, redesignating FPC gas rate schedules, canceling FPC gas rate schedules, severing proceeding, terminating proceeding, substituting respondent, and accepting agreement and undertaking for filing.

Depco, Inc. (Applicant) has filed a petition to amend orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to International Oil & Gas Corp. (International) by authorizing Applicant to continue the sales of natural gas authorized in said orders in lieu of International and has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the petition and application and in the tabulation herein.

Applicant and Husky Oil Co. (Husky) have acquired all of the properties of International and propose to continue the sale of natural gas therefrom. Applicant requests authorization to continue the subject sales on its own behalf, on behalf of Husky, and on behalf of the other interest owners heretofore covered by International's certificates.

The sales of Mesa Verde and Dakota gas which Applicant proposes to continue pursuant to International's FPC Gas Rate Schedule No. 1 are made at a rate in effect subject to refund in Docket No. RI64–588. The sales which Applicant proposes to continue pursuant to International's FPC Gas Rate Schedule Nos. 4 and 6 are made at a rate in effect subject to refund in Docket No. RI64–634. Applicant has requested to be made co-respondent in said proceedings and has submitted an agreement and undertaking to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made co-respondent, the proceedings will be redesignated accordingly and the agreement and undertaking will be accepted for filing.

Applicant has filed an application in Docket No. CS67–16 for a small producer certificate of public convenience and necessity authorizing the sale of natural gas from the Permian Basin area of Texas and New Mexico. International is authorized to make certain sales from the Permian Basin and Applicant proposes to continue these sales pursuant to a small producer certificate. Said certificate will be effective on the date of this order and International's certificates for sales from the Permian Basin will be terminated and the related rate schedules canceled. The continuation by Applicant of International's sales from the Permian Basin will be approved as of the date of the transfer of the properties.

International is authorized to sell natural gas from the Permian Basin pursuant to its FPC Gas Rate Schedule No. 2 at a rate in effect subject to refund in Docket No. RI64–581 [1] which rate is below the applicable area ceiling rate prescribed in Opinion No. 468, 34 FPC 159. Therefore, the proceeding pending in Docket No. RI64–581 will be severed from the proceeding in Docket No. AR61–1, et al., and terminated.

After due notice no petition to intervene, notice of intervention or protest to the granting of the petition and application have been received.

At a hearing held on January 12, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the petition and application, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates to International should be amended by authorizing Applicant to continue the subject sales and the related rate schedules should be redesignated accordingly.

(2) Applicant, Depco, Inc., will be engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and will be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of service authorized in Docket No. CS67–16.

(3) The sales of natural gas hereinbefore described, as more fully described in the application in Docket No. CS67–16 and in the tabulation herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(4) Applicant is able and willing properly to do the acts and to perform the service proposed in the application filed in Docket No. CS67–16 and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) Applicant will be an independent producer of natural gas who is not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.[2]

(6) The sales of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and a small producer certificate of public convenience and necessity therefor should be issued in Docket No. CS67–16 as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in Docket Nos. G–19187 and CI65–679 should be terminated and the related rate schedules should be cancelled.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI64–581 should be severed from the consolidated proceeding in Docket No. AR61–1 et al., and terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be a co-respondent in the proceedings pending in Docket Nos. RI64–588 and RI64–634, that said proceedings should be redesignated accordingly and that the agreement and undertaking should be accepted for filing.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to In-

[1] Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61–1, et al., 34 FPC 424.

[2] Applicant's succession to International's interests will be approved as of Jan. 1, 1966, the effective date of the transfer of the producing properties, and the small producer certificate will be effective on the date of this order.

ternational are amended by substituting Applicant in lieu of International as certificate holder as hereinbefore described and as more fully described in the petition to amend and in the tabulation herein, and in all other respects said orders shall remain in full force and effect.

(B) The FPC gas rate schedules of International are redesignated as those of Applicant and supplements thereto are accepted for filing as of January 1, 1966, and are designated as shown in the tabulation herein.

(C) A small producer certificate of public convenience and necessity is issued in Docket No. CS67–16 upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicant from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(D) The certificate granted in paragraph (C) above is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly,

(a) The subject certificate shall be applicable only to all future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act, and

(c) Applicant shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(E) The certificate granted in paragraph (C) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificate because Applicant no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination Applicant will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificate will still be effective as to those sales already included thereunder.

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

(G) The certificate granted in paragraph (C) above shall be effective on the date of this order. The succession by Applicant to the interests of International is approved as of January 1, 1966.

(H) The certificates of public convenience and necessity heretofore issued to International in Docket Nos. G–19187 and CI65–679 are terminated.

(I) International Oil & Gas Corp. FPC Gas Rate Schedule Nos. 2 and 6 are canceled.

(J) The proceeding pending in Docket No. RI64–581 is severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61–1, et al., and terminated.

(K) Applicant shall be co-respondent in the proceedings pending in Docket Nos. RI64–588 and RI64–634, said proceedings are redesignated accordingly,[1] and the agreement and undertaking submitted in said proceedings by Applicant is accepted for filing.

(L) Applicant shall comply with the refunding and reporting requirements of the Natural Gas Act and § 154.102 of the Regulations thereunder, and the agreement and undertaking filed by Applicant in Docket Nos. RI64–588 and RI64–634 shall remain in full force and effect until discharged by the Commission.

By the Commission.

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

[1] Docket No. RI64–581, International Oil & Gas Corp. and Depco, Inc. et al. Docket No. RI64–634, International Oil & Gas Corp. (Operator) et al., and Depco, Inc. (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–8552..... E 9–14–66	Depco, Inc. (Operator) et al. (successor to International Oil & Gas Corp. (Operator) et al.).	United Gas Pipe Line Co., Emma Haynes Field, Goliad County, Tex.	International Oil & Gas Corp. (Operator) et al., FPC GRS No. 8.	8	.....
			Supplement Nos. 1–7	8	1–7
			Notice of succession 9–8–66.	.....	.....
			Assignment 5–26–66 [1]	8	8
G–11729..... E 9–14–66	.....do.....	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	International Oil & Gas Corp. (Operator) et al., FPC GRS No. 9.	9	.....
			Supplement Nos. 1–4	9	1–4
			Notice of succession 9–8–66.	.....	.....
			Assignment 5–26–66 [1]	9	5
G–14594..... E 9–14–66	Depco, Inc. et al., (successor to International Oil & Gas Corp.).	.....do.....	International Oil & Gas Corp., FPC GRS No. 10.	10	.....
			Supplement Nos. 1–4	10	1–4
			Notice of succession 9–8–66.	.....	.....
			Assignment 5–26–66 [1]	10	5
G–14833..... E 9–14–66	Depco, Inc. (Operator) et al. (successor to International Oil & Gas Corp. (operator) et al.).	El Paso Natural Gas Co., Blanco Field, Rio Arriba County, N. Mex.	International Oil & Gas Corp. (Operator) et al., FPC GRS No. 6.	6	.....
			Supplement Nos. 1–10	6	1–10
			Notice of succession 9–8–66.	.....	.....
			Assignment 5–26–66 [1]	6	11
G–14833..... E 9–14–66	.....do.....	.....do.....	International Oil & Gas Corp. (Operator) et al., FPC GRS No. 7.	7	.....
			Supplement Nos. 1–9	7	1–9
			Notice of succession 9–8–66.	.....	.....
			Assignment 5–26–66 [1]	7	10
G–18067..... E 9–14–66	Depco, Inc. et al. (successor to International Oil & Gas Corp.).	El Paso Natural Gas Co., Aztec and South Blanco Pictured Cliffs, Blanco Mesa Verde and Basin Dakota Fields, San Juan County, N. Mex.	International Oil & Gas Corp., FPC GRS No. 1.	1	.....
			Supplement Nos. 1–4	1	1–4
			Notice of succession 9–8–66.	.....	.....
			Assignment 5–26–66 [1]	1	5
CI66–23..... E 9–14–66	.....do.....	El Paso Natural Gas Co., Gallegos Gallup Field, San Juan County, N. Mex.	International Oil & Gas Corp., FPC GRS No. 3.	3	.....
			Notice of succession 9–8–66.	.....	.....
			Assignment 5–26–66 [1]	3	1

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

See footnote at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI62-851 E 9-14-66	Depco, Inc. (Operator) et al. (successor to International Oil & Gas Corp. (Operator) et al.).	El Paso Natural Gas Co., Blanco Field, Rio Arriba County, N. Mex.	International Oil & Gas Corp. (Operator) et al., FPC GRS No. 5.	5	
			Supplement Nos. 1-8	5	1-8
			Notice of succession 9-8-66.		
			Assignment 5-26-66 [1]	5	9
CI62-851 E 9-14-66	do	do	International Oil & Gas Corp. (Operator) et al., FPC GRS No. 6.	6	
			Supplement Nos. 1-9	6	1-9
			Notice of succession 9-8-66.		
			Assignment 5-26-66 [1]	6	10
		Canceled FPC gas rate schedule	*Terminated certificate Docket No.*		
CS67-16 9-14-66	Depco, Inc.	International Oil & Gas Corp., FPC Gas Rate Schedule No. 2.	G-19187		
		International Oil & Gas Corp., FPC Gas Rate Schedule No. 11.	CI65-679		

[1] Assignment transfers International's properties to Depco, Inc., and Husky Oil Co. (Depco's application cover Husky and others).

[F.R. Doc. 67-838; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket Nos. G-4767, etc.]

S. G. LIMING ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 17, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 8, 1967.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4767 [1] E 1-4-67	S. G. Liming (successor to E. G. Summers), Glendenin, W. Va. 25045.	United Fuel Gas Co., Union District, Clay County, W. Va.	18.0	15.325
G-10128 C 1-9-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Florida Gas Transmission Co., Corpus Christi Bay and Encinal Channel Fields, Nueces County, Tex.	[2] 16.0	14.65
G-13943 D 1-10-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	United Gas Pipe Line Co., North Indian Hill, Montgomery County, Tex.	Assigned	
CI60-153 C 1-12-67	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. 79065.	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	17.0	14.65
CI61-902 E 1-3-67	Fred Whitaker (successor to K. Baker, receiver for Curtis Hickey et al.), 201 Whitaker Bldg., Carthage, Tex.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Bethany Field, Panola County, Tex.	12.0	14.65
CI62-882 [1] C 10-24-66	Estate of T. H. McElvain, c/o Catherine B. McElvain, Executrix, 220 Shelby St., Santa Fe, N. Mex. 87501.	El Paso Natural Gas Co., Ignacio Field La Plata County, Colo.	[3] 13.0	15.025
CI64-836 D 1-9-67	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77002.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	(4)	
CI65-228 C 1-11-67	Horizon Oil & Gas Co. of Texas, 1216 Hartford Bldg., Dallas, Tex. 75201.	Baca Gas Gathering System, Inc., Flank, Greenwood, and Midway Fields, Baca County, Colo.	12.0	14.65
CI65-229 C 1-11-67	Horizon Oil & Gas Co. of Texas, (Operator) et al.	Baca Gas Gathering System, Inc., Flank, et al. Fields, Baca County, Colo.	12.0	14.65
CI66-183 C 1-9-67	George P. Hill et al, d.b.a. Hill & Hill, 1325 Fort Worth National Bldg., Fort Worth, Tex.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	[5] 17.0	14.65
CI66-1310 C 1-9-67	Tidewater Oil Co. (Operator) et al., Post Office Box 1404, Houston, Tex. 77001.	Northern Natural Gas Co., Anadarko Basin Area, Ellis County, Okla.	[5] 17.0	14.65
CI67-182 (CI66-1310) C 1-10-67 [7]	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	Northern Natural Gas Co., Latta Unit, Ellis County, Okla.	[5] 17.0	14.65
CI67-258 A 9-1-66	A. E. Bissett et al. (successor to Dunn-Mar Oil & Gas Co.) Deep Valley, Pa.	Carnegie Natural Gas Co., Clay District, Wetzel County, W. Va.	20.0	15.325
CI67-839 A 1-5-67 [8] 1-9-67 [9]	Thomas N. Berry & Co. (Operator) et al., Post Office Box 111, Stillwater, Okla.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	[5] 16.0	14.65
CI67-842 (CI63-1177) F 12-7-66	Union Oil Co. of California (successor to United Western Oil & Gas Co.), Union Oil Center, Los Angeles, Calif. 90017.	Mountain Fuel Supply Co., Six Mile Spring Field, Sweetwater, County, Wyo.	12.0	15.025
CI67-843 B 1-9-67	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Camrick, Southeast (Geo. O. Pope) Field, Beaver County, Okla.	Depleted	

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-844..... B 1-9-67	The Bradley Producing Corp., 313 North Main St., Wellsville, N.Y. 14895.	Natural Gas Pipeline Co. of America, acreage in Beaver County, Okla.	Depleted	.....
C167-845..... A 1-9-67	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Putnam (Lenora) Field, Dewey County, Okla.	[4] 17.0	14.65
C167-846..... A 1-9-67 [11]	Gulf Oil Corp.[11]	El Paso Natural Gas Co., Wilshire (Devonian) Field, Upton County, Tex.	[12] 17.7375	14.65
C167-847..... B 1-10-67	Jay Simmons et al., 2626 Republic Bank Bldg., Dallas, Tex. 75201.	Coastal States Gas Producing Co., Harry Field, Webb, and La Salle Counties, Tex.	Depleted	.....
C167-848..... A 1-10-67	Benjamin Elenbogen, 4100 Montview Blvd., Denver, Colo. 80207.	El Paso Natural Gas Co., Ballard—Pictured Cliffs Pool, Sandoval County, N. Mex.	12.0	15.025
C167-849..... B 1-11-67	Bob Miner, Post Office Box 805, Corpus Christi, Tex. 78403.	United Gas Pipe Line Co., Bloomington Field, Victoria County, Tex.	Depleted	.....
C167-852..... A 1-12-67	Delta Corp., 801 First National Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
C167-853..... (C163-20) F 1-12-67	Skelly Oil Co. (successor to Humble Oil & Refining Co.), Post Office Box 1650, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Arkoma Basin, Latimer County, Okla.	15.0	14.65
C167-854..... (C162-1184) F 1-12-67	Skelly Oil Co. (successor to Sinclair Oil & Gas Co.).	.....do.....	15.0	14.65

[1] Original certificate issued to Liming and Summers.
[2] Contract rate is 17.5 cents; however, Applicant states its willingness to accept authorization for the additional acreage conditioned at 16.0 cents per Mcf.
[3] Original certificate issued to T. H. McElvain, et al.
[4] Includes 1.0 cent per Mcf guarantee for liquid products.
[5] Deletes terminated leases.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Adds acreage acquired from Tidewater Oil Co., Docket No. C166-1310.
[8] No certificate filing made by Predecessor to cover subject acreage.
[9] Application previously noticed Jan. 11, 1967, in Docket Nos. G-8506 et al. at a total initial price of 15.0 cents per Mcf.
[10] Amendment to application filed to reflect a total initial price of 16.0 cents per Mcf in lieu of 15.0 cents.
[11] By letter filed concurrently with application, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[12] Includes 1.2375 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 67-839; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket No. CP67-197]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 17, 1967.

Take notice that on January 9, 1967, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP67-197 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities for the transportation and sale of natural gas in interstate commerce to an industrial customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate approximately 500 feet of 4-inch market lateral and related facilities, extending from Applicant's existing 10-inch Line AM-22 to the site of the plant of Union Carbide Corp. (Union Carbide) in Garland County, Ark. It is anticipated that these facilities will supply Union Carbide with 4,800 Mcf of gas per day at a maximum and 1,642,500 Mcf of gas per year.

The total estimated cost of the proposed facilities is $12,900, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 11, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-831; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket No. CP67-195]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 17, 1967.

Take notice that on January 6, 1967, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-195 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities for the transportation and sale for resale in interstate commerce of firm natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate 21.3 miles of 20-inch loop line between Keyes Station, Okla., and Camp Junction, Colo., to increase Applicant's total system peak day capacity by approximately 15,537 Mcf for the 1967-68 winter heating season. Applicant also requests authorization to construct and operate a new meter station and 0.8 miles of 6⅝-inch lateral line in Weld County, Colo., for increased deliveries to Cheyenne Light, Fuel and Power Co.

The total estimated cost of the proposed construction is $1,427,529, which cost is to be financed from funds on hand, funds from operations, or from short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 10, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-832; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket Nos. CP66-306, CI66-897]

EL PASO NATURAL GAS CO. AND SHELL OIL CO.

Notice of Postponement of Prehearing Conference

JANUARY 18, 1967.

On December 21, 1966, the Commission issued an order which scheduled the convening of a prehearing conference in the above-styled proceedings on January 10, 1967. Pursuant to the aforementioned order of the Commission a prehearing conference was held on January 10, 1967, and the Presiding Examiner at the conclusion of this conference recessed the proceedings until February 7, 1967. The purpose of this notice is to advise all of the parties to the above-styled proceedings that the prehearing conference scheduled for February 7, 1967, is canceled and that these proceedings are postponed until further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-833; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket No. CP63-60]

GAS MARKETING, INC.

Notice of Petition To Amend

JANUARY 17, 1967.

Take notice that on January 10, 1967, Gas Marketing, Inc. (Petitioner), Post Office Box 748, Salina, Kans. 67401, filed in Docket No. CP63-60 a petition to amend the order issued in said docket on August 28, 1963, by authorizing the construction and operation of gas gathering facilities for the purchase of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued August 28, 1963, in the instant proceeding Petitioner was authorized to construct and operate certain facilities for the purchase of casinghead gas from the Fruit Field in Kiowa County, Kans., and the resale thereof to Panhandle Eastern Pipe Line Co.

Petitioner now seeks that the order of August 28, 1963, be amended by authorizing the construction and operation of 5,287 feet of 5-inch pipe and 2,300 feet of 3-inch pipe with appurtenant facilities for the gathering of gas from additional producers in Fruit Field.

The total estimated cost of the proposed facilities is $7,268.30.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 13, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-834; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket No. CS67-32]

EDWARD R. HUDSON, JR., AND WILLIAM A. HUDSON, II

Notice of Application for "Small Producer" Certificate

JANUARY 18, 1967.

Take notice that on January 3, 1967, Edward R. Hudson, Jr., and William A. Hudson, II, 1510 First National Building, Fort Worth, Tex. 76102, filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 6, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-835; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket No. CP67-199]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Application

JANUARY 18, 1967.

Take notice that on January 12, 1967, Kentucky West Virginia Gas Co. (Applicant), Second National Bank Building, Ashland, Ky. 41101, filed in Docket No. CP67-199 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon partially the service to Inland Gas Co., Inc. (Inland), all as more fully set forth in the application which is on file with the Commission and is open to public inspection.

Specifically, Applicant seeks permission and approval to abandon service to Inland from Applicant's Camp Branch-Rockhouse Creek Delivery Point, one of the delivery points set forth in Applicant's Rate Schedule X-2. Applicant states that this abandonment is being requested in order that the volumes of gas exchanged under Rate Schedule X-2 from the regular delivery points therein contained will be brought closer into balance.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 16, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-836; Filed, Jan. 24, 1967; 8:45 a.m.]

[Docket No. CP67-198]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JANUARY 17, 1967.

Take notice that on January 10, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-198 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas transmission facilities and pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compression facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to section 7(b) of the Act Applicant seeks permission and approval to abandon:

(1) The Wilmot, Ark., compressor station, consisting of seven compressor horsepower units aggregating 5,400 compressor horsepower and appurtenances thereto;

(2) The Benoit, Miss., compressor station, consisting of six compressor units aggregating 6,600 compressor horsepower and appurtenances thereto; and

(3) The Lula, Miss., compressor station, consisting of eight compressor units aggregating 5,640 compressor horsepower and appurtenances thereto.

Applicant states that the facilities proposed to be abandoned are uneconomical to operate.

Pursuant to section 7(c) of the Act Applicant proposes to install and operate 4,520 horsepower at its Greenville, Miss., compressor station through the installation of one 2,000 horsepower compressor unit and through turbocharging of the horsepower of certain other engines located in the Greenville, Miss., compressor station as follows:

Four 2,200 horsepower engines to be increased by 400 horsepower each to 2,600 horsepower each, and four 1,320 horsepower engines to be increased by 230 horsepower each to 1,550 horsepower each.

The total estimated cost of the proposed construction is $1,653,527, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 13, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-837; Filed, Jan. 24, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4444]

CENTRAL AND SOUTH WEST CORP. ET AL.

Notice of Proposed Issue and Sale of Promissory Notes by Subsidiary Companies to Holding Company

JANUARY 19, 1967.

Notice is hereby given that Central and South West Corp. ("Central"), 902 Market Street, Wilmington, Del. 19899, a registered holding company, and four of its electric utility subsidiary companies ("the borrowing companies"), namely, Central Power and Light Co. ("Central Power"), Public Service Company of Oklahoma ("Oklahoma"), Southwestern Electric Power Co. ("Southwestern"), and West Texas Utilities Co. ("West Texas"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder 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.

The borrowing companies severally propose to issue and sell to Central from time to time during 1967 and early 1968, and Central proposes to acquire, one or more of their unsecured promissory notes, for the purpose of financing in part, their respective construction programs. The principal amount of notes of each of the borrowing companies to be outstanding at any one time will not exceed the amounts set forth below: *Provided*, That the aggregate principal amount of notes of all the borrowing companies which may be outstanding at any one time shall not exceed $9 million.

Central Power	$4,000,000
Oklahoma	4,000,000
Southwestern	4,500,000
West Texas	4,800,000

The initial note issued by a borrowing company will mature 1 year from its date, and any note subsequently issued by that company will mature on the same date; each note may be paid prior to maturity, in whole or in part, without premium or penalty. The proposed notes will bear interest at a rate of one-half of 1 percent per annum less than the prime rate (now 6 percent per annum) in effect at The First National Bank of Chicago at the date of issue. The borrowing companies expect to repay the loans from Central by permanent financing, the nature, timing, and extent of which have not yet been determined and approval of which must be obtained from this Commission.

The filing states that the funds to be used by Central in making the proposed loans to its subsidiary companies are now invested in U.S. Treasury securities and other temporary investments and that, in borrowing from Central rather than from banks, each borrowing company will realize savings in interest expense.

It is represented that the services of counsel in connection with the proposed transactions are covered by annual fees payable under retainer agreements with Central and the borrowing companies and that an aggregate of $1,000 of the annual retainers is reasonably allocable to the proposed transactions. No other fees will be paid by Central or any of the borrowing companies, and total expenses are estimated at not more than $100. It is further represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 10, 1967, request in writing that a hearing be held in respect of 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 should the Commission order a hearing in respect thereof. 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 address, and proof of service thereof (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 it may be 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. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-877; Filed, Jan. 24, 1967; 8:48 a.m.]

TARIFF COMMISSION

[332-50]

CERAMIC FLOOR AND WALL TILE

Notice of Hearing

Notice is hereby given that the U.S. Tariff Commission, on January 19, 1967,

ordered a public hearing to be held in connection with the investigation instituted under section 332 of the Tariff Act of 1930, as amended (19 U.S.C. 1332), in response to a resolution of the Committee on Ways and Means, U.S. House of Representatives, dated October 11, 1966, which directed the Commission to make an investigation of the conditions of competition in the United States between ceramic floor and wall tile (glazed and unglazed, and including trim) produced in the United States and in foreign countries. Notice of the institution of the investigation was published in the FEDERAL REGISTER of October 25, 1966 (31 F.R. 13735).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., on May 9, 1967. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least 3 days in advance of the date set for the hearing.

Issued: January 20, 1967.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 67-888; Filed, Jan. 24, 1967; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1019]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 20, 1967.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 251), filed January 9, 1967. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (other than foam, cellular, or expanded), except commodities in bulk, from the plantsite of Plasti-Vac Corp. at Montgomery, Pa., to Holdrege, Nebr., restricted to traffic originating at Plasti-Vac Corp. at Montgomery, Pa.

HEARING: March 14, 1967, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alvin H. Schutrumpf.

No. MC 115826 (Sub-No. 170) (Amendment), filed January 3, 1967, published FEDERAL REGISTER issue of January 19, 1967, amended January 13, 1967, and republished as amended, this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Modesto and Turlock, Calif., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states tacking or joinder is not intended but possible with its other pending authority. The purpose of this republication is to change the origin point.

HEARING: February 2, 1967, in Room 7063, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif., before Examiner Isadore Freidson.

No. MC 14743 (Sub-No. 24) (Republication), filed August 3, 1964, published FEDERAL REGISTER issue of August 19, 1964, and republished this issue. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., Post Office Box 356, Tulsa, Okla. 74101. Applicant's representative: Benton Coopwood, 904 Lavaca Street, Austin, Tex. 78701. A report of the Commission, Division 1, decided December 28, 1966, and served January 17, 1967, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *earth drilling machinery and equipment, and* (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from hole or wells, (1) between points in Kansas, New Mexico, Oklahoma, and Texas; (2) between points in Oklahoma, and Kansas, on the one hand, and, on the other, points in Arkansas, and Louisiana; (3) between points in Oklahoma, on the one hand, and, on the other, points in Mississippi, Colorado, and Wyoming.

(4) Between points in Oklahoma, on the one hand, and, on the other, points in that part of Montana, on and east of a line beginning at the Montana-Wyoming State line near Alzada, Mont., and extending along U.S. Highway 212 through Alzada, and Broadus, Mont., to Miles City, Mont., thence along Montana Highway 22 through Hillside, Mont., to Jordan, Mont., thence northwesterly in a straight line to Malta, Mont., and thence along Montana Highway 19 to the United States-Canadian boundary line, points in that part of North Dakota on and west of a line beginning at the United States-Canadian boundary line, and extending along North Dakota Highway 30 through St. John, York, and Medina, N. Dak., to Ashley, N. Dak., and thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, and points in South Dakota west of the Missouri River, and north of a line beginning at the Missouri River in Pierre, S. Dak., and extending along U.S. Highway 14 to Philip, S. Dak., thence along South Dakota Highway 73 (formerly U.S. Highway 14), to Philip Junction, S. Dak., thence along U.S. Highway 16 (formerly U.S. Highway 14) to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Alternate U.S. Highway 14 (formerly U.S. Highway 14), thence along Alternate U.S. Highway 14 to junction U.S. Highway 85 (formerly U.S. Highway 14), thence along U.S. Highway 85 to junction U.S. Highway 14, and thence along U.S. Highway 14 to the South Dakota-Wyoming State line; (5) between points in Oklahoma, on and east of U.S. Highway 81, points in Texas, on and east of U.S. Highway 281, and on and north of U.S. Highway 90, and points in Kansas on and east of U.S. Highway 81, and on and south of U.S. Highway 54, on the one hand, and, on the other, points in Wyoming, and Colorado; Restriction: Service under the authority specified immediately above is subject to the following conditions: All traffic must move through points in Oklahoma on and east of U.S. Highway 81, as a gateway. Said authority specified immediately above may not be tacked or combined with any other authority granted herein above and used to provide a through service between points other than those named immediately above.

(6) Between points in Oklahoma, on the one hand, and, on the other, ports of entry on the United States-Canada international boundary line in Montana and North Dakota between Sweetgrass, Mont., and Pembina, N. Dak., including Sweetgrass and Pembina; and (7) between Kansas City, Kans., and points in Holt, Nodaway, Gentry, Harrison, Clay, Grundy, Linn, Livingston, Daviess, De Kalb, Andrew, Buchanan, Clinton, Caldwell, Carroll, Charlton, Howard, Saline, Lafayette, Jackson, Cass, Johnson, Pettis Cooper, Morgan, Benton, Hickory, St. Clair, Cedar, Vernon, Platte, Ray, Bates, and Henry Counties, Mo., and points in Nemaha, Brown, Doniphan, Linn, Atchison, Jackson, Pottawatamie, Jefferson, Leavenworth, Osage, Wabauinsee, Shawnee, Douglas, Johnson, Lyon, Coffey, Anderson, Franklin, Miami, Allen, and Bourbon Counties, Kans., on the one hand, and, on the other, points in Utah and Arizona; restricted against tacking any authority granted herein with any other authority held for the purpose of conduction through operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of that Interstate Commerce Act and the Commission's rules and regulations thereunder.

Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 54847 (Sub-No. 7) (Republication), filed May 8, 1964, published FEDERAL REGISTER issue of May 27, 1964, and republished this issue. Applicant: INTRACOASTAL TRUCK LINE, INC., Post Office Box 354, Harvey, La. Applicant's representative: Austin L. Hatchell, Suite 1102, Perrybrooks Building, Austin, Tex. A report of the Commission, Division 1, decided December 28, 1966, and served January 17, 1967, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from hole or wells, (1) between Harvey, La., and points in the following Louisiana Parishes: Washington, Tangipahoa, St. Tammany, St. Bernard, Plaquemine, Jefferson, LaFourche, St. Charles, Terre Bonne, St. James, St. John The Baptist, Assumption, St. Mary, St. Martin, Iberia, Part of St. Martin, Iberville, Ascension, Livingston, Pointe Coupee, West Feliciana, East Feliciana, West Baton Rouge, East Baton Rouge, and St. Helena, on the one hand, and, on the other, points in Mississippi, and, (2) between points in that part of Louisiana, south of and including the following parishes: Vernon, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington, on the one hand, and, on the other, points in Alabama, Georgia, and Florida; that, applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 71331 (Sub-No. 12) (Republication), filed March 11, 1966, published FEDERAL REGISTER issue of March 31, 1966, and republished this issue. Applicant: FOY CHALKER AND A. C. CREEL, a partnership, doing business as DOVE TRUCK LINE, Dothan, Ala. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. By application filed March 11, 1966, applicant seeks a certificate of public convenience and necessity, authorizing operating in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of juices, beverages or drinks, other than citrus, not requiring refrigeration, from points in Florida, to Dothan, Ala., and points in Alabama within 125 miles of Dothan. An order of the Commission, Operating Rights Board No. 1, dated December 23, 1966, and served January 17, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *canned nonalcoholic beverages*, other than citrus, from those points in that part of Florida east of the Apalachicola River to points in Tallapoosa County (except Alexander City), Ala., and to points in Escambia, Monroe, Wilcox, Dallas, Autauga, Chilton, Coosa, Chambers, Covington, Geneva, Houston, Conecuh, Butler, Crenshaw, Coffee, Dale, Henry, Barbour, Pike, Lowndes, Montgomery, Bullock, Russell, Macon, Lee, and Elmore Counties, Ala.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 97944 (Sub-No. 3) (Republication), filed July 27, 1964, published FEDERAL REGISTER issue of August 12, 1964, and republished this issue. Applicant: LANE BROTHERS TRUCKING COMPANY, a corporation, Post Office Box 1827, San Angelo, Tex. 76901. Applicant's representative: Jerry Prestridge, 12th Floor, Capital National Bank Building, Post Office Box 1148, Austin, Tex. A report of the Commission, Division 1, decided December 28, 1966, and served January 17, 1967, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from hole or wells, between Midland, Tex., and points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Stephens, Shackelford, Jones, Fisher, Scurry, Borden, Dawson, Gaines, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Callahan, Eastland, Brown, Coleman, Runnells, Coke, Sterling, Glasscock, Midland, Ector, Winkler, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, Mason, Menard, Schleicher, Crockett, Pecos, Terrell, Val Verde, Sutton, Kimble, and Edwards Counties, Tex., on the one hand, and, on the other, points in New Mexico; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111992 (Sub-No. 3) (Republication), filed June 1, 1964, published FEDERAL REGISTER issue of June 17, 1964, and republished, this issue. Applicant: S & W TRUCKS, INC., Post Office Box 792, Loving Highway, Hobbs, N. Mex. 88240. Applicant's representative: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin, Tex. A report of the Commission, Division 1, decided December 28, 1966, and served January 17, 1967, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from hole or wells, (1) between points in Eddy, Chaves, and Lea Counties, N. Mex., on the one hand, and,

on the other, points in New Mexico on and east of U.S. Highway 285 and those in Texas on and west of U.S. Highway 83, and on and north of a line extending from junction U.S. Highways 83 and 290, along U.S. Highway 290 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line (except points in the Texas and New Mexico Counties to the extent duplicated in (2) below; and

(2) Between points in Harding, San Miguel, Quay, Guadalupe, Torrance, Socorro, De Baca, Curry, Roosevelt, Chaves, Sierra, Dona, Lincoln, Otero, Eddy, and Lea Counties, N. Mex., and Oldham, Potter, Armstrong, Deaf Smith, Randall, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cottle, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Haskell, Jones, Fisher, Scurrey, Borden, Dawson, Gaines, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Runnells, Coke, Sterling, Glassock, Midland, Ector, Winkler, Loving, Culberson, Hudspeth, Tom Green, Irion, Reagan, Upton, Crane, Ward, Reeves, Schleicher, Crockett, Terrell, Pecos, Jeff Davis, Brewster, and Presidio Counties, Tex., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 112750 (Sub-No. 224) (Republication), filed July 19, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Suite 301, Madison, Wis. By application filed July 19, 1966, applicant seeks a 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 Minneapolis, Minn., on the one hand, and, on the other, points in Minnesota, on and south of Minnesota Highway 55, and on and west of Minnesota Highway 15, (2) between Minneapolis, Minn., on the one hand, and, on the other, points in South Dakota, and (3) between points in South Dakota, on the one hand, and, on the other, points in Minnesota, on and south of Minnesota Highway 55 and on and west of Minnesota Highway 15, under continuing contract with Northwest Bancorporation, Minneapolis, Minn., First National Bank of Black Hills, Rapid City, S. Dak., First National Bank of Marshall, Marshall, Minn., Federal Reserve Bank, Minneapolis, Minn., and Northwestern National Bank, Sioux Falls, S. Dak.

NOTE: Applicant is authorized to operate as a common carrier in MC 111729, therefore, dual operations may be involved. Common control may be involved. An order of the Commission, Operating Rights Board No. 1, dated December 1, 1966, and served January 13, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *such commercial papers, documents, and written instruments* (except currency and negotiable securities), as are used in the business of banks and banking institutions, (1) between Minneapolis, Minn., and points in South Dakota, on the one hand, and, on the other, those points in that part of Minnesota on and south of Minnesota Highway 55, and on and west of Minnesota Highway 15, and (2) between Minneapolis, Minn., on the one hand, and, on the other, points in South Dakota, under a continuing contract 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. In No. MC 112750 (Sub-No. 73), *Armored Carrier Corp. Extension—Vermont*, 102 M.C.C. 411, on further hearing, the Commission (1) found that the transportation by applicant of cash letters for banks and banking institutions, such as is set forth in the application here before us, is that of a contract carrier by motor vehicle as defined in section 203(a)(15) of the Act.

(2) Directed applicant, in the case of those of its existing operations found to be common carriage, to file appropriate applications to effectuate the conversion of said contract carrier permits to corresponding common carrier certificates, which conversion applications have since been filed and assigned docket Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8); and (3) approved the dual operations resulting from the holding by applicant of those of its permits authorizing the transportation of cash letters, and the common carrier certificates (conditionally authorized to be issued in that and other proceedings) authorizing the transportation of commodities other than cash letters. Inasmuch as applicant now holds no certificates to conduct operation as a common carrier by motor vehicle, a permit authorizing the operations set forth above, properly may be issued without the necessity of making at this time the dual operations finding contemplated by section 210 of the act. 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.

No. MC 113459 (Sub-No. 27) (Republication), filed June 1, 1964, published FEDERAL REGISTER issue of June 17, 1964, and republished this issue. Applicant: H. J. JEFFRIES TRUCK LINE, INC., 4720 South Shields Boulevard, Post Office Box 9450, Oklahoma City, Okla. 73129. Applicant's representative: James W. Hightower, Wynnewood Professional Building, Dallas, Tex. A report of the Commission, Division 1, decided December 28, 1966, and served January 17, 1967, finds that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) *earth drilling machinery and equipment*, and (2) *machinery, equipment, materials, supplies, and pipe incidental to, used in, or in connection with* (a) the transportation, installation removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in Oklahoma, (2) between points in Oklahoma, on the one hand, and, on the other, points in Illinois, (3) between points in Oklahoma, Kansas, Texas, and Arkansas, and those in Lea and Eddy Counties, N. Mex., (4) between points in Illinois south of U.S. Highway 36, those in Indiana south of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 36 to Indianapolis; thence along U.S. Highway 40 to the Indiana-Ohio State line, and those in Bullitt, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Webster, McLean, Crittenden, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., including points on the indicated portions of the highways specified.

(5) Between points in Colorado, Kansas, Louisiana, Oklahoma, Texas, and Wyoming, (6) between points in Oklahoma, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, South Dakota, and Utah, (7) between points in Nevada, on the one hand, and, on the other, points in Wyo-

ming, Colorado, Oklahoma, and Texas, (8) from Fort Morgan, Colo., to points in Banner, Cheyenne, and Kimball Counties, Nebr., (9) between Sterling, Colo., and points within 15 miles of Sterling, on the one hand, and, on the other, points in Banner, Cheyenne, and Kimball Counties, Nebr., (10) from points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (11) from Tulsa, Okla., to points in Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 116763 (Sub-No. 19) (Republication), filed October 12, 1961, published FEDERAL REGISTER issue of November 8, 1961, and republished this issue. Applicant: CARL SUBLER TRUCKING, INC., Northwest Street, Versailles, Ohio 45380. Applicant's representative: William T. Croft, 1815 H Street NW., Washington, D.C. 20006, and Herbert Baker, 50 West Broad Street, Columbus, Ohio. A report of the Commission, Division 1, decided December 16, 1966, and served December 30, 1966, as amended, finds that a notice should be published in the FEDERAL REGISTER of proposed operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *canned goods*, from points in Indiana located in the Owensboro, Ky., commercial zone, to Kenosha, Milwaukee, and Racine, Wis., and points in Illinois, Iowa, the Lower Peninsula of Michigan, Minnesota (except Duluth, Minneapolis, and St. Paul), that part of Missouri west of U.S. Highway 67, the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, New York (except points in Kings, Queens, Nassau, and Suffolk Counties, N.Y.), Pennsylvania, Ohio, and West Virginia; and

(2) *Empty cans and can lids, ends, and labels*, from Elwood, Ind., Cincinnati and Hamilton, Ohio, Burlington, Wis., and points in Illinois, Iowa, the Lower Peninsula of Michigan, Missouri, New York, Pennsylvania, and West Virginia, to points in Indiana located in the Owensboro, Ky., commercial zone; restricted, insofar as traffic originating at points in Illinois, Indiana, the Lower Peninsula of Michigan, New York, Ohio, Pennsylvania, Wisconsin, and the St. Louis, Mo.-East St. Louis, Ill., commercial zone, is concerned, against the interchange of such traffic with other carriers, and against the tacking or joining of such authority with any other authority presently held by applicant, for purposes of rendering through service: *Provided, however*, That applicant intends to tack this authority with that it presently holds in Certificate No. MC-116763 (Sub-No. 10) to serve Winter Haven, Lakeland, and Lake Wales, Fla., and render through service. That this proceeding should be assigned for further hearing, at a time and place to be hereafter fixed, on the question of whether the public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities, from and to the points, and in the manner indicated above.

No. MC 128076 (Sub-No. 3) (Republication), filed July 22, 1966, published FEDERAL REGISTER issue of September 1, 1966, and republished this issue. Applicant: PROTECTIVE SERVICE COMPANY, 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Peter Platten, 1035 Land Title Building, Philadelphia, Pa. 19110. By application filed July 22, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of business papers, reports, records, and audit and accounting media of all kinds (excluding plant removals), between points in Dauphin, Bucks, and Blair Counties, Pa., and Baltimore County, Md., under contract with D & H Distributing Co., Inc. NOTE: Common control may be involved. An order of the Commission, Operating Rights Board No. 1, dated December 22, 1966, and served January 13, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *business papers, reports, and records, and audit and accounting media*, between Baltimore County, Md., on the one hand, and, on the other, points in Dauphin, Bucks, and Blair Counties, Pa., under a continuing contract with D & H Distributing Co., Inc., of Harrisburg, Pa., 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; that an appropriate permit should be issued, subject to the condition that the person or persons who control the operations both of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(2) of the Act or if such approval is not needed, shall so inform the Commission by affidavits. 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.

No. MC 128471 (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 11, 1966, and republished, this issue. Applicant: LAHMANN FILM SERVICE, INC., 5657 Green Acres Court, Cincinnati, Ohio. Applicant's representative: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C. 20036. By application filed July 21, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of motion picture film and equipment and supplies used in the maintenance of theaters, between points in Hamilton County, Ohio. An order of the Commission, Operating Rights Board No. 1, dated December 23, 1966, and served January 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *motion picture film, equipment, and equipment parts*, and (2) *equipment, materials, and supplies* used in the maintenance and operation of theaters, between points in Hamilton County, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

Nos. MC 124546 and MC 124546 Sub No. 2) (Notice of Filing of Petition to Change Restriction) filed December 16, 1966. Petitioner: VELTMAN TERMINAL CO., 2160 East 7th Street, Los Angeles, Calif. Petitioner's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Petitioner states that it holds authority in MC 124546, to transport as follows: *Such commodities* as are sold by retail stores, from Los Angeles, Calif., to the stores and warehouses of J. C. Penney Co., Inc., located at Santa Barbara, Calif., and at points in San Diego, Orange, and Ventura Counties, Calif.; points in Los Angeles County, Calif., except Lancaster and Palmdale, Calif., points in Riverside County, Calif., except Blythe and Indio, Calif., and points in San Bernardino County, Calif., except Victorville, Barstow, and Needles, Calif., with no transportation for compensation on return except as otherwise authorized.

Restriction: The service authorized herein is subject to the following conditions: The service authorized herein is restricted in each instance to traffic having an immediately prior movement by rail. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the J. C. Penney Co., Inc.; and in MC 124546 (Sub-No. 2) to transport as follows:

Such commodities as are sold by retail stores, from Los Angeles, Calif., to the stores and warehouses of the J. C. Penney Co., Inc., located in Lancaster, Palmdale, and Indio, Calif., and at points in Kern, King, Fresno, Tulare, and San Joaquin Counties, Calif., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The service authorized herein to Indio, Calif., is restricted to traffic having an immediately prior movement by rail. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the J. C. Penney Co., Inc. By the instant petition, petitioner seeks to modify its existing authority by changing the restrictions in MC 124546 with respect to antecedent transportation, and that in MC 124546 (Sub-No. 2) with respect to antecedent transportation for traffic destined to Indio, to read in the following manner: Restricted to traffic having an immediately prior movement by rail, motor carrier, water, air, or freight forwarder services. Petitioner does not seek the elimination in any way of that part of the existing restrictions limiting petitioner's services to those under a continuing contract with the J. C. Penney Co., Inc. Petitioner states that no additional authority is, in substance, sought, and the change in its present restrictions will enable petitioner to meet its shippers growing transportation requirements. Any interested person desiring to participate may file an original and six copies of his written representations, view, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

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

No. MC 13692 (Sub-No. 9), filed January 11, 1967. Applicant: E. J. SCANNELL, INC., 151 Linwood Street, Somerville, Mass. 02143. Applicant's representative: William P. Sullivan, 1826 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, shoes, shoe supplies, building materials, manufactured products, lubricating oils*, and *waste materials*, between points in Massachusetts. NOTE: Applicant states Springfield and Worcester, Mass., would become additional gateways on the movement of the involved traffic between points in Massachusetts on the one hand, and, on the other, Washington, D.C., Baltimore, Md., and New York, N.Y. (and their commercial zones), and specified points in New Jersey, Connecticut, and Rhode Island. This application is a matter directly related to Docket No. MC-F-9639, published FEDERAL REGISTER issue of January 25, 1967. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 14702 (Sub-No. 16), filed December 27, 1966. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, office furniture, and fixtures), between points in Trumbull County, Ohio, and that part of Portage County, Ohio, bounded on the north by Ohio Highway 82; on the west by a line beginning at the intersection of Ohio Highway 82 and Ohio Highway 700; thence south on Ohio Highway 700 to the intersection of Ohio Highway 700 and County Highway 211; thence south on County Highway 211 to the intersection with the northern boundary of the Ravenna Ordnance Plant as of 1963; thence continuing south on a line projected from the intersections of said County Highway 211 with said northern boundary of the Ordnance Plant to the point of intersection of County Highway 52 with the southern boundary of said Ravenna Ordnance Plant; thence south on County Highway 52 to its intersection with Ohio Highway 18; on the south by Ohio Highway 18, and on the east by the Portage-Trumbull County line; and Youngstown, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it would tack at Warren, Ohio, the authority sought herein with its presently held authority to serve points in West Virginia, Pennsylvania, New Jersey, Virginia, Maryland, New York and the District of Columbia. Applicant further states that this authority will also be joined with the authority of Iron & Steel Transport, Inc. (sought in MC-F-9442) so as to serve points in Michigan, Indiana, New York, Pennsylvania, West Virginia, and the Chicago, Ill., commercial zone. This application is directly related to MC-F-9628, published FEDERAL REGISTER issue of January 11, 1967. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64600 (Sub-No. 32) filed January 5, 1967. Applicant: WILSON TRUCKING CORPORATION, New Hope Road, Post Office Box 340, Waynesboro, Va. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk), (1) between Roanoke and Rich Creek, Va., over U.S. Highways 11 and 460, restricted to no shipments may be originated at Roanoke for delivery at Christiansburg, Va., or any point between Roanoke and Christiansburg, and no shipments may be originated at Christiansburg, Va., for delivery at Roanoke, Va., or any point between Christiansburg and Roanoke, (2) between junction U.S. Highway 460 and Virginia Highway 114 and Christiansburg, Va., in a circuitous manner; from junction U.S. Highway 460 and Virginia Highway 114 over Virginia Highway 114 to Pepper, Va., thence back over Virginia Highway 114 to junction U.S. Highway 460, thence over U.S. Highway 460 to Blacksburg and Pearisburg, Va., thence over Virginia Highway 100 to Dublin, Va., thence over U.S. Highway 11 to Christiansburg, restricted to no traffic shall be transported which originated on Virginia Highway 100 destined to points on U.S. Highway 11 between Dublin and Christiansburg, (3) between junction U.S. Highway 220 and Virginia Highway 57 and Bassett, Va., over Virginia Highway 57, (4) between Rocky Mount and Ferrum, Va., over Virginia Highway 40, (5) between Roanoke and Rocky Mount, Va., over U.S. Highway 220 (or over Virginia Highway 919, operations over Virginia Highway 919 shall be limited to shipments weighing in excess of 4,000 pounds), and (6) between Rich Creek and Glen Lyn, Va., over U.S. Highway 460, serving all intermediate points in (1) through (6) above, unless otherwise specified, and off-route service is authorized to and from the points on the following routes: (1) Junction U.S. Highway 460 and Virginia Highway 635 over Virginia Highway 635 to Kimballton, Va., (2) junction Virginia Highway 100 and Virginia Highway 42 over Virginia Highway 42 to White Gate, Va., and (3) junction U.S. Highway 460 and Virginia Highway 700 over Virginia Highway 700 to Mountain Lake, Va. NOTE: This application is a matter directly related to Docket No. MC-F-9632, published FEDERAL REGISTER issue of January 18, 1967. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

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-9292 (ESTES EXPRESS LINES — Purchase — COASTAL FREIGHT LINES, INC). (Republication), published in the December 22, 1965, issue of the FEDERAL REGISTER on Page 15831; and No. MC-97275 (Sub-No. 19) (ESTES EXPRESS LINES—Common Carrier Application) (Republication), published in the January 19, 1966, issue of the FEDERAL REGISTER on page 727, and republished this issue. By order dated October 19, 1966, as modified by order dated January 5, 1967, the Commission, Finance Board No. 1, in No.

MC-F-9292, authorized the purchase by Estes Express Lines, a Virginia corporation, of Richmond, Va., of the interstate and North Carolina intrastate operating rights and certain property of Coastal Freight Lines, Inc., of Elizabeth City, N.C., subject to condition modifying the general-commodity descriptions in certificate No. MC-109483; and in No. MC-97275 (Sub-No. 19), granted a certificate of public convenience and necessity to Estes Express Lines, authorizing continuance of the operations and services lawfully provided under its certificates of registration of Virginia intrastate certificates, subject to republication in the FEDERAL REGISTER of the authority granted. The reason for republication is that in redescribing the authority some enlargement may have resulted. Any proper party in interest may file an appropriate protest or other pleading within 30 days of such republication. Applicants' attorney: Francis W. McInerney, 1000 16th Street NW., Suite 502, Washington, D.C. 20036.

The proposed certificate embraces the operating rights in certificate No. MC-109483, issued December 20, 1949, to be acquired by the above-named carrier pursuant to, and as modified by, No. MC-F-9292, and the operating rights authorized in No. MC-97275 (Sub-No. 19), subject to cancellation of the certificates of registration in No. MC-97275 (Sub-Nos. 14, 15, 16, 17, and 18).

PROPOSED REVISED CERTIFICATE

Regular routes: *General commodities*, except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,

1. Between Norfolk, Va., and Manteo, N.C., serving off-route points on Roanoke Island, N.C.:

From Norfolk over Virginia Highway 170 to the Virginia-North Carolina State line, thence over North Carolina Highway 170 to junction North Carolina Highway 34, thence over North Carolina Highway 34 to Barco, N.C., and thence over U.S. Highway 158 to Manteo.

2. Between Elizabeth City, N.C., and Sligo, N.C.:

From Elizabeth City over North Carolina Highway 170 to Sligo.

3. Between Manteo, N.C., and Stumpy Point, N.C., serving the off-route point of East Lake, N.C.:

From Manteo over North Carolina Highway 345 to Croatan Sound, N.C., thence by ferry to Manns Harbor, N.C., thence over unnumbered highway to Stumpy Point.

4. Between Richmond, Va., and South Boston, Va.:

From Richmond, over U.S. Highway 1 (also over U.S. Highway 301, or Interstate Highway 95) to Petersburg, Va., thence over U.S. Highway 1 to South Hill, Va., thence over U.S. Highway 58 to South Boston, Va.

From Richmond, to South Hill, over routes specified above, thence over Virginia Highway 47 to Barnes Junction, Va., thence over U.S. Highway 360 to Halifax, Va., thence over U.S. Highway 501 to South Boston.

From Richmond, to Petersburg, over routes specified above, thence over U.S. Highway 460 to Blackstone, Va., thence over Virginia Highway 40 to Victoria, Va., or from Blackstone, Va., over U.S. Highway 460 to Nottoway, Va., thence over Virginia Highway 625 to junction Virginia Highway 49, thence over Virginia Highway 49 to Victoria, Va., thence over Virginia Highway 49 to Chase City, Va., thence over Virginia Highway 47 to Barnes Junction, Va., thence over U.S. Highway 360 to junction Virginia Highway 304, thence over Virginia Highway 304 to South Boston.

5. Between Amelia, Va., and Waverly, Va.:

From Amelia, over Virginia Highway 614 to junction Virginia Highway 625, thence over Virginia Highway 625 to Blackstone, Va., thence over Virginia Highway 40 to Waverly, serving Amelia, and Waverly, for joinder only.

6. Between junction U.S. Highway 460 and Virginia Highway 153 and junction U.S. Highway 460 and Virginia Highway 156:

From junction U.S. Highway 460 and Virginia Highway 153, over Virginia Highway 153 to junction Virginia Highway 708, thence over Virginia Highway 708 to Sutherland, Va., thence over U.S. Highway 460 to junction Virginia Highway 627, thence over Virginia Highway 627 to Dinwiddie, Va., thence over Virginia Highway 703 to Carson, Va., thence over U.S. Highway 301 to junction Virginia Highway 156, thence over Virginia Highway 156 to junction U.S. Highway 460, serving junction U.S. Highway 460 with Virginia Highway 156 for joinder only.

7. Between Blackstone, Va., and Wakefield, Va.:

From Blackstone, over Virginia Highway 40 to junction Virginia Highway 46, thence over Virginia Highway 46 to Lawrenceville, Va., thence over U.S. Highway 58 to Edgerton, Va., thence over Virginia Highway 712 to junction Virginia Highway 608, thence over Virginia Highway 608 to Jarratt, Va., thence over Virginia Highway 631 to junction Virginia Highway 35, thence over Virginia Highway 35 to junction Virginia Highway 622, thence over Virginia Highway 622 to junction Virginia Highway 620, thence over Virginia Highway 620 to Wakefield, serving Dundas, Va., as an off-route point, and Wakefield, for joinder only.

8. Between South Boston, Va., and Suffolk, Va., over the following routes:

From South Boston, over U.S. Highway 501 to junction Virginia Highway 96, thence over Virginia Highway 96 to Virgilina, Va., thence over Virginia Highway 49 to junction U.S. Highway 58, thence over U.S. Highway 58 to Suffolk.

From South Boston, over U.S. Highway 58 to Broadnax, Va., thence over Virginia Highway 659 to junction Virginia Highway 611, thence over Virginia Highway 611 to Emporia, Va., thence over Virginia Highway 730 to junction Virginia Highway 195, thence over Virginia Highway 195 to Boykins, Va., thence over Virginia Highway 35 to junction Virginia Highway 673, thence over Virginia Highway 673 to junction Virginia Highway 684, thence over Virginia Highway 684 to junction U.S. Highway 258, thence over U.S. Highway 258 to Franklin, Va., thence over U.S. Highway 258 to the Virginia-North Carolina State line, thence return over U.S. Highway 258 to junction Virginia Highway 189, thence over Virginia Highway 189 to Holland, Va., thence over Virginia Highway 653 to junction Virginia Highway 616, thence over Virginia Highway 616 to Whaleyville, Va., thence over U.S. Highway 13 to Suffolk, serving Hercules, Va., as an off-route point.

9. Between Kenbridge, Va., and junction U.S. Highway 360 and Virginia Highway 646:

From Kenbridge, over Virginia Highway 637 to South Hill, Va., thence over U.S. Highway 1 to the Virginia-North Carolina State line, thence return over U.S. Highway 1 to junction Virginia Highway 712, thence over Virginia Highway 712 to junction Virginia Highway 4, thence over Virginia Highway 4 to junction Virginia Highway 707, thence over Virginia Highway 707 to Boydton, Va., thence over Virginia Highway 92 to Chase City, Va., thence over Virginia Highway 646 to junction U.S. Highway 360, serving the junction of U.S. Highway 360 for joinder only.

10. Between La Crosse, Va., and junction Virginia Highway 40 and Virginia Highway 635:

From La Crosse, Va., over Virginia Highway 618 to junction Virginia Highway 637, thence over Virginia Highway 637 to South Hill, Va., thence over U.S. Highway 1 to junction Virginia Highway 664, thence over Virginia Highway 664 to junction Virginia Highway 635, thence over Virginia Highway 635 to junction Virginia Highway 40.

11. Between Ford, Va., and Lawrenceville, Va.:

From Ford, over Virginia Highway 622 to junction Virginia Highway 610, thence over Virginia Highway 610 to junction Virginia Highway 40, thence over Virginia Highway 40 to McKenney, Va., thence over U.S. Highway 1 to junction Virginia Highway 712, thence over Virginia Highway 712 to Edgerton, Va., thence over U.S. Highway 58 to junction Virginia Highway 670, thence over Virginia Highway 670 to junction Virginia Highway 46, thence over Virginia Highway 46 to the Virginia-North Carolina State line, thence return over Virginia Highway 46 to Lawrenceville.

12. Between Petersburg, Va., and the Virginia-North Carolina State line:

From Petersburg, over U.S. Highway 301 (also over Interstate Highway 95) to the Virginia-North Carolina State line.

13. Between Petersburg, Va., and Windsor, Va.:

From Petersburg, over U.S. Highway 301 to junction Virginia Highway Highway 95), thence over Virginia Highway 35 to Courtland, Va., thence over Virginia Highway 616 to junction Virginia Highway 603, thence over Virginia Highway 603 to junction U.S. Highway 258, thence over U.S. Highway 253 to Windsor, serving Windsor for joinder only.

14. Between Dinwiddie, Va., and Wakefield, Va.:

From Dinwiddie, over Virginia Highway 619 to Emporia, Va., thence over Virginia Highway 730 to junction Virginia Highway 653, thence over Virginia Highway 653 to junction Virginia Highway 35, thence over Virginia Highway 35 to junction Virginia Highway 628, thence over Virginia Highway 628 to Wakefield, serving Wakefield for joinder only.

15. Between Ivor, Va., and Windsor, Va.:

From Ivor, over Virginia Highways 616, 603, and 641 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction U.S. Highway 258, thence over U.S. Highway 258 to Windsor, serving Ivor and Windsor for joinder only.

16. Between Disputanta, Va., and Drewryville, Va.:

From Disputanta, over Virginia Highway 618 to junction Virginia Highway 627, thence over Virginia Highway 627 to junction Virginia Highway 35, thence over Virginia Highway 35 to junction Virginia Highway 626, thence over Virginia Highway 626 to Sussex, Va., thence over Virginia Highway 735 to junction Virginia Highway 659 and Virginia Highway 308, thence over Virginia Highway 308 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction Virginia Highway 659, thence over Virginia Highway 659 to Drewryville (also from junction Virginia Highways 735, 659, and 308, over Virginia Highway 659 to Drewryville), serving Disputanta for joinder only.

17. (A) Between junction U.S. Highway 460 and Virginia Highway 611 and junction Virginia Highway 610 and Virginia Highway 153:

From junction of U.S. Highway 460 and Virginia Highway 611 over Virginia Highway 611 to junction Virginia Highway 708, thence over Virginia Highway 708 to junction Virginia Highway 610, thence over Virginia Highway 610 to junction Virginia Highway 153.

(B) Between Mannboro, Va., and junction Virginia Highways 612 and 153:

From Mannboro, over Virginia Highway 612 to junction Virginia Highway 153.

(C) Between Darvills, Va., and junction U.S. Highway 1 and Virginia Highway 613:

From Darvills, over Virginia Highway 613 to junction U.S. Highway 1.

(D) Between Barnes Junction, Va., and Chase City, Va.:

From Barnes Junction, over U.S. Highway 15 to the Virginia-North Carolina State line, thence return over U.S. Highway 15 to junction Virginia Highway 49, thence over Virginia Highway 49 to Chase City.

(E) Between junction Virginia Highways 304 and 344 and Staunton River State Park, Va.:

From junction Virginia Highways 304 and 344 over Virginia Highway 344 to Staunton River State Park.

(F) Between junction U.S. Highway 58 and Virginia Highway 4 and junction Virginia Highways 4 and 707:

From junction U.S. Highway 58 and Virginia Highway 4 over Virginia Highway 4 to junction Virginia Highway 707.

(G) Between junction Virginia Highways 40 and 626 and junction Virginia Highways 626 and 619:

From junction Virginia Highways 40 and 626 over Virginia Highway 626 to junction Virginia Highway 619.

(H) Between Courtland, Va., and junction Virginia Highways 35 and 673:

From Courtland, over Virginia Highway 35 to junction Virginia Highway 673.

(I) Between Courtland, Va., and junction Virginia Highways 646 and 641:

From Courtland, over Virginia Highway 646 to junction Virginia Highway 641.

(J) Between junction U.S. Highway 58 and Virginia Highway 641 and junction Virginia Highway 641 and U.S. Highway 258:

From junction U.S. Highway 58 and Virginia Highway 641 over Virginia Highway 641 to junction U.S. Highway 258.

18. Between Suffolk, Va., and Norfolk, Va.:

From Suffolk, over U.S. Highway 460 to Norfolk.

From Suffolk, over U.S. Highway 58 to Norfolk.

From Suffolk, over U.S. Highway 337 to Norfolk.

From Suffolk, over routes specified above to Bowers Hill, Va., thence over U.S. Highway 13 to Norfolk.

19. Between Richmond, Va., and Norfolk, Va.:

From Richmond, over U.S. Highway 60 to Seven Pines, Va. (also from Richmond, over Virginia Highway 33 to Seven Pines), thence over U.S. Highway 60 to Bottoms Bridge, Va., thence over Virginia Highway 33 to Glenns, Va., thence over U.S. Highway 17 to Yorktown, Va., thence over Virginia Highway 238 to junctions Interstate Highway 64 and Virginia Highway 168, thence over Interstate Highway 64 and Virginia Highway 168 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 13, thence over U.S. Highway 13 to Norfolk (also from junction U.S. Highway 17 over Virginia Highway 168 and Interstate Highway 64 to junction U.S. Highway 60, thence over Virginia Highway 168, Interstate Highway 64, or U.S. Highway 60 to Norfolk).

20. Between Talleysville, Va., and junction Virginia Highways 156 and 33:

From Talleysville, over Virginia Highway 609 to junction Virginia Highway 606, thence over Virginia Highway 606 to junction U.S. Highway 360, thence over U.S. Highway 360 to Mechanicsville, Va., thence over Virginia Highway 156 to junction Virginia Highway 33.

21. Between Richmond, Va., and the Virginia-District of Columbia State line:

From Richmond, over U.S. Highway 360 to Tappahannock, Va., thence over U.S. Highway 17 to Fredericksburg, Va., and thence over U.S. Highway 1 to the Virginia-District of Columbia State line (also from Fredericksburg, over Interstate Highway 95 to the Virginia-District of Columbia State line), serving Franconia, Va., as an off-route point.

Restriction: No freight shall be both originated and delivered between Fredericksburg, Va., and the Virginia-District of Columbia State line.

22. Between Adner, Va., and junction Virginia Highways 30, 168, and 168Y, traversing U.S. Highway 301 for operating convenience only:

From Adner, over Virginia Highway 14 to St. Stephens Church, Va., thence over U.S. Highway 360 to Aylett, Va., thence over Virginia Highway 600 to junction Virginia Highway 601, thence over Virginia Highway 601 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Virginia Highway 30, thence over Virginia Highway 30 to junction Virginia Highways 168 and 168Y, serving Walkerton, Va., as an off-route point, and the junction of Virginia Highways 168 and 168Y, for joinder only.

23. Between White Stone, Va., and St. Stephens Church, Va.:

From White Stone, over Virginia Highway 3 to junction Virginia Highway 33, thence over Virginia Highway 33 to junction U.S. Highway 17, thence over U.S. Highway 17 to Glenns, Va., thence over U.S. Highway 17 to Tappahannock, Va., thence over Virginia Highway 627 to junction Virginia Highway 630, thence over Virginia Highway 630 to junction Virginia Highway 721, thence over Virginia Highway 721 to junction U.S. Highway 301, thence return over Virginia Highway 721 to St. Stephens Church, serving the junction of Virginia Highway 721 and U.S. Highway 301 for joinder only.

24. (A) Between Lester Manor, Va., and junction Virginia Highways 30 and 633 and 632:

From Lester Manor over Virginia Highway 632 or Virginia Highway 633 to junction Virginia Highway 30.

(B) Between Urbana, Va., and junction Virginia Highways 33 and 227:

From Urbana over Virginia Highway 227 to junction Virginia Highway 33.

(C) Between Bowling Green, Va., and junction Virginia Highways 628 and 600:

From Bowling Green over U.S. Highway 301 to Port Royal, Va., thence over U.S. Highway 301 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction Virginia Highway 642, thence over Virginia Highway 642 to junction Virginia Highway 625, thence over Virginia Highway 625 to junction Virginia Highway 628, thence over Virginia Highway 628 to junction Virginia Highway 600.

Restriction: No freight to be picked up or delivered at Bowling Green, or the terminal area of Bowling Green, except Camp A. P. Hill, Va., serving Bowling Green for joinder only.

(D) Between Camp A. P. Hill, Va., and junction Virginia Highways 630 and 608:

From Camp A. P. Hill over Virginia Highway 608 to junction Virginia Highway 630.

(E) Between junction U.S. Highway 17 and Virginia Highway 631 and junction Virginia Highways 635 and 627:

From junction of Virginia Highway 631 and U.S. Highway 17 over Virginia Highway 631 to junction Virginia Highway 635, thence over Virginia Highway 635 to junction Virginia Highway 627.

(F) Between Falmouth, Va., and Stafford Court House, Va.:

From Falmouth, over Virginia Highway 664 to junction Virginia Highway 607, thence over Virginia Highway 607 to junction Virginia Highway 608, thence over Virginia Highway 608 to junction Virginia Highway 687, thence over Virginia Highway 687 to Stafford Court House.

(G) Between junction U.S. Highway 1 and Virginia Highway 611, and Wide Water, Va.:

From junction U.S. Highway 1 and Virginia Highway 611 over Virginia Highway 611 to Wide Water.

(H) Between junction Interstate Highway 95 and the Marine Corps Trunk Highway, Va., and the Potomac River:

From junction Interstate Highway 95 and the Marine Corp Trunk Highway over the Marine Corps Trunk Highway to the Potomac River.

(I) Between junction of U.S. Highway 1 and Virginia Highway 633 and the Potomac River.

From junction of U.S. Highway 1 and Virginia Highway 633 over Virginia Highway 633 to the Potomac River.

(J) Between Woodbridge, Va., and Occoquan, Va.: From Woodbridge over Virginia Highway 123 to Occoquan.

(K) Between Hollowing Point, Va., and Springfield (Garfield), Va.:

From Hollowing Point, Va., over Virginia Highway 600 to junction Virginia Highway 242, thence over Virginia Highway 242 to junction Virginia Highway 600, thence over Virginia Highway 600 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Virginia Highway 642, thence over Virginia Highway 642 to Lorton, Va., thence over Virginia Highway 642 to Interstate Highway 95, thence over Interstate Highway 95 to junction Virginia Highway 638, thence over Virginia Highway 638 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Virginia Highway 611, thence over Virginia Highway 611 to junction Virginia Highway 241, thence over Virginia Highway 241 to Alexandria, Va., thence over Virginia Highway 967 to junction Virginia Highway 644, thence over Virginia Highway 644 to Springfield.

Restriction: No freight shall be both originated and delivered, between Fredericksburg, Va., and Virginia-District of Columbia State line.

25. Between Alexandria, Va., and Winchester, Va.:

From Alexandria, over Virginia Highway 7 to Falls Church, Va. (also from Rosslyn, Va., over Virginia Highway 211 to Falls Church), thence over Virginia Highway 7 to Winchester, serving Ashburn, Gaylord, Hillsboro, Government Weather Bureau Mine, Lovettsville, Lucketts, Waterford, and Wheatland, Va., as off-route points.

26. (A) Between Dulles International Airport, Va., and the junction of Dulles Airport Road and Interstate Highway 66:

From Dulles International Airport over Dulles Airport Road to junction of Interstate Highway 66.

(B) Between Langley (Fairfax County), Va., and junction Virginia Highway 7 and Virginia Highway 606:

From Langley, over Virginia Highway 193 to Dranesville, Va., thence over Virginia Highway 7 to junction Virginia Highway 28, thence over Virginia Highway 28 to Herndon, Va., thence over Virginia Highway 606 to junction Virginia Highway 7, serving Sunset Hills, Va., as an off-route point.

(C) Between junction of U.S. Highway 522 and the Virginia-West Virginia State line and the junction of U.S. Highway 50 and the Virginia-West Virginia State line:

From the Virginia-West Virginia State line over U.S. Highway 522 to Winchester, Va., thence over U.S. Highway 50 to the Virginia-West Virginia State line.

Return over routes 1 through 26 to points of origin.

SERVICE AUTHORIZED ON ROUTES 1 THROUGH 26

Service is authorized at all intermediate points on Routes 1 through 26 except where otherwise restricted, and service is authorized in connection with said routes on that portion of Interstate Highway 495 located in Virginia.

Service is not authorized to or from points in the District of Columbia or Maryland.

ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY

27. Between Richmond, Va., and junction Virginia Highway 47 and U.S. Highway 15 and U.S. Highway 360:

From Richmond over U.S. Highway 360 to junction with Virginia Highway 47 and U.S. Highway 15.

28. Between Petersburg, Va., and Suffolk, Va.

From Petersburg over U.S. Highway 460 to Suffolk.

29. Between Richmond, Va., and Norfolk, Va:

(A) From Richmond, over U.S. Highway 60 to Norfolk.

(B) From Richmond, Va., over U.S. Highway 60 to junction Virginia Highway 168Y to junction Virginia Highway 168, thence over Virginia Highway 168 to junction U.S. Highway 60, thence over U.S. Highway 60 (also from junction Virginia Highway 168 with Virginia Highway 168Y, over Interstate Highway 64) to Norfolk.

(C) From Richmond over Interstate Highway 64 to Norfolk.

30. Between Tappahannock, Va., and Greys Point, Va.:

From Tappahannock, over U.S. Highway 360 to junction Virginia Highway 3, thence over Virginia Highway 3 to Greys Point.

31. Between Richmond, Va., and Fredericksburg, Va.:

(A) From Richmond, over Interstate Highway 95 to Fredericksburg.

(B) From Richmond, over U.S. Highway 1 to junction Virginia Highway 54, thence over Virginia Highway 54 to junction Interstate Highway 95, thence over Interstate Highway 95 to Fredericksburg.

(C) From Richmond, over U.S. Highway 1 to Virginia Highway 54, thence over Virginia Highway 54 to junction U.S. Highway 301, thence over U.S. Highway 301 to Bowling Green, Va., thence over Virginia Highway 2 to junction U.S. Highway 17, thence over U.S. Highway 17 to Fredericksburg.

(D) From Richmond, over Interstate Highway 95 to junction Virginia Highway 54, thence over Virginia Highway 54 to junction U.S. Highway 301, thence over U.S. Highway 301 to Bowling Green, Va., thence over Virginia Highway 2 to junction U.S. Highway 17, thence over U.S. Highway 17 to Fredericksburg.

32. Between Bowling Green, Va., and junction Interstate Highway 95 and Virginia Highway 207:

From Bowling Green over Virginia Highway 207 to junction with Interstate Highway 95.

Return over routes 27 through 32 to points of origin.

SERVICE AUTHORIZED ON ROUTES 27 THROUGH 32

No service is authorized at intermediate points on Routes 27 through 32.

Service is not authorized to or from points in the District of Columbia or Maryland.

No. MC-F-9629 (Correction) (YARBROUGH TRANSFER CO.—Purchase (Portion)—RAEFORD TRUCKING CO.), published in the January 11, 1967, issue of the FEDERAL REGISTER, on page 297. This notice inadvertently failed to state a *conversion application* in *MC-112288 Sub* 3 was filed on July 13, 1966, and published in the FEDERAL REGISTER on September 29, 1966, on page 12741, and is a matter *directly related*.

No. MC-F-9637. Authority sought for control by LEASE PLAN INTERNATIONAL CORP., 130 Steamboat Road, Great Neck, N.Y. 11022, of BEER TRANSPORT, INC., 576 Waterview Avenue, Bridgeport, Conn., and for acquisition by PEPSICO, INC., 500 Park Avenue, New York, N.Y. 10022, of control of BEER TRANSPORT, INC., through the acquisition by LEASE PLAN INTERNATIONAL CORP. Applicants' attorney and representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102, and Edward V. Lahey, Jr., 500 Park Avenue, New York, N.Y. 10022. Operating rights sought to be controlled: In pending Docket No. MC-127806 Sub 2, seeking a permit of public convenience and necessity, covering the transportation of malt beverages, in containers (other than in bulk, in tank vehicles) and advertising materials and displays, as a contract carrier, over irregular routes, from the plantsites of Rheingold Breweries, Inc., in New York, N.Y., and Orange, N.J., to West Hartford, Willimantic, Fairfield, Torrington, and Norwalk, Conn., and Medford, West Bridgewater, Framingham, Somerville, and Lawrence, Mass., and empty containers and pallets used for the transportation of such malt beverages, and return and rejected shipments on return. NOTE: Applicant states the proposed operations will be performed under a continuing contract with the Rheingold Breweries, Inc., Brooklyn, N.Y., and C. Carbone & Co., Somerville, Mass., LEASE PLAN INTERNATIONAL CORP., holds no authority from this Commission. How-

ever, it controls (1) NATIONAL TRAILER CONVOY, INC., Box 8096 Dawson Station, 1925 National Plaza, Tulsa, Okla., (2) FOOD TRANSPORT, INC., 1601 Bronxdale Avenue, Bronx, N.Y. 10462, (3) MARKET HAULAGE, INC., 333 North Bedford Road, Mount Kisco, N.Y. 10549, and (4) RELAY TRANSPORT, INC., 130 Steamboat Road, Great Neck, N.Y. 11024, which are authorized to operate as *contract carriers* in (1) all points in the United States (except Hawaii), (2) New York, New Jersey, and Connecticut, (3) New York, Connecticut, Rhode Island, New Jersey, and Maryland, and (4) New York, New Jersey, Pennsylvania, Connecticut, Virginia, Delaware, Massachusetts, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9639. Authority sought for purchase by E. J. SCANNELL, INC., 151 Linwood Street, Somerville, Mass. 02143, of the operating rights and property of WALTER F. VICKERS, SR., doing business as VICKERS TRUCKING CO., 26 Shurtliff Street, Chelsea, Mass., and for acquisition by HARLYN CORPORATION, also of Somerville, Mass., of control of such rights and property through the purchase. Applicants' attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–97463 Sub–2, covering the transportation of chemicals, shoes, shoe supplies, building materials, manufactured products, lubricating oils, waste materials, as a common carrier, in intrastate commerce, over irregular routes, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Maryland, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and the District of Columbia. Application has been filed for temporary authority. NOTE: MC–13692 Sub. No. 9 is a matter directly related.

No. MC–F–9640. Authority sought for control and merger by AC TRANSPORTATION, INC., Mutton Hollow Road, Woodbridge, N.J. 07095, of the operating rights and property of BERWICK TRANSPORTERS, INC., 1400 Elizabeth Avenue, Linden, N.J. 07036, and for acquisition by RICHARD L. SENDELL, 255 Raven's Wood, Mountainside, N.J., ALBERT R. FINK, 210 Sycamore Avenue, Shrewsbury, N.J., MURRAY SIEGEL, 1024 Byron Avenue, Elizabeth, N.J., HAROLD SIEGEL, 751 Vine Street, Elizabeth, N.J., and JOHN D. HOLMES, Rural Delivery No. 1, Center Harbor, N.H., of control of such rights and property through the transaction. Applicants' representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Operating rights sought to be controlled and merged: *Petroleum products, solvents,* and *alcohol,* in tank vehicles, as a *common carrier,* over irregular routes, from certain specified points in New Jersey, to certain specified points in New Jersey; *damaged, defective, rejected, or refused shipments* of petroleum products, solvents, and alcohol, in tank vehicles, from points in Rockland and Richmond Counties, N.Y., and certain specified points in New Jersey, to certain specified points in New Jersey; *molasses,* from Albany, N.Y., and Weehawken and Edgewater, N.J., to certain specified points in New Jersey; *asphalt,* in bulk, in insulated tank vehicles, with heating coils, from certain specified points in New Jersey, to Lancaster, Pa.; *asphalt,* in bulk, in tank vehicles, from Baltimore, Md., to Gloucester City, N.J.; and *hot liquid asphalt* and *hot asphalt road oil* (except coal tar and coal tar products) in insulated tank vehicles, from Baltimore, Md., to certain specified points in Pennsylvania. AC TRANSPORTATION, INC., is authorized to operate as a *common carrier* in New York, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9641. Authority sought (A) for purchase by SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126, of the operating rights and certain property of (1) MARC'S DELIVERY CORP., 357 Wilson Avenue, Newark, N.J., and of the operating rights of (2) DEAN APPLIANCE TRANSPORTATION CORP., 2995 Botanical Square, Bronx, N.Y.; and (B) for control and merger by SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126, of the operating rights and property of PAYNE TRANSFER, INC., 1701 Bryant Building, Kansas City, Mo., and for acquisition by LEASEWAY TRANSPORTATION CORP., and, in turn by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of 21111 Chagrin Boulevard, Cleveland, Ohio 44122, of control of such rights and property through the transactions. Applicants' attorneys: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115, Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Operating rights sought to be (A) transferred: (1) *Such general merchandise* as is dealt in by retail department stores, a *contract carrier,* over regular routes, from Philadelphia, Pa., to Delaware City, Del., serving all intermediate points, and off-route points in Delaware north of Delaware City; *such merchandise* as is dealt in by mail-order houses, over irregular routes, between Trenton, N.J., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Trenton, N.J.; *such general merchandise* as is dealt in by retail department stores from Philadelphia, Pa., to points in Delaware and New Jersey within 25 miles of Philadelphia, Pa.; and *such merchandise* as is dealt in by retail department stores and mail-order houses, from Wilmington, Del., to certain specified points in Maryland, Pennsylvania, and New Jersey, from Falls Township and Tullytown, Pa., to points in New Jersey within 50 miles thereof, with restrictions; and

(2) *Merchandise,* dealt in by retail department stores and mail-order houses (except commodities in bulk, in tank vehicles), in retail delivery service, as a *contract carrier,* over irregular routes, between Elizabeth and Maywood, N.J., on the one hand, and, on the other, points in Putnam, Rockland, and Westchester Counties, N.Y., and New York, N.Y., with restriction; and (B) controlled and merged: *such commodities* as are dealt in by mail-order stores, the business of which is the sale of general commodities, as a *contract carrier,* over irregular routes, from Kansas City, Mo., and Kansas City, Kans., to certain specified points in Kansas and Missouri; *such commodities* (described above) as are refused, repossessed, damaged, or returned for repair, from the above destination points to Kansas City, Mo., and Kansas City, Kans.; *such merchandise* as is dealt in by mail-order stores and department stores, the business of which is the sale of general merchandise, from points in the Kansas City, Mo.-Kans., commercial zone, as defined by the Commission, to certain specified points in Kansas and Missouri; and *damaged, defective, repossessed, or traded-in shipments* of the commodities described immediately above, from certain specified points in Kansas and Missouri, to points in the Kansas City, Mo.-Kans., commercial zone, as defined by the Commission; with restriction. SIGNAL DELIVERY SERVICE, INC., is authorized to operate as a *contract carrier* in Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9642. Authority sought for purchase by LONG ISLAND MOTOR HAULAGE CORP., 58–51, 52d Avenue (Woodside) New York, N.Y. 11377, of the operating rights of P. A. L. TRANSPORTATION CO., INC. (DEBTOR IN POSSESSION), 202 Plymouth Street, Brooklyn, New York, N.Y., and for acquisition by JOSEPH WEISDORF, 594 June Place, North Woodmere, N.Y., of control of such rights through the purchase. Applicants' attorneys: William Biederman, 280 Broadway, New York, N.Y. 10007, and Max Schwartz, 26 Court Street, Brooklyn, N.Y. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–96897 Sub-1, covering the transportation of general commodities and household goods in lift-vans, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–32566 Sub-4 is a matter directly related. See also MC–F–9643 (ARROW TRANSPORTATION CO., INC.—Purchase (Portion)—LONG ISLAND MOTOR HAULAGE CORP.), filed simultaneously this same issue.

No. MC–F–9643. Authority sought for purchase by ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I., of a portion of the operating rights of LONG ISLAND MOTOR HAULAGE CORP., 58–51 52d Avenue,

Woodside, N.Y. (which rights are contingent upon approval by the Commission, of the authority sought to be acquired in MC-F-9642), and for acquisition by HENRY MALKIN, 167 Perry Street, New York, N.Y., and SAMUEL MALKIN, 288 Kinsley Avenue, Providence, R.I., of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., Morris J. Levin, 1632 K Street, Washington, D.C., and William Biederman, 280 Broadway, New York, N.Y. Operating rights sought to be transferred: (The following rights are presently in the name of P. A. L. TRANSPORTATION COMPANY, INC., under a certificate of registration, in Docket No. MC-96897 Sub 1.) General commodities, as a common carrier, in intrastate commerce, between New York City, on the one hand, and, on the other, all points in Nassau County, and from New York City to all points in Suffolk County. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. Application has been filed for temporary authority under section 210a(b). NOTE: MC-107588 Sub-No. 7 is a matter directly related. See also MC-F-9642 (LONG ISLAND MOTOR HAULAGE CORP.—Purchase—P. A. L. TRANSPORTATION CO., INC. (Debtor in Possession), filed simultaneously this same issue.

No. MC-F-9644. Authority sought for control and merger by PENNSYLVANIA-OHIO EXPRESS, INC., Box 256, Oak Hill, Ohio 45656, of the operating rights and property of GRANT TRUCKING, INC., Box 256, Oak Hill, Ohio 45656, and for acquisition by DARRELL D. DETTY, 409 Mill Lawn Avenue, Oak Hill, Ohio 45656, of control of such rights and property through the transaction. Applicants' representative: Paul F. Berry, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: *Metal storage bins, metal shelving,* and *metal factory furniture and equipment,* as a *common carrier,* over irregular routes, from Wellston, Ohio, to points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; *ferro alloys* and *pig iron,* in bulk, in dump trucks, from Jackson, Ohio, to points in Indiana, Michigan, Kentucky, Pennsylvania, and West Virginia, from Jackson, Ohio, to all points in Illinois, New York, and Wisconsin; *soil pipe* and *soil pipe fittings,* from Jackson, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, West Virginia, and Wisconsin; *scrap iron,* from points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, West Virginia, and Wisconsin, to Jackson, Ohio; *clay,* from points in Bloom Township, Scioto County, Ohio, and Elizabeth Township, Lawrence County, Ohio, to points in Minnesota, Missouri, Alabama, Connecticut, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, Wisconsin, and points in Illinois except those which are in the Chicago, Ill., commercial zone, as defined by the Commission, and certain specified points in Michigan, with exceptions, from Oak Hill, Ohio, and points in Ohio within 6 miles of Oak Hill, to points in Minnesota, Missouri, Alabama, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

Clay products, furnace or stove lining shapes, plastic, brick, salt, and *silica flour,* from Oak Hill, Ohio, and points in Ohio within 14 miles of Oak Hill, to points in the States specified immediately above; *raw materials and supplies* used in the manufacture and shipping of clay products, from points in Minnesota, Missouri, Alabama, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to Oak Hill, Ohio, and points in Ohio within 14 miles of Oak Hill; *machinery,* used in the manufacture and shipping of clay and clay products, from points in Pennsylvania, Illinois, Indiana, West Virginia, and the Lower Peninsula of Michigan, to Oak Hill, Ohio, and points within 6 miles of Oak Hill; *machinery* used in the manufacture and shipping of clay products, from points in Kentucky, to Oak Hill, Ohio, and points within 6 miles of Oak Hill; *charcoal,* from Oak Hill, Ohio, and points within 6 miles of Oak Hill, to points in Indiana, West Virginia, Kentucky, Pennsylvania, Illinois, and the Lower Peninsula of Michigan; *ferro alloys* and *pig iron* (except in bulk, in dump trucks), from Jackson, Ohio, to points in Michigan, Pennsylvania, West Virginia, Indiana, and Kentucky; *empty pallets and containers therefor,* used in transporting the immediately above-named commodities, from points in Michigan, Pennsylvania, West Virginia, Indiana, and Kentucky to Jackson, Ohio; *brick and clay products,* from the plantsite of the Esso-Ramtite Co., near Siloam, Ky., to points in Ohio, Michigan, Illinois, Indiana, West Virginia, Pennsylvania, and New York; *damaged or returned shipments* of brick and clay products and *pallets* used in the transportation of such products, from the immediately above-specified destination points to the plantsite of the Esso-Ramtite Co., near Siloam, Ky.

Brick and *clay products,* from the plantsite of the Lawrence Refactories Clay Co., in Elizabeth Township, Lawrence County, Ohio, to points in Kentucky, Michigan, Illinois, Indiana, West Virgina, Pennsylvania, and New York; *damaged or returned shipments* of the above-named commodities, and *pallets, containers, or other packing materials* used in the transportation of brick and clay products, from points in Kentucky, Michigan, Illinois, Indiana, West Virginia, Pennsylvania, and New York, to the plantsite of the Lawrence Refactories Clay Co., in Elizabeth Township, Lawrence County, Ohio; *refactories* (except furnace and stove lining shapes and plastic brick), from Oak Hill, Ohio, and points in Ohio within 14 miles of Oak Hill, to points in Alabama, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; *refactories,* from the plantsite of the Esso-Ramtite Co., near Siloam, Ky., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia, from the plantsite of the Lawrence Refactories Clay Co., in Elizabeth Township, Lawrence County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia; from South Shore, Ky., to points in Alabama, Florida, Georgia (except Atlanta and Dalton, Ga., and the commercial zones thereof, as defined by the Commission), Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri (except St. Louis, Mo., and the commercial zone thereof, as defined by the Commission), New Jersey, New York, North Carolina, certain specified points in Ohio (except Columbus, Ohio and the commercial zone thereof, as defined by the Commission), that part of Pennsylvania east of Highway 219, Rhode Island, South Carolina, Tennessee (except Chattanooga, Knoxville, and Nashville, Tenn., and the commercial zones thereof, as defined by the Commission), Virginia, certain specified points in West Virginia (except Barboursville, Ceredo, Princeton, Bluefield, Charles Town, St. Albans, Huntington, South Charleston, Kenova, Parkersburg, and Belle, W. Va., and the commercial zone thereof, as defined by the Commission), and Wisconsin, with restriction.

Clay, clay products, and *refactory products,* from Ironton, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; *silica sand, silica gravel,* and *quartzite,* in bags and in bulk, from points in Jackson Township, Pike County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia; and *iron* and *steel* and *iron and steel articles,* from the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind., to points in Ohio and West Virginia, with restriction. PENNSYLVANIA - OHIO EXPRESS, INC., is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Ohio, and Maryland. Application has not been filed for temporary authority under section 210a(b). NOTE: Upon approval of this Application, Applicants propose then to change the name

of the surviving corporation (PENNSYLVANIA-OHIO EXPRESS, INC.) to GRANT TRUCKING, INC.

No. MC-F-9646. Authority sought for purchase by GREEN COUNTY FAST FREIGHT, INC., Post Office Box 280, Monroe, Wis. 53566, of the operating rights and property of O. L. HARE, doing business as GREEN COUNTY FAST FREIGHT, Post Office Box 280, Monroe, Wis. 53566, and for acquisition by DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn., of control of such rights and property through the purchase. Applicants' attorneys: Singer and Hardman, 33 North La Salle Street, Chicago, Ill. 60602, and Edward Solie, 4513 Vernon Boulevard, Madison, Wis. 53705. Operating rights sought to be transferred: *Casein, feed, casein equipment,* and *empty containers for casein,* as a *common carrier,* over irregular routes, between certain specified points in Wisconsin, with exception, on the one hand, and, on the other, Chicago, Ill.; *farm machinery* and *farm supplies,* from Chicago, Ill., and points in Illinois in the Chicago, Ill., commercial zone, as defined by the Commission, to points in that part of Wisconsin within 200 miles of Madison, Wis., located south and west of U.S. Highway 12, not including points on the indicated portion of U.S. Highway 12; *such merchandise,* as is dealt in by both food manufacturing establishments, the business of which is the processing, manufacture, and sale of prepared food products, and wholesale food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving to or from warehouses, plants, or other facilities of such establishments, between Chicago, Ill., on the one hand, and, on the other, points in that part of Wisconsin south and west of U.S. Highway 12 (not including points located on U.S. Highway 12), from Chicago, Ill., to points in Jo Daviess, Stephenson, and Winnebago Counties, Ill.; *cheese,* from points in Jo Daviess, Stephenson, and Winnebago Counties, Ill., to Chicago, Ill., with restriction; and *fertilizer,* from Bloom Township (Cook County), Ill., to certain specified points in Wisconsin. GREEN COUNTY FAST FREIGHT, INC., holds no authority from this Commission. However, it is controlled by DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104, which is authorized to operate as a *common carrier* in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, Illinois, Michigan, Missouri, Nebraska, Kansas, and Montana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9647. Authority sought for purchase by MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio 44306, of the operating rights and property of BRADDOCK MOTOR FREIGHT, INC., Post Office Box 340, Washington Court House, Ohio, and for acquisition by MARMAC INSURANCE AGENCY, INC., and in turn by HELKEN, INC., and K. C. HEFFRON, all of 135 South La Salle Street, Chicago, Ill. 60603, of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Nelson Lancione, 44 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-85472 Sub 2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Kansas, Ohio, Missouri, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, and New York. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-59729 Sub 18 is a matter directly related.

MOTOR CARRIER OF PASSENGERS

No. MC-F-9638. Authority sought for control by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, of (1) SOUTHERN STAGES, INC., 448 Pine Street, Macon, Ga., and (2) ATLANTIC STAGES, INC., 448 Pine Street, Macon, Ga. Applicants' attorneys: Carl B. Callaway, D. Paul Stafford, and Warren A. Goff, all of 315 Continental Avenue, Dallas, Tex. 75207. Operating rights sought to be controlled: (1) Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier,* over regular routes, between Augusta, Ga., and Columbus, Ga., between Augusta, Ga., and Milledgeville, Ga., between Macon, Ga., and Americus, Ga., between Sandersville, Ga., and junction Georgia Highways 68 and 24 at a point approximately 3 miles west of Sandersville, between Geneva, Ga., and Roberta, Ga., between Gray, Ga., and Athens, Ga., between Fort Valley, Ga., and Reynolds, Ga., between Macon, Ga., and Milledgeville, Ga., serving all intermediate points; and (2) Passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, as a *common carrier,* over regular routes, between Columbus, Ga., and Ellaville, Ga., between Buena Vista, Ga., and Americus, Ga., between Savannah, Ga., and Americus, Ga., between Richland, Ga., and Americus, Ga., serving all intermediate points; between Americus, Ga., and Ellaville, Ga., serving no intermediate points, between Macon, Ga., and Higgston, Ga., serving all intermediate points; and passengers and their baggage and express, and newspapers in the same vehicle with passengers, between Thomaston, Ga., and Macon, Ga., serving all intermediate points. TRANSCONTINENTAL BUS SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, Colorado, New Mexico, Texas, Oklahoma, Utah, Arizona, Nebraska, Iowa, Arkansas, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 67-894; Filed, Jan. 24, 1967; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 20, 1967.

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

LONG-AND-SHORT HAUL

FSA No. 40871—*Returned shipments between points in the United States.* Filed by Pacific Southcoast Freight Bureau, agent (No. 255), for interested rail carriers. Rates on property moving on class and commodity rates, returned to original point of shipment, between points in the United States.

Grounds for relief—Carrier competition.

By the Commission.

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

[F.R. Doc. 67-895; Filed, Jan. 24, 1967; 8:49 a.m.]

[Notice 430]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 20, 1967.

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 26739 (Deviation No. 26), CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502, filed January 11, 1967. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Kansas City, Kans., and Lawrence, Kans., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Kansas City, Kans., and Lawrence, Kans., over U.S. Highway 40.

No. MC 26739 (Deviation No. 27), CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo. 64502, filed January 11, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Kans., and Topeka, Kans., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Kansas City, Kans., and Topeka, Kans., over U.S. Highway 40.

No. MC 26739 (Deviation No. 28), CROUCH BROS., INC., Post Office Box 1059, St. Joseph, Mo., 64502, filed January 11, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans., over Interstate Highway 70 to Lawrence, Kans., thence over U.S. Highway 24 to Topeka, Kans., 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: Between Kansas City, Kans., and Topeka, Kans., over U.S. Highway 40.

No. MC 59856 (Deviation No. 1), SALT CREEK FREIGHTWAYS, 408 Industrial Avenue, Post Office Box 1411, Casper, Wyo. 82601, filed January 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cody, Wyo., over Wyoming Highway 120 to Thermopolis, Wyo., 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 Casper, Wyo., over U.S. Highway 20 via Shoshoni, Thermopolis, Worland, and Greybull, Wyo., to Cody, Wyo., and return over the same route.

No. MC 61628 (Deviation No. 4) (Correction), TAMIAMI FREIGHTWAYS, INC., 4305, 21st Avenue, Tampa, Fla. 33610, filed December 16, 1966. Carrier's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, Fla. Previous notice published in the FEDERAL REGISTER, Vol. 31, page 16645, December 29, 1966, was in error in describing Route 8 of carrier's pertinent service routes. The correct description of the pertinent service route is as follows: From Jacksonville, Fla., over U.S. Highway 1 to Daytona Beach, Fla., thence over U.S. Highway 92 to Tampa, Fla., and return over the same route.

No. MC 71096 (Deviation No. 19), NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio 44857, filed January 10, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cleveland, Ohio, over Interstate Highway 71 to Columbus, Ohio, thence over Interstate Highway 70 (using U.S. Highway 40 to the extent necessary because of the incompletion of Interstate Highway 70) to Indianapolis, Ind., thence over Interstate Highway 74 to Danville, Ill., and (2) from Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 71, thence to Danville, Ill., as specified in (1) above, 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 Cleveland, Ohio, over U.S. Highway 6 to junction Ohio Highway 2 (formerly portion U.S. Highway 6), thence over Ohio Highway 2 via Sandusky, Ohio, to junction U.S. Highway 6, thence over U.S. Highway 6 to junction unnumbered highway (formerly portion U.S. Highway 6), thence over unnumbered highway via Fremont, Ohio, to junction U.S. Highway 6, thence over U.S. Highway 6 to Bremen, Ind., thence over Indiana Highway 331 to Mishawaka, Ind., thence over U.S. Highway 33 to South Bend, Ind., thence over U.S. Highway 20 to Chicago, Ill., thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 150, thence over U.S. Highway 150 to Danville, Ill., (2) from Akron, Ohio, over Ohio Highway 18 to Norwalk, Ohio, thence over U.S. Highway 20 to junction unnumbered highway (formerly portion U.S. Highway 20), thence over unnumbered highway to Fremont, Ohio, thence to Danville, Ill., as specified in (1) above, and (3) from Akron, Ohio, over U.S. Highway 224 to junction U.S. Highway 42, at or near Lodi, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 30N) to junction U.S. Highway 30N, thence over U.S. Highway 30N to Delphos, Ohio, thence over U.S. Highway 30 to Fort Wayne, Ind., thence over Indiana Highway 3 to junction U.S. Highway 6, thence over U.S. Highway 6 to Bremen, Ind., thence to Danville, Ill., as specified in (1) above, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 354) (Cancels Deviations No. 181 and No. 203), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex. 76102, filed January 10, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 280 and Interstate Highway 80 south of Colona, Ill., over Interstate Highway 80 to Omaha, Nebr., with the following access routes (1) from junction Interstate Highway 80 and Iowa Highway 1 (formerly Iowa Highway 261) over Iowa Highway 1 to Iowa City, Iowa, (2) from junction Interstate Highway 80 and Iowa Highway 149 over Iowa Highway 149 to junction U.S. Highway 6 near South Amana, Iowa, (3) from junction Interstate Highway 80 and Iowa Highway 146 over Iowa Highway 146 to Grinnell, Iowa, (4) from junction Interstate Highway 80 and Iowa Highway 14 over Iowa Highway 14 to Newton, Iowa, (5) from junction Interstate Highway 80 and Interstate Highway 235 over Interstate Highway 235 via Des Moines, Iowa, to junction Interstate Highway 80 in West Des Moines, Iowa, (6) from junction Interstate Highway 80 and U.S. Highway 71 over U.S. Highway 71 to junction Iowa Highway 90, (7) from junction Interstate Highway 80 and Interstate Highway 80N near Neola, Iowa, over Interstate Highway 80N to junction Interstate Highway 29 near Loveland, Iowa, 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 De Kalb, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, Nebr., and (2) from junction U.S. Highway 66 and Interstate Highway 80 over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction U.S. Highway 150, thence over U.S. Highway 150 to Moline, Ill., and return over the same routes.

No. MC 61616 (Deviation No. 19), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark. 72114, filed January 10, 1967. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Mayflower, Ark., over relocated U.S. Highway 65 (Interstate Highway 40) to junction unnumbered highway, thence over unnumbered highway to junction Arkansas Highway 365 (formerly U.S. Highway 65) 3 miles south of Conway, Ark., a distance of 7.2 miles, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

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

[F.R. Doc. 67-896; Filed, Jan. 24, 1967; 8:49 a.m.]

[Notice 1021]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 20, 1967.

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 113678 (Sub-No. 274), filed January 18, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Oregon, Washington, and Idaho to points in Wyoming, South Dakota, Colorado, Nebraska, and Kansas.

HEARING: February 15, 1967, at the U.S. Post Office and Courthouse, Eighth and Bannock Streets, Boise, Idaho, before Examiner Richard H. Roberts.

By the Commission.

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

[F.R. Doc. 67-897; Filed, Jan. 24, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 20, 1967.

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

State Docket No. MC 19873, filed January 9, 1967. Applicant: J. W. BOYLES, doing business as BESTWAY MOTOR FREIGHT LINES, Post Office Box 1802, Oklahoma City, Okla. Applicant's representative: Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight*, Between Oklahoma City, Okla. and Ponca City, Okla., and points and places within 15 miles of the city limits of Ponca City, from Oklahoma City via Interstate Highway 35 to junction of U.S. Highway 60, thence via U.S. Highway 60 to Ponca City, and return over the same route. Between Oklahoma City, Okla., and Tulsa, Okla., and points and places within 15 miles of the city limits of Tulsa, from Oklahoma City via Interstate Highway 44 (Turner Turnpike) to Tulsa, and return over the same route. Between Oklahoma City, Okla., and Muskogee, Okla., and points and places within 15 miles of the city limits of Muskogee, from Oklahoma City via U.S. Highway 62 to Muskogee, and return over the same route. Between Oklahoma City, Okla., and Henryetta, Okla., and points and places within 15 miles of the city limits of Henryetta, from Oklahoma City via Interstate Highway 40 to Henryetta, and return over the same route. Between Oklahoma City, Okla., and McAlester, Okla., and points and places within 15 miles of the city limits of McAlester, from Oklahoma City via U.S. Highway 270 to McAlester, and return over the same route. Between Oklahoma City, Okla., and Ada, Okla., and points and places within 15 miles of the city limits of Ada, and the intermediate point of Pauls Valley, Okla., and points and places within 15 miles of the city limits of Pauls Valley, from Oklahoma City via U.S. Highway 77 and Interstate Highway 35 to junction of State Highway 19, thence via State Highway 19 to Ada, and return over the same route.

Between Oklahoma City, Okla., and Durant, Okla., and points and places in Oklahoma within 15 miles of the city limits of Durant, and the intermediate point of Ardmore, and points and places in Oklahoma within 15 miles of the city limits of Ardmore, from Oklahoma City via Interstate Highway 35 and U.S. Highway 77 to junction of U.S. Highway 70, thence via U.S. Highway 70 to Durant and return over the same route. Between Oklahoma City, Okla., and Duncan, Okla., and points and places within 15 miles of the city limits of Duncan, and the intermediate point of Chickasha, and points and places within 15 miles of the city limits of Chickasha, from Oklahoma City via U.S. Highway 62 to junction of U.S. Highway 81, thence via U.S. Highway 81 to Duncan, and return over the same route. Between Oklahoma City, Okla., and Frederick, Okla., and points and places in Oklahoma within 15 miles of the city limits of Frederick, and the intermediate point of Lawton, Okla., and points and places within 15 miles of the city limits of Lawton, from Oklahoma City via H. E. Bailey Turnpike to junction of State Highway 5, thence via State Highway 5 to Frederick, and return over the same route. Between Oklahoma City, Okla., and Altus, Okla., and points and places in Oklahoma within 15 miles of the city limits of Altus, from Oklahoma City via U.S. Highway 277 to junction of U.S. Highway 62, thence via U.S. Highway 62 to Altus, and return over the same route. Between Oklahoma City, Okla., and Clinton, Okla., and points and places within 15 miles of the city limits of Clinton, from Oklahoma City via Interstate Highway 40 and U.S. Highway 66 to Clinton, and return over the same route.

Between Oklahoma City, Okla., and Woodward, Okla., and points and places within 15 miles of the city limits of Woodward, from Oklahoma City via State Highway 3 to Woodward, and return over the same route. Between Oklahoma City, Okla., and Enid, Okla., and points and places within 15 miles of the city limits of Enid, from Oklahoma City via State Highway 3 to junction of U.S. Highway 81 thence via U.S. Highway 81 to Enid, and return over the same route. Service authorized to, from, and between all points named on the routes described above. Both intrastate and interstate authority sought.

HEARING: Not known at this time. Contact Secretary, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. 73105. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City,

Okla. 73105, and should not be directed to the Interstate Commerce Commission.

State Docket No. 25571, filed November 28, 1966. Applicant: TOWER CARTAGE INC., 5345 West 25th Street, Chicago, Ill. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* within a 50 mile radius of Chicago, Ill. Both intrastate and interstate authority sought.

HEARING: Tuesday, January 31, 1967, at 10 a.m., c.s.t., Illinois Commerce Commission, 160 North La Salle Street, 19th Floor, Chicago, Ill. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Illinois Commerce Commission, 160 North La Salle Street, Chicago, Ill., and should not be directed to the Interstate Commerce Commission.

State Docket No. 34209, filed November 2, 1966. Applicant: PEOPLES CARTAGE, INCORPORATED, 2035 South Erie Street, Massillon, Ohio. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *fluorspar, lime, salt, clay, ferroalloys, fertilizer and like bulk materials,* in bags, containers or in bulk, from and to Columbiana County, Ohio, restricted against liquids in bulk and restricted to shipments having a prior or subsequent movement by rail, water, air, or surface transportation, over irregular routes. Both intrastate and interstate authority sought.

HEARING: Friday, January 27, 1967, at 1:30 p.m., E Street Office, The Public Utilities Commission of Ohio, 111 North Front St., Columbus, Ohio. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission of Ohio, 111 North Front Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 67-898; Filed, Jan. 24, 1967; 8:49 a.m.]

[Notice 325]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 20, 1967.

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 66562 (Sub-No. 2213 TA), filed January 18, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, as follows: *General commodities,* moving in express service between North Conway, N.H., and Gorham, N.H., from North Conway over New Hampshire Highway 16 to Gorham, and return over the same route, serving all intermediate points. Applicant requests authority for the extension of Dover-North Conway, N.H., route, MC 66562 Sub 1587 to join at the common point of Gorham, N.H., with existing authorized motor operation between Portland, Maine-North Stratford, N.H., under certificate in MC 66562 Sub 1757, so that it may operate by motor between Dover, N.H., and North Stratford, N.H., for 180 days. Supporting shippers: The application is supported by statements from eight shippers which may be examined at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 66562 (Sub-No. 2214 TA), filed January 18, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 2413 Broadway, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, as follows: *General commodities,* moving in express service (1) between Cincinnati, Ohio, and Montgomery, Ala., serving the intermediate and/or off-route points of Sparta, Corrallton, Campbellsburg, La Grange, Louisville, Shepherdsville, Elizabethtown, Horse Cave, Cave City, Bowling Green, and Franklin, Ky.; Portland, Nashville, Franklin, Columbia, and Pulaski, Tenn.; Athens, Decatur, Hartselle, Cullman, Garden City, Trafford, Birmingham, Helena, Siluria, Calera, Jemison, Throsby, Clanton, Wetumpka, and Elmore, Ala.; from Cincinnati, Ohio, over Interstate Highway 75 to junction with Interstate Highway 71/U.S. Highway 42, thence over Interstate Highway 71/U.S. Highway 42 to Louisville, Ky., thence over Interstate Highway 65/U.S. Highway 31W to Nashville, Tenn., thence over Interstate Highway 65/U.S. Highway 31 to Montgomery, Ala., and return over the same route. (2) Serving Walton, Ky., as an intermediate point on applicant's authorized regular route operations between Cincinnati, Ohio, and Somerset, Ky., under MC 66562 Sub-1061. (3) Between Nashville, Tenn. and the junction of Kentucky State Highway 90 and Interstate Highway 65/U.S. Highway 31W, serving the intermediate points of Gallatin, Tenn.; Scottsville, and Glasgow, Ky.; and serving junction of Kentucky State Highway 90 and Interstate Highway 65/U.S. Highway 31W for purposes of joinder only. From Nashville, Tenn., over U.S. Highway 31E to Glasgow, Ky., thence over Kentucky State Highway 90 to junction of Kentucky State Highway 90 and Interstate Highway 65/U.S. Highway 31W, and return over the same route. (4) Serving Calera, Jemison, Thorsby, and Clanton, Ala., as intermediate and/or off-route points on applicant's authorized regular route operations between Birmingham, Ala., and Selma, Ala., under MC 66562 Subs 1527, 1936, and 2013.

(5) Serving Wetumpka, Ala., as an intermediate point on applicant's authorized regular route operations between Atlanta, Ga., and Montgomery, Ala., under MC 66562 Sub 1740. NOTE: Applicant herein seeks authority to use Interstate Highway 65 and Interstate Highway 71 where and as when completed. To bridge the gaps in those highways that are not yet completed, it is necessary at this point to revert to the U.S. highways named in conjunction with the Interstate Highways and separated by a slash in the foregoing description. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority. Duplicating authority not sought: There is a slight duplication between the authority sought in paragraph number 1 above, and applicants existing authority under MC 66562 Sub 1527 and Sub 1935, as illustrated in the map attached as Appendix B. The whole route proposed is so described for administrative convenience and intelligibility, and applicant does not seek more than one operating right and understands that if the authority proposed is provided no more than one operating right would be intended or thereby conferred, for 150 days. Supporting shippers: The application is supported by statements from 42 shippers which may be examined at the Interstate Commerce Commission here at Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor,

Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 67818 (Sub-No. 73 TA), filed January 18, 1967. Applicant: MICHIGAN EXPRESS, INC., 1122 Freeman SW., Grand Rapids, Mich. 49502. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving plantsite of Ford Motor Co. on Sheldon Road, Plymouth Township, Wayne County, Mich., as an off-route point in connection with authorized service at Detroit, Mich., for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 123392 (Sub-No. 3 TA), filed January 18, 1967. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia Street, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Helium*, liquefied and/or gaseous, in bulk in tube type trailers, from Greenwood Helium Plant, Morton County, Kans., to Glendale, Calif.; Hightstown, N.J.; Richardson, and Amarillo, Tex., for 150 days. Supporting shippers: Gardner Cryogenics Corp., 2136 City Line Road, Bethlehem, Pa.; Union Carbide Corp., Linde Division, Box 726, Amarillo, Tex. Send protests to: Harold M. Gregory, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 918 Tyler Street, Amarillo, Tex. 79101.

By the Commission.

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

[F.R. Doc. 67-899; Filed, Jan. 24, 1967; 8:49 a.m.]

[Notice 1468]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 20, 1967.

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-35407. By order of January 16, 1967, the Transfer Board approved the lease for a period of 1 year, by Sanford Transfer, Inc., Terre Haute, Ind., of the operating rights in certificate No. MC-106134 issued October 21, 1949, to Toler Trucking Co., Inc., Clay City, Ill., authorizing the transportation, of: Oilfield machinery, materials, supplies, and equipment, between points in Illinois, Indiana, Kentucky, and Tennessee. W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind. 47801, representative for applicants.

No. MC-FC-69314. By order of January 16, 1967, the Transfer Board approved the transfer to Barbara J. Pearson, doing business as Pearson's Express, 99 Post Island Road, Quincy, Mass. 02169, of certificate of registration No. MC-99420 (Sub-No. 1) issued June 1, 1964, to Carl A. Pearson, doing business as Pearson's Express, 40 Maxwell Street, Dorchester, Mass., evidencing a right to engage in transportation in interstate or foreign commerce, in Massachusetts.

No. MC-FC-69315. By order of January 16, 1967, the Transfer Board approved the transfer to M. D. Snider, Box 299, Pampa, Tex. 79066, of certificate of registration No. MC-120517 (Sub-No. 1) issued April 1, 1964, to Longhorn Trucking Co., Inc., Box 1672, Pampa, Tex. 79066, evidencing a right to engage in the transportation of specified commodities, in interstate or foreign commerce, between points in Texas.

No. MC-FC-69331. By order of January 16, 1967, the Transfer Board approved the transfer to Stuart Rogell, doing business as Hoffman Transfer Co., Denver, Colo., of certificate of registration No. MC-57232 (Sub-No. 1) issued December 12, 1963, to Morgan Transfer & Storage Co., Inc., Denver, Colo., evidencing a right to engage in interstate or foreign commerce within Colorado. Joseph F. Nigro, 400 Denver Hilton Office, Denver, Colo. 80202, attorney for Applicants.

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

[F.R. Doc. 67-900; Filed, Jan. 24, 1967; 8:49 a.m.]

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PART II

Federal Communications Commmission

Community Antenna Television (CATV) Systems

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14895, etc.; FCC 67-34]

COMMUNITY ANTENNA TELEVISION (CATV) SYSTEMS

Miscellaneous Amendments

In the matter of: amendment of Subpart L, Part 91, to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895; amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233; amendment of Parts 21, 74, and 91 to adopt rules and regulations relating to the distribution of television broadcast signals by community antenna television systems, and related matters, Docket No. 15971 (RM Nos. 636, 672, 742, 755, and 766); amendment of § 74.1103 requirements relating to distribution of television signals by community antenna television systems, RM 1017; amendment of § 74.1107(a) of the Commission's rules and regulations, carriage of distant signals in top 100 markets, RM 1025.

1. The Commission has before it a number of petitions for reconsideration of the second report and order issued in this proceeding on March 8, 1966 (31 F.R. 4540).[1] Except for some respects in which modification of the rules is sought, we have decided that the petitions should be denied. To a considerable extent, they raise no new issues and advance no new arguments for our consideration. We will not go over old ground again, but will limit this opinion to those matters which warrant additional treatment and to the modifications in the rules.

I. 2. The contentions concerning the Commission's jurisdiction are essentially repetitive of arguments fully considered in our previous opinions.[2] We shall treat in greater detail the question of whether the rules are inconsistent with constitutional and statutory requirements of free speech. See, e.g., Back Mountain Telecable, Inc., 5 FCC 2d 735. Such inconsistency is urged on the ground that they interfere with the right to receive programs and direct the conduct of CATVs in deciding what programs shall and shall not be carried. Assuming that the provisions of section 326 of the Communications Act, 47 U.S.C. 326, are applicable to CATVs, we see no violation of either the first amendment or that statutory provision.

3. It is well established that reasonable regulation of radio transmissions, if consistent with the public interest as that term is defined taking into account the overall purposes and provisions of the Act, is not violative of the right of free speech. National Broadcasting Co. v. United States, 319 U.S. 190 (1943); Lafayette Radio Electronics Corp. v. United States, 345 F. 2d 278 (C.A. 2, 1965). This principle has been applied to the imposition of carriage and nonduplication restrictions on CATVs similar to those finally adopted in the second report and order. Carter Mountain Transmission Corp. v. Federal Communications Commission, 116 U.S. App. D.C. 93, 321 F. 2d 359 (1963), cert. den. 375 U.S. 951; Idaho Microwave, Inc. v. Federal Communications Commission, 122 U.S. App. D.C. 253, 352 F. 2d 729 (1965).

4. While it is true that those cases dealt with radio licensing, we have now held that CATVs provide an extension of a broadcast service, see also Clarksburg Publishing Co. v. Federal Communications Commission, 96 U.S. App. D.C. 211, 217, 225 F. 2d 511, 517 (1955). If, as we believe, Congress has given us the regulatory authority we have asserted, there is no reason why the free speech principles should apply differently to those CATVs which derive their signals off the air than to those which use licensed radio.[3] The public interest considerations remain the same, as does the impact upon speech. We are not concerned here with the sort of "sweeping suppression of home subscription television" which was stricken down on free speech grounds in Weaver v. Jordan, 49 Cal. Reptr. 537, 411 P. 2d 289 (1966), but rather with limited regulation.

5. So far as our rules go beyond the original carriage and nonduplication requirements to prohibit extending certain signals beyond their Grade B contour without a hearing, it can hardly be contended, in light of the existing authorities, that the right of free speech includes the right of a party subject to the Act's jurisdiction (here an interstate communicator by wire) to extend the service area of a television station beyond the area authorized by the Commission, in a manner inconsistent with the public interest. Thus, the CATV system has no more constitutional right to extend the service area of a station in a manner inconsistent with the public interest than the station would have the constitutional right to increase its height and power in violation of our rules or the public interest. National Broadcasting Co. v. United States, 319 U.S. 190 (1943); see sections 303(h) and 307(b) of the Act.

6. One other contention on the question of the Commission's authority warrants brief discussion.[4] It is urged that the Commission cannot rely upon any of the radio licensing provisions of Title III of the Act, on the theory that they do not apply to wire transmissions but only authorize regulation of radio and television stations licensed under Title III. This approach parallels the argument made, and rejected, in Carter Mountain, supra, that the Commission was applying "broadcast regulation" to common carriers.

7. The Communications Act does not so compartmentalize the Commission's functions. On the contrary, it created one agency "for the purpose of regulating interstate and foreign commerce in communication by wire and radio by cen-

[1] Appendix A contains a list of the parties who have filed petitions for reconsideration, or oppositions. Dismissal of the petition for reconsideration filed by Courier Cable Co., Inc. is sought on the ground that it has not given good reason under section 1.106(i) of the rules for not participating in the proceeding at earlier stages. Because of our desire to be fully informed as to the views of all interested persons in rule making of this nature, we have considered the Courier petition and will deny the request for dismissal.

[2] The contentions concerning the validity of the "grandfathering" date of Feb. 15, 1966, our decision to make the rules effective upon publication in the FEDERAL REGISTER, our failure to hold a full evidentiary hearing before promulgating the rules, and the general adequacy of notice of rule making, have all been discussed in the memorandum opinion and order released May 27, 1966 denying petitions for stay of the effective date of the rules, FCC 66-456, 3 FCC 2d 816. It is contended further that sufficient notice was not given that "final" rules, rather than "interim" action pending a resolution of Part II of the rule making, would be adopted for CATV operations in major markets. While the second report dealt only with Part I and pars. 49 and 50, we examined the comments on Part II and concluded that they added very little to the comments on pars. 49 and 50, certainly nothing which would permit us to adopt substantive rules resolving the policy issues in this area. We decided that evidentiary hearings were necessary and our major market procedure operates pending a resolution of the issues by this process rather than by the rule making process.

[3] See also United Artists Television, Inc. v. Fortnightly Corp., 255 F. Supp. 177 (S.D.N.Y., decided May 23, 1966), explaining in detail why CATVs are not merely reception facilities and that they do transmit radio waves, albeit by wire.

[4] We think no more than mention need be made of the contention that the rules deprive parties holding local franchises of property without compensation. Federal regulation of businesses engaged in interstate commerce is not subject to attack on that ground. Nelson Brothers Bond & Mortgage Co. v. Federal Radio Commission, 289 U.S. 266, 282. The contention that systems in operation prior to the issuance of the notice of proposed rule making have a constitutional right to be "grandfathered" is also patently without merit. Rules adopted after full rule making procedures may validly be applied to existing systems. We have, however, repeatedly indicated our intention to avoid undue disruption to the public in this connection.

tralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communications * * *." Section 1, 47 U.S.C. 151. When a new development constitutes an extension of radio or television service, as CATV does, it is unrealistic to treat it as though it were totally unrelated.

8. Congress "* * * did not frustrate the purposes for which the Communications Act of 1934 was brought into being by attempting an itemized catalogue of the specific manifestations of the general problems for the solution of which it was establishing a regulatory agency. That would have stereotyped the powers of the Commission to specific details in regulating a field of enterprise the dominant characteristic of which was the rapid pace of its unfolding. And so Congress did what experience had taught it in similar attempts at regulation, even in fields where the subject-matter of regulation was far less fluid and dynamic than radio. The essence of that experience was to define broad areas for regulation and to establish standards for judgment adequately related in their application to the problems to be solved." National Broadcasting Co. *v.* United States, 319 U.S. 190, 219–220. We cannot adopt a view of the Act which would frustrate both the Congressional intent and the more effective use of radio in the public interest.

II. 9. We turn now to a discussion of the petitions as they bear upon the specific rules. Our discussion will treat in turn the aspects of: (1) Carriage, (2) nonduplication, (3) the major market, distant signals policy, and (4) procedure and miscellaneous changes.

1. *Carriage.* 10. *Satellites.* The rules adopted in the first report provided that where a CATV system operates within the Grade B or higher priority contour of both a satellite station and its parent station, carriage of one would relieve the system of any obligation to carry the other. In light of contentions that satellites should be treated like any other station in accordance with the prescribed priorities, the rules adopted in the second report deleted this exception. It is now urged by petitioners that the amendment went too far, since substantial duplication of programing would result if the system is required to carry both the satellite and the parent stations. The rules will be amended to provide that where a system operates within the Grade B or higher priority contour of a satellite and its parent station, the system need not carry both stations but shall carry the station having the higher priority and may select between stations of equal priority. This refinement retains the essential purpose of the earlier amendment and will, we think, better serve the public interest. Accordingly, §§ 21.712(d)(4); 74.1033(b)(4); 74.1103(b)(4); and 91.559(b)(4) are added to the carriage provisions of the rules in Appendix B below.

11. *The Grade B Contour.* A CATV system is required, upon request, to carry the signal of a station which puts a Grade B or better contour over any part of the community, unless the priority scheme set forth in § 74.1103 (a) and (b) requires an exception because of limited channel capacity. We also noted in the second report that "carriage will not be required where a sufficient showing [in a § 74.1109 petition] is made that a predicted signal is not in fact present in the community * * *" (footnote 40, par. 68). The Association of Maximum Service Telecasters (AMST) urges that a station should be carried, upon request, "everywhere in its predicted Grade A contour, irrespective of its actual signal strength, as well as everywhere in its predicted Grade B contour, subject to a showing of a different actual Grade B contour * * *" (AMST petition for reconsideration, p. 14).[5]

12. We recognize that there are considerations favoring the use of the predicted Grade B contour. Since the requirement for carriage of local stations, in a very real allocations sense, furthers our responsibility to prescribe the areas to be served by television broadcast stations (section 303(h)), the use of an allocations tool—the predicted Grade B contour—might be appropriate.[6] Further, there are legislative developments which appear to tend in the direction of a definitive standard. See, e.g., H. Rept. No. 2237 on H.R. 4347, 89th Cong., 2d sess., pp. 2, 81, 83. See also, footnote 15 infra.

13. We further recognized in the second report that the outcome of the copyright matter could have a significant effect on our regulations in the CATV field (Second Report, 2 FCC 2d at 768–769). However, the precise direction and extent of any appropriate regulatory changes cannot now be foreseen, as they will depend to a large extent upon the specifics of the copyright aspect which have not yet definitively resolved. In the circumstances, and since the development of new propagation curves (Docket No. 16004 (30 F.R. 6651)) and modernization of specifications for measurements are being explored, we do not think that the public interest would be served by changing the rules at this point. Accordingly, while the instances in which a waiver is warranted in accordance with footnote 40 of the second report are likely to be rare because of the substantial supporting showing required, we will continue to consider supplemental showings made as to actual contour as provided in § 73.684(f) of the rules. If the processing of such petitions for waiver should become an undue administrative burden or if any other pertinent change in circumstances occurs, we will, of course, reexamine the matter.

14. Moreover, in light of our ruling in Buckeye Cablevision, Inc., 3 FCC 2d 798, 800, that carriage is required where any part of the community of the system falls within the pertinent contour, we will clarify the carriage provisions by making this construction explicit. The phrase "the system or the community of the system is located in whole or in part" will be substituted for the words "the system operates, in whole or in part" in §§ 21.712 (c), 74.1033(a), 74.1103(a), and 91.559 (a). The phrase "in whole or in part," as used in the exclusivity provisions, is also to be construed so as to require exclusivity on a system operating in a community, part of which falls within the Grade B or higher priority contour of a station. Thus, in the case of a system operating in an incorporated community, the question of carriage and nonduplication rights turns on whether any part of the community falls within the contour; in the case of a system in an unincorporated area where it may be difficult to delineate community boundaries (see discussion within, pars. 38–39), carriage questions will be resolved on the basis of whether the system itself is operating in whole or in part, within the contour.

15. *Copyright.* Finally, in view of our previous discussion in this point (par. 108, second report), we shall refer only briefly to copyright argument that has been advanced that in light of the district court's decision in the United Artists case,[7] systems should not be required to carry local signals unless afforded complete copyright immunity by the stations requesting carriage. As stated in paragraph 108, our rules are based on the present situation in which the CATV system operates without regard to copyright clearance. We again state that our actions should not be taken as in any way affecting the copyright suit. As to the above argument, the short answer is that it is up to the system to determine

[5] Several modifications urged by AMST simply renew requests previously considered in the second report. Nothing new has been presented to warrant further discussion here. Wichtex Radio and Television Co., Inc., asserts that CATV systems should not be permitted to alter or delete any portion of distant broadcast signals carried on the cable, or to substitute CATV originated advertising. Apart from the fact that the nonduplication rules may require deletion of programs duplicating local signals, the subject of program origination by CATVs is included in the Commission's legislative recommendations and may be affected by the outcome of the copyright question. In this posture, we do not think it appropriate to consider the Wichtex request on the merits here.

[6] In view of the fact that signal strength at various distances from a television station varies with time, location, season, weather conditions, terrain, and other factors, the use of estimated contours is good for overall allocation purposes but presents problems when predicting the service from a particular station in a particular area. See sec. 73.683; Report of the Working Group for the Engineering Conference in Docket No. 16004, on the development of new FM and TV propagation curves, dated Apr. 12, 1966. However, examination of the question of actual signal strength in the community or actual contours is necessarily minute and often futile, as it is very difficult to make a valid showing through measurements over a sufficiently wide area and a long enough period of time. Moreover, where a community comes within the predicted Grade B contour of a station, the station's signal is normally readily available for reception by the sophisticated CATV equipment, utilizing as they do choice receiving sites.

[7] United Artists Television, Inc. v. Fortnightly Corp., 255 F. Supp. 177, S.D.N.Y., issued May 23, 1966.

whether to follow the district court's decision or the present industry practice, but it cannot properly obtain a waiver of our carriage rules when it follows a selective policy in this respect (i.e., ignoring copyright in the case of distant signals and purporting to follow it as to local signals). We believe that in light of present industry practice, no revision of our rules is needed, and that we should therefore deal with any situations of this sort by waiver, when and if they arise. Generally, any revisions of our rules in this respect must await further developments.

16. A further question has arisen as to whether a local station can request carriage and at the same time reserve any rights which the station itself may have to proceed against the system for copyright infringement. We think that this would be manifestly unfair to the system and that in requesting carriage the station must confer such authorization as may be required from it, so long as the carriage request is outstanding. All that the station can properly reserve is the right to proceed against the system with respect to any programing which is carried after the system has been notified that the request for carriage has been revoked.

2. *Nonduplication period.* 17. The National Association of Broadcasters (NAB), AMST, and several individual broadcasters urge that the time period for nonduplication should be restored to 15 days before and after the local broadcast, as we originally provided in the First Report[8] (38 FCC 683). It is asserted that the present same day nonduplication provision is inadequate because delayed broadcasts occur most frequently in one and two station markets and the burden of seeking additional protection under the ad hoc procedures of the rules falls on those broadcasters least able to bear it. The NAB further states that the period for nonduplication of syndicated and film programing should be geared to the term of the contract between the local station and the film supplier. As a minimum, it urges, exclusivity should be afforded until after the first run of any particular program in a series or film package or for 1 year, whichever occurs earlier.[9]

18. Our decision to provide by rule for same day nonduplication was made after full consideration of matters urged by petitioners and constituted, in our judgment, a fair compromise of the competing interests pending a resolution of the status of CATV under the copyright law. Second Report, 2 FCC 2d 725, 747–749, 768–769. Not only have no new arguments pertinent to the rule (as against individual situations more appropriate for waiver) been presented, but we would deem it inappropriate, for the reasons indicated in paragraph 13, to undertake a reexamination at this point when the important and relevant copyright considerations are in a state of flux. As already noted, since the second report, the district court decision in the United Artists case has been issued and is now on appeal in the Second Circuit. Moreover, the House Judiciary Committee has reported favorably on a copyright bill which would afford much more exclusivity protection than the provisions of our rules, if it were to be enacted. H. Rept. No. 2237 on H.R. 4347, 89th Cong, 2d sess., pp. 81, 86–87. In the current circumstances, we adhere to our judgment that the public interest is served by our rule affording the local station exclusivity on the day of its broadcast of the program. If changes become appropriate upon a final resolution of the copyright matter or if revisions are needed upon the basis of our experience with this provision, we shall move promptly to implement such revisions.

19. A number of petitioners, both stations and CATV systems, have set forth their particular, individual circumstances as a basis for urging some change in §§ 74.1103 and 74.1107 of the rules. While we see no reason to modify the rules in light of their contentions, this is not determinative of the question of whether petitioners could obtain affirmative relief or a waiver of the rules pursuant to a petition filed under § 74.1109. The ad hoc procedures are the appropriate vehicle for obtaining full consideration of individual situations.

20. There is, however, one unusual problem which we shall discuss because it may be common to several stations. WBEN, Inc., licensee of Station WBEN-TV, Buffalo, N.Y., has filed a petition for rule making (RM–1017) to revise § 74.1103(f) to afford nonduplication protection for U.S. network programing which is presented by foreign stations prior to the day of its initial network presentation in the United States. WBEN states that during a typical week in March 1966 a total of 64 hours of network programing presented by Buffalo stations was duplicated by Canadian stations carried on the CATV system of Courier Cable Co. in Buffalo. The same day nonduplication provision would enable the Buffalo stations to request exclusivity only as to 37½ hours. The remaining 26½ hours of duplicated network programing, being prior calendar day duplication, would be beyond the purview of § 74.1103 of the rules. It is requested that § 74.1103(f) be amended to provide additionally that a CATV system shall, upon request of the local station, "refrain from presenting any network program proposed to be broadcast by such station from a foreign station at any time prior to the time of broadcast by such station where such program is released on the foreign station prior to the time of its initial presentation on a domestic network * * *."[10]

21. The problem does not appear sufficiently widespread to warrant the institution of rule making proceedings at this time, since it affects only those stations and CATV systems operating in the vicinity of the Canadian border. However, the second report states with respect to same day nonduplication (2 FCC 2d at 749):

> * * * we will consider requests by local stations and CATV systems for different treatment on an ad hoc basis, pursuant to the summary procedures discussed in par. 97 where possible, or by evidentiary hearing if necessary. Thus, the station which receives its network programing by mail, or the station or system which faces some other unusual problem, can bring its situation to our attention for such relief as may be appropriate in the individual circumstances and warranted by the public interest.

The Canadian prerelease problem presents the kind of unusual situation we had in mind. The rule is intended to provide exclusivity for network programing presented on the same day as the domestic "live" network presentation (2 FCC 2d at 747, 749) and this consideration will be afforded substanial weight in ruling on any petition under § 74.1109 for the imposition of additional requirements necessary to achieve the basic purpose of the rule.

22. *Translators.* In the second report we accorded fourth priority for purposes of carriage to commercial and noncommercial educational translator stations operating in the community of the sys-

[8] Some of the parties claim that the reduction to same day nonduplication was made without prior legal notice. However, we stressed both in the First Report (38 FCC 683, 686–687) and in the notice in Docket No. 15971 (1 FCC 2d 453, 465) that the conclusions of the first report as to carriage and nonduplication were subject to reconsideration in the further proceeding. We repeatedly stated that the rules would not be applied to the CATV industry as a whole until we had had an opportunity to examine the overall subject of carriage and nonduplication in light of our further exploration in Docket No. 15971. The proceedings in Docket Nos. 14895 and 15233 were not terminated by the first report, but were instead held "open for final action in conjunction with our action upon the overall subject of carriage and nonduplication" (38 FCC at 687). The length of the nonduplication period was very much at issue in the comments filed in the further proceeding. In the circumstances, we do not think that the claim of lack of notice is well taken.

[9] The Commission has also considered the recommendations of the Committee for the Full Development of All Channel Broadcasting, adopted at a meeting of its Executive Committee on March 26, 1966. The Committee's recommendations are to the effect that: (1) CATV systems should be required to make clear showing that they would not pose a substantial threat to the development of new and/or existing UHF stations, (2) the CATV rules should apply equally to all stations regardless of market size, and (3) the nonduplication period should be 15 days before and after the local broadcast. We believe that the spirit of the first recommendation is inherent in the second report, as well as in recent decisions on specific cases. The latter two recommendations have been rejected for the reasons stated herein (pars. 18, 25).

[10] Supporting comments were filed by Brockway Co., KMSO–TV, Inc., Mount Mansfield Television, Inc., Maine Radio and Television Co. and WLBZ Television, Inc., Great Lakes Television Co., Channel 9 Syracuse, Inc., King Broadcasting Co., and Storer Broadcasting Co. Total Telecable, Inc., and Courier Cable Co. filed oppositions to which WBEN, Inc., replied.

tem with 100 watts or higher power and provided for nonduplication protection against more distant signals. However, we excepted such translators from the carriage requirement where the system was carrying the signal of the originating station. A question has arisen as to whether the originating station is entitled to nonduplication protection if the system is located beyond the Grade B contour of that station. In allowing this exception, the Commission intended that the originating station would have the same exclusivity as to programing to which the translator station would otherwise have been entitled, unless the originating station has higher priority rights of its own. The rules will be modified to make this clear in Appendix B (§§ 21.712 (d)(3); 74.1033(b)(3); 74.1103(d)(3); and 91.559(b)(3)).

3. *Distant signals in the top 100 markets.* 23. The bulk of the requests for reconsideration concern the rules governing distant signals in major markets. Section 74.1107 provides that no CATV system operating within the predicted Grade A contour of a television station in the 100 largest television markets (as ranked by American Research Bureau on the basis of net weekly circulation) shall extend the signal of a television station beyond the Grade B contour of the station, except upon a showing in a hearing that the operation will be consistent with the public interest and, particularly, the establishment and healthy maintenance of television broadcasting service in the area. The hearing requirement does not apply to distant signals which were being supplied to subscribers on February 15, 1966.

24. It is asserted by various broadcast interests that the question of distant signals should be governed by a substantive rule, rather than a hearing procedure, and that the rule should apply across the board to all markets. Both CATVs and broadcasters challenge the use of the Grade A contour, claiming that the area encompassed is either too large or too small, and proposing the use of Census Urbanized Areas, the Grade B contour, or some standard based on mileage. Challenge is also made to the use of the Grade B contour as the measure of a distant signal, some urging a mileage standard and others suggesting a test dependent on whether the signal is actually receivable off-the-air. It is further asserted that the 100 largest television markets should not be selected upon the basis of American Research Bureau (ARB) net weekly circulation figures, but rather upon some other criteria such as population figures of the U.S. Census Bureau. And, finally, petitioners seek modification or clarification of the provisions of § 74.1107(d) concerning geographical extension into new areas by "grandfathered" systems which were providing distant signals to subscribers on February 15, 1966.

25. In general, we adhere to our determination in the second report that, in light of present conditions, the public interest questions raised by proposed CATV entry into major markets are appropriate for consideration in evidentiary hearing. We also adhere to our decision to distinguish between major and smaller markets by drawing the line for required evidentiary hearing at the 100th market. Here again, we would be reluctant to explore any fundamentally different approach while the copyright question is being actively considered by the Congress and the courts and before the outcome is known. However, in view of the contentions of the parties concerning the details of the rules, it appears that further discussion of some aspects is warranted.

26. *Use of ARB market rankings.* We treat first the contention that the 100 largest television markets should not be selected upon the basis of ARB net weekly circulation figures, but rather upon population figures of the U.S. Census Bureau, either the Standard Metropolitan Statistical Area (SMSA) or Urbanized Area ranking. Petitioners note that ARB is a private firm whose working data are not public, and that the market ranking of a community on the basis of net weekly circulation of the largest station may vary substantially from the community's ranking on the basis of census figures. They also point out that in some hyphenated markets the distances between communities included in the market may be so great that application of § 74.1107 would be inappropriate or produce anomalous results.

27. We gave consideration to the use of Census rankings when we decided upon the ARB net weekly circulation figures (NWC). While none of the alternatives is entirely satisfactory, the ARB NWC market rankings appeared preferable for our purposes. The important factor from our standpoint is the size of the population which could be reached by a television station. The service area of a television station usually extends well beyond the metropolitan or urbanized area of the particular community to which the station is assigned. The SMSA or Urbanized Area ranking does not indicate whether the surrounding area to be served by a television station is sparsely populated or contains other communities which are separated by rural areas but which cumulatively have a sizeable population. ARB NWC market rankings reflect TV homes in the entire area served by a television broadcast station and thus are a better measure of the potential audience which might attract new stations.

28. While it may be appropriate to use Census rankings for some purposes, we are not required to do so merely because the Census Bureau is a governmental rather than a private organization. ARB and NWC market rankings are well-known and widely used by the television industry. They have been used by the Commission in other rule making proceedings. See, e.g., notice of proposed rule making and Memorandum Opinion and Order No. 16068, 30 F.R. 8166; Public Notice No. 60894, December 18, 1964. Moreover, with minor exceptions it is the top 100 markets, as ranked by ARB, which have four or more unreserved channel assignments under the fifth report and Memorandum Opinion and Order in Docket No. 14229, 2 FCC 2d 527, 551, and which therefore provide the opportunity for independent stations.[11]

29. On the whole, the ARB NWC market rankings adequately cover the areas of concern. While special problems may arise in some areas, such as hyphenated markets, we think it better to deal with these situations on an ad hoc basis under § 74.1109 rather than to adopt a different standard which might entail other problems.

30. *The Grade A contour.* We also adhere to our determination that the predicted Grade A contour is, for purposes of the rule, an appropriate criterion for measuring the area within which the importation of distant signals raises public interest questions. It does not include the much larger areas falling within the Grade B contour, as requested by some of the petitioners for reconsideration. Nor is it limited to the immediate environs of the principal community, as sought by others. But the Grade A contour generally carves out the essential area upon which UHF operations in the market would usually be based. We recognize that the Grade A contour may encompass some localities where, because of the particular circumstances, an evidentiary hearing appears unnecessary. We have already granted waivers of the hearing requirement in some such instances.[12] No standard suggested to us would precisely fit all the situations we are seeking to reach, to the exclusion of all others. The use of the Grade A contour, coupled with the procedures for waiver, insures that all proposed distant signal CATV operations in the area of apparent reasonable concern are brought before us for consideration and such action as may be warranted in the public interest in the particular circumstances.

31. *The Grade B contour as the measure of a distant signal.* It is urged, particularly by Entron, Inc., that the Commission should substitute a mileage standard, such as 80 miles, for the Grade B contour as the measure of a distant signal.[13] Petitioners point out that Grade B contours vary from station to station. Because of the differences in VHF and

[11] We have also considered using some other ARB criteria such as its ranking based on homes viewing all stations in the market during all quarter-hours in prime network time. However, the NWC ranking affords a better indication of population in the case of overshadowed areas where outside stations may affect the audience for local stations in the market, and we see no offsetting advantages in the use of the prime time ranking. The markets which would be excluded from the top 100 if prime time homes were used in place of NWC have considerably more UHF activity than those which would be substituted.

[12] See, e.g., Martin County Cable Co., Inc., 4 FCC 2d 348; Coldwater Cablevision, Inc., 4 FCC 2d 351; Chenor Communications, Inc., 4 FCC 2d 354.

[13] In asserting that the rules are broader than necessary to cover CATV distribution of New York or Los Angeles independent stations, Entron misconstrues the rationale of the second report. The New York and Los Angeles stations were used merely as examples. The Commission's concern is with distant signals generally in major markets.

UHF contours, a CATV system may be required to carry VHF stations in a community but be precluded from carrying UHF stations in the same community.[34] Or a CATV system may be required to carry VHF stations in a more distant community but be precluded from carrying a UHF station in a closer community.

32. We think that the Grade B contour is a reasonable demarcation between a distant and a local signal. See section 303(h) of the Communications Act. We regard this contour as generally delineating the area within which service from the station can reasonably be expected. The carriage requirements as an allocation principle are geared to the Grade B contour in order that the station may have access to all persons within this general service area. Beyond this point the CATV system is, in a real sense, extending the service area of the station by markedly changing the quality of the signal being received, and raising public interest questions which are not resolved as of this time.

33. While the Commission might conclude that the public interest would be served by permitting an extension without evidentiary hearing in some instances, the adoption of an across-the-board mileage standard like 80 miles would appear to go too far and give rise to other problems. For example, it would create a gap between the carriage requirements of the rules and the signals for which evidentiary hearing or waiver is required. It would also increase the likelihood that a CATV operating in one major market could carry the signals of stations located in another major market. We agree in principle that VHF and UHF stations located in the same community should be treated alike insofar as carriage on the CATV system is concerned. But if that community is a separate major market, carriage of the VHF stations may present threshold public interest questions for evidentiary hearings. See footnote 69 of the second report and footnote 13 of the memorandum opinion and order released on May 27, 1966, denying the petitions for stay (3 FCC 2d 816, 827). We have every intention of administering the rules so as to avoid anomalous results. However, we believe that the waiver procedure, which permits prior Commission consideration of all relevant factors in the particular situation, will better accomplish this end than basing the definition of distant signal on a mileage standard which is not correlative to the Grade B contour.[35]

34. Nor do we find merit in the contentions that certain refinements in, or exceptions to, the Grade B contour standard are called for in the rules. Courier Cable Co., Inc. (Courier) asserts that the definition of distant signals should exclude signals which are regularly received off-the-air by viewers residing beyond the Grade B contour of the station. In the alternative, Courier urges that in locating the Grade B contour, the use of maximum power and antenna height by the station should be assumed. But, what is involved is, to a considerable extent, an allocations question, particularly where account is taken of the manner in which CATV changes the quality of the more distant signal and thus equalizes its reception vis-a-vis the clearly local signal. See paragraph 32, above; cf. note 69, second report. Further the delineation of actual service is a complex matter, requiring thorough substantiation. Where, therefore, a system in a community within the predicted Grade A contour of stations located in the top 100 markets proposes to bring in the signal of a "distant" station (i.e., to extend a signal beyond its Grade B contour), it should not be permitted to do so, on the ground that it is not extending a distant signal but rather only carrying a signal which is being regularly received in the community, unless it has substantiated this ground either in a waiver petition or in a hearing. Courier's further contention that maximum height and power be assumed in locating the Grade B contour, ignores the very practical policy considerations at which the major market, distant signals doctrine is aimed. It would mean that situations raising serious public interest questions would not come within § 74.1107, and that the type of situation described in note 69 of the second report would be multiplied many fold.

35. *New geographical areas.* Clarification is sought as to the applicability of § 74.1107 (a) and (d) to geographical extensions by "grandfathered" systems in major markets. Paragraph (d) of § 74.1107 exempts from the hearing requirement of subsection (a) distant signals which were being supplied to subscribers on February 15, 1966, except where there is "any new franchise or amendment of an existing franchise to operate or extend the operations of the CATV system in the same general area." Paragraph (d) further provides that the system shall not extend its grandfathered distant signal service to "new geographical areas where the Commission, upon petition filed under § 74.1109 * * *, determines that the public interest would be served * * * by appropriate conditions limiting the geographical extension of the system to new areas."

36. AMST and Telerama, Inc., request clarification as to what kind of extensions, in the general area comprising a main community and its suburbs, fall within the required hearing provisions of paragraph (a) and what extensions are exempt under paragraph (d), subject only to consideration upon petition under § 74.1109. AMST asserts that the dichotomy between the two was not made clear in paragraph 149 of the second report, which seems to indicate that paragraph (a) would apply to an extension from a suburb into the main community but is silent with respect to an extension from one suburb to another. AMST takes the position that in a city or suburb of any size, an extension from one part of the city or suburb to another part of the same city or suburb is clearly an expansion into new geographic areas which should come within § 74.1107(a). On the other hand, Telerama contends that paragraph (a) "should not be directed to the situation where a system is operating in a part of a suburb of a main community and attempts to add subscribers in the suburban area in which the system was intended to serve and for which the technical facilities were engineered."

37. We have already clarified this aspect to some extent in declaratory rulings and cease and desist proceedings instituted since the second report to enforce the provisions of § 74.1107(a). Letter of May 2, 1966, to Telerama, Inc. (Cleveland, Ohio), FCC 66-397, 3 FCC 2d 585; Mission Cable TV, Inc., et al. (San Diego, Calif.), FCC 66-548, 4 FCC 2d 236. In the Cleveland matter, Telerama urged that since the communities it was proposing to serve, though separate governmental subdivisions of the suburban area of Cleveland, were within the geographic area the system was engineered to serve (an area having a 20-mile radius), the extension was governed by subsection (d). The Commission ruled that paragraph (a) applied to extensions to separate incorporated communities, stating (3 FCC 2d at 586):

> It is important to note that the exemption and the related geographical extensions provisions of subsection (d) are limited to the specific community (including such additions as unincorporated suburbs) within which the system was franchised (if that were the case) and was operating on February 15, 1966. The term system in the first sentence of subsection (d) means the system in the specific community and not one operating generally in the area. Thus, the discussion in paragraph 149 of the second report refers several times to a system operating in a community and the question of how to draw a line in the particular community (as to) * * * the appropriate geographical area or areas. Further,

[34] Jackson TV Cable Co. has filed a petition for rule making (RM 1025) to amend sec. 74.1107(a) to provide that a UHF station may be carried without hearing where a VHF station in the same community is carried. A supporting statement was filed by Jerrold Corp. For the reasons stated herein, par. 33, the petition will be denied. We note further that waivers have already been granted to permit the carriage of UHF signals in some instances. See, e.g., Athens, TV Cable Co., Inc., FCC 66-953, released Nov. 7, 1966.

[35] We recognize that it might simplify matters for all concerned if we were to prescribe a single mileage standard, reasonably approximating an average Grade B contour, for determining whether a signal is "local" or "distant" for purposes of the CATV rules. But we would not undertake such a step without further comment from interested persons or prior to the resolution of the proceedings in Docket No. 16004 concerning propagation curves (30 F.R. 6651). While no such delay in this proceeding is warranted, we do not mean to preclude the possibility of future exploration of this question in a separate proceeding if that should prove appropriate.

a contrary construction would undermine the basic purpose and thrust of the section; it would mean that a system which was supplying distant signals to its subscribers in one small community as of February 15, 1966, could, if it used the same head-end, construct new systems in many other separate and distinct communities calling for new franchises (including, such as here, the principal community), without coming within the terms of subsection (a).

We believe that the above construction is the only logical one, and the only one comporting with the obvious intent and purpose of the rule. Since, however, the matter is before us and a question has been raised, we shall clarify the rule by the addition of the phrase, "* * * in a community * * *" in § 74.1107(a). No such clarification is needed in paragraph (b), since that subsection is already couched in terms of "community." We will also clarify the related portions of §§ 74.1105 and 74.1107(d) by inserting appropriate references to the "same community" or "another community."[16]

38. The matter of unincorporated areas was considered in the Mission Cable case, 4 FCC 2d 236. Mission, which has a franchise to construct and operate CATV systems in the unincorporated areas of San Diego County, urged that by reason of having commenced operations in one part of the county prior to February 15, 1966, it was entitled to the benefits of the "grandfathering" provision of paragraph (d) of § 74.1107 for operations throughout the unincorporated areas of the county. While rejecting this broad view (4 FCC 2d at 242), we also declined to rule that the mere existence of several housing developments or subdivisions with different names establishes that each subdivision is a separate and distinct community, within the contemplation of § 74.1107(a) (4 FCC 2d at 240–241). The distinction drawn in Mission Cable turned on the presence or absence of substantial tracts of undeveloped land between subdivisions or other populated areas lacking clearly defined legal boundaries (4 FCC 2d at 241, 242).

39. While there may be other situations where an area of proposed new operation is so clearly a separate and distinct community as to bring into play the provisions of § 74.1107(a), we shall not attempt to delineate further the scope of paragraph (a) here. The difficulty of drawing lines within an incorporated community and of establishing the separate community status of adjoining unincorporated areas not separated by undeveloped land was recognized in paragraph 149 of the second report and in Mission Cable (4 FCC 2d at 240), as well as the desirability of avoiding artificial boundaries. In general, except where it would plainly undermine the basic purpose of paragraph (a), the drawing of appropriate lines for extension into new geographic areas in the above situations calls for case-by-case judgment and will be considered only upon petition under § 74.1109.

4. *Miscellaneous and procedure.* 40. *Annual filing of information.* It is asserted that CATV operators should be required to file on an annual or periodic basis the information described in paragraph 99 of the second report (2 FCC 2d at 765), for otherwise the information submitted may soon become obsolete and lose its usefulness. While the second report called for a single submission, we recognize that the regular filing of information by CATV operators may be desirable in this rapidly changing field, so that we or the Congress may take appropriate actions in the public interest. However, we prefer to postpone consideration of this question until we have examined the responses to our recent questionnaire. After we process the information submitted and gain more experience with the operation of the rules, we will be in a better position to determine whether regular filing is needed and whether any changes or additional information would be appropriate for filing on a regular basis.

41. *Procedural changes and clarifications.* Some of the petitioners have sought clarification or amendment of the procedural provisions of the rules. And, in the course of administering the rules, it has become apparent that other changes would be desirable. Because the amendments adopted at this time relate to procedural matters and are designed to clarify the rules, notice, and further rulemaking are not required. The changes and clarifications are indicated below.

42. First, in administering the rules we have discovered that in many instances additional copies of pleadings filed were needed for Commission processing. Also, in those instances where procedures were not specifically provided for in Part 74 of the rules, there has been some confusion as to the filing of pleadings and reply pleadings. In order to obviate these difficulties, we are amending § 74.11 of the rules so as to add a cross reference to Subpart A of Part I of the rules, "General Rules of Practice and Procedure."

43. Second, there appears to be a fairly widespread misconception that notice under § 74.1105 need not be given with respect to proposed service coming within the provisions of § 74.1107. This misconception may arise from the fact that § 74.1107(b) does not require service of a request for evidentiary hearing but provides instead for public notice by the Commission. The notice requirement in § 74.1105 applies to all proposed service, whether or not § 74.1107 is involved. In order to clarify this matter, § 74.1107(b) will be amended to require a statement that copies of the notices given pursuant to § 74.1105 have been filed with the Commission.

44. Entron, Inc. has requested that § 74.1105 be revised to provide that a CATV system need not delay the commencement of new service, upon the filing of a timely petition under § 74.1109, unless it is ordered to do so by special order of the Commission. Entron claims that the last portion of § 74.1105 is presently inconsistent with § 74.1109(f) which it construes to mean that a ruling by the Commission on the "interlocutory question of temporary relief" is prerequisite to any stay of proposed operations. There is no conflict between the two sections. As in the case of new distant signals in major markets, the Commission's notification and ad hoc procedures contemplate that where a § 74.1109 petition concerning new service (not within the provisions of § 74.1107(a)) is filed within 30 days after notice, the proposed service shall not commence until after the Commission has either considered the matter on the merits or has specifically ruled on the question of temporary relief pending further procedures. We believe this to be a more orderly manner in which to proceed, rather than permitting a challenged service to start and later interrupting it. See, second report, paragraph 140; memorandum opinion and order of May 27, 1966 in this proceeding, FCC 66–456, 3 FCC 2d 816, 820. Of course, service not challenged in the petition may be commenced. And § 74.1109(f) not only provides for expedited consideration of new service questions but would also permit the temporary relief allowing some or all of the challenged service to commence pending further procedures where this is warranted in the public interest in the particular circumstances. We are not persuaded that this procedure should be altered.

Conclusion. Authority for the rule amendments adopted herein is contained in sections 1, 2(a), 3(a), 4 (i) and (j), 303, 307(b), 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, This 5th day of January 1967 that Parts 21, 74, and 91 of the Commission's rules and regulations are amended as set forth in Appendix B below, effective February 28, 1967.

It is further ordered, That the petitions for reconsideration filed by the parties listed in Appendix A below are denied, except to the extent reflected herein.

It is further ordered, That the petitions for rule making filed by WBEN, Inc. on July 12, 1966 (RM 1017) and by Jackson TV Cable Co. on August 15, 1966 (RM 1025) are denied.

(Secs. 1, 2, 3, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1082, 1083, 1084, 1085; 47 U.S.C. 151, 152, 153, 154, 303, 307, 308, 309)

Released: January 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[17]

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

[16] In this connection, we also believe it appropriate to delete from section 74.1105 the reference to "systems which propose to extend lines into obviously new geographic areas."

[17] Dissenting statements of Commissioners Bartley and Loevinger, and concurring statement of Commissioner Cox, filed as part of original document. Commissioner Wadsworth absent; Commissioner Johnson not participating.

APPENDIX A

Petitions for reconsideration were filed by the following persons:

Akron Telerama, Inc.
Alice Cable Television Corp.
Alpine Cable Television, Inc.
Al-Pines Cable TV, Inc.
Amsterdam TV Cable Co.
Association of Maximum Services Telecasters.
Black Canon Broadcasting Co., Inc.
Buckeye Cablevision, Inc.
Cabletron, Inc.
Cablevision Company of Anniston.
Central California Communications Corp.
Chattahoochee Valley CATV, Inc.
Columbus Broadcasting Co., Inc.
Courier Cable Co., Inc.
Cosmos Broadcasting Corp.
Cosmos Cablevision Corp.
Cox Broadcasting Corp.
Cox Cablevision Corp.
Delhi Video, Inc.
Entron, Inc.
Florida TV Cable, Inc.
Frontier Broadcasting Co.
Gloversville TV Cable Co., Inc.
Greater Lafayette TV Cable Co., Inc.
Jerrold Corp.
Jerrold Electronics Corp.
Johnstown TV Cable Co., Inc.
Logansport TV Cable Co., Inc.
McAllen Cable Television Corp.
Malibu Cable TV Inc.
Mesa Verde Broadcasting Co., Inc.
Mission Cable TV, Inc.
Mohican TV Cable Corp.
National Association of Broadcasters.
New Channels, Corp.
Newhouse Broadcasting Corp.
Old Pueblo Broadcasting Co.
Ottawa TV Cable Co., Inc.
Pacific Video Cable Co.
Perfect TV, Inc.
Pontiac TV Cable Co., Inc.
Rollins, Inc.
Savannah TV Cable, Inc.
Southwestern Cable Co. (statement of position).
Streator TV Cable Co., Inc.
Taft Broadcasting Co.
Telerama, Inc. (statement in support of petitions for reconsideration and opposition to petition for reconsideration of AMST).
TeleSystems Corp.
Television Communications Corp.
Trans-Video Corp.
Western Slope Broadcasting Co., Inc.
Wichtex Radio and Television Co., Inc.
WTVY, Inc.

APPENDIX B

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

I. Part 21 is amended as follows:

1. In § 21.712, paragraphs (c) and (d)(3) are amended, and paragraph (d)(4) is added, as follows:

§ 21.712 Authorizations for fixed stations to relay television signals to CATV systems.

* * * * *

(c) *Stations required to be carried.* Within the limits of its channel capacity, any such CATV system shall carry the signals of operating or subsequently authorized and operating television broadcast and 100 watts or higher power translator stations in the following order of priority, upon the request of the licensee or permittee of the relevant station:

(1) First, all commercial and noncommercial educational stations within whose principal community contours the system or the community of the system is located, in whole or in part;

(2) Second, all commercial and noncommercial educational stations within whose Grade A contours the system or the community of the system is located, in whole or in part;

(3) Third, all commercial and noncommercial educational stations within whose Grade B contours the system or the community of the system is located, in whole or in part; and

(4) Fourth, all commercial and noncommercial educational translator stations operating in the community of the system, in whole or in part, with 100 watts or higher power.

(d) *Exceptions.* * * *

(3) The system need not carry the signal of any television translator station if: (i) The system is carrying the signal of the originating station, or (ii) the system is within the Grade B or higher priority contour of a station carried on the system whose programing is substantially duplicated by the translator; *Provided, however,* That where the originating station is carried in place of the translator station, the priority for purposes of paragraph (g) of this section shall be that of the translator station unless the priority of the originating station is higher.

(4) In the event that the system operates, or its community is located, within the Grade B or higher priority contours of both a satellite station and its parent station, the system need carry only the station with the higher priority; if the satellite station and its parent station are of equal priority, the system may select between them.

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY AND SPECIAL BROADCAST SERVICES

II. Part 74 is amended as follows:

1. Section 74.11 is amended by the addition of a new final phrase and as amended reads as follows:

§ 74.11 Cross reference.

See Subpart D of Part 1 of this chapter for general requirements as to applications, filing of applications, and description of forms; see § 1.1111 of Subpart G of that part for the fees to be paid in connection with applications for facilities in the services covered in this part; and with respect to Subpart K of this part, except where specific provision is made regarding practice and procedure, the provisions of Subpart A of Part 1 are applicable.

2. In § 74.1033, paragraphs (a) and (b)(3) are amended, and paragraph (b)(4) is added, as follows:

§ 74.1033 Licensing requirements.

* * * * *

(a) *Stations required to be carried.* Within the limits of its channel capacity, any such CATV system shall carry the signals of operating or subsequently authorized and operating television broadcast and 100 watts or higher power translator stations in the following order of priority, upon the request of the licensee or permittee of the relevant station:

(1) First, all commercial and noncommercial educational stations within whose principal community contours the system or the community of the system is located, in whole or in part;

(2) Second, all commercial and noncommercial educational stations within whose Grade A contours the system or the community of the system is located, in whole or in part;

(3) Third, all commercial and noncommercial educational stations within whose Grade B contours the system or the community of the system is located, in whole or in part; and

(4) Fourth, all commercial and noncommercial educational translator stations operating in the community of the system, in whole or in part, with 100 watts or higher power.

(b) *Exceptions.* * * *

(3) The system need not carry the signal of any television translator station if: (i) The system is carrying the signal of the originating station, or (ii) the system is within the Grade B or higher priority contour of a station carried on the system whose programing is substantially duplicated by the translator; *Provided, however,* That where the originating station is carried in place of the translator station, the priority for purposes of paragraph (e) of this section shall be that of the translator station unless the priority of the originating station is higher.

(4) In the event that the system operates, or its community is located, within the Grade B or higher priority contours of both a satellite and its parent station, the system need carry only the station with the higher priority, if the satellite station and its parent station are of equal priority, the system may select between them.

* * * * *

3. A new § 74.1100 is added to Subpart K to read as follows:

§ 74.1100 Cross reference.

See § 74.11.

4. In § 74.1103, paragraphs (a) and (b)(3) are amended, and paragraph (b)(4) is added, as follows:

§ 74.1103 Requirements relating to distribution of television signals by community antenna television systems.

* * * * *

(a) *Stations required to be carried.* Within the limits of its channel capacity, any such CATV system shall carry the signals of operating or subsequently authorized and operating television broadcast and 100 watts or higher power translator stations in the following order of priority, upon the request of the licensee or permittee of the relevant station:

(1) First, all commercial and noncommercial educational stations within whose principal community contours the system or the community of the system is located, in whole or in part;

(2) Second, all commercial and noncommercial educational stations within whose Grade A contours the system or the community of the system is located, in whole or in part;

(3) Third, all commercial and noncommercial educational stations within whose Grade B contours the system or the community of the system is located, in whole or in part; and

(4) Fourth, all commercial and noncommercial educational television translator stations operating in the community of the system, in whole or in part, with 100 watts or higher power.

(b) *Exceptions.* * * *

(3) The system need not carry the signal of any television translator station if: (i) The system is carrying the signal of the originating station, or (ii) the system is with the Grade B or higher priority contour of a station carried on the system whose programing is substantially duplicated by the translator: *Provided, however,* That where the originating station is carried in place of the translator station, the priority for purposes of paragraph (e) of this section shall be that of the translator station unless the priority of the originating station is higher.

(4) In the event that the system operates, or its community is located, within the Grade B or higher priority contours of both a satellite station and its parent station, the system need carry only the station with the higher priority; if the satellite station and its parent station are of equal priority, the system may select between them.

* * * * *

5. Section 74.1105 is revised to read as follows:

§ 74.1105 Notification prior to commencement of new service.

(a) No CATV system shall commence operations in a community or commence supplying to its subscribers the signal of any television broadcast station carried beyond the Grade B contour of the station, unless the system has given prior notice of the proposed new service to the licensee or permittee of any television broadcast station within whose predicted Grade B contour the system operates or will operate, and to the licensee or permittee of any 100 watts or higher power translator station operating in the community of the system, and has furnished a copy of each such notification to the Federal Communications Commission, within sixty (60) days after obtaining a franchise or entering into a lease or other arrangement to use facilities; in any event, no CATV system shall commence such operations until thirty (30) days after notice has been given. Such notice shall be given by existing systems which propose to add new distant signals at least thirty (30) days prior to commencing service and by systems which propose to extend lines into another community within sixty (60) days after obtaining a franchise or entering into a lease or other arrangement to use facilities or where no new local authorization or contractual arrangement is necessary, at least thirty (30) days prior to commencing service. Where it is proposed to extend the signal of any noncommercial educational television station beyond its Grade B contour into a community with an unoccupied reserved educational television channel assignment under § 73.606 of this chapter, the notice shall also be served upon the superintendents of schools in the community and county in which the system will operate and the local, area, and State educational television agencies, if any.

(b) The notice shall include the name and address of the system, identification of the community to be served, the television signals to be distributed, and the estimated time operations will commence.

(c) Where a petition with respect to the proposed service is filed with the Commission, pursuant to § 74.1109 of this chapter, within thirty (30) days after notice, new service which is challenged in the petition shall not be commenced until after the Commission's ruling on the petition or on the interlocutory question of temporary relief pending further procedures: *Provided, however,* That service shall not be commenced in violation of the terms of any specified temporary relief or of the provisions of § 74.1107 of this chapter. Where no petition pursuant to § 74.1109 has been filed within thirty (30) days after notice, service may be commenced at any time thereafter, subject, however, to the provisions of § 74.1107.

(d) The provisions of this section do not apply to any signals which were being supplied to subscribers in the community of the CATV system on March 17, 1966, unless it is proposed to extend lines into another community.

6. In § 74.1107, paragraphs (a), (b), and (d) are amended, as follows:

§ 74.1107 Requirement for showing in evidentiary hearing and Commission approval in top 100 television markets; other procedures.

(a) No CATV system operating in a community within the predicted Grade A contour of a television broadcast station in the 100 largest television markets shall extend the signal of a television broadcast station beyond the Grade B contour of that station, except upon a showing approved by the Commission that such extension would be consistent with the public interest, and specifically the establishment and healthy maintenance of television broadcast service in the area. Commission approval of a request to extend a signal in the foregoing circumstances will be granted where the Commission, after consideration of the request and all related materials in a full evidentiary hearing, determines that the requisite showing has been made. The market size shall be determined by the rating of the American Research Bureau, on the basis of the net weekly circulation for the most recent year.

(b) A request under paragraph (a) of this section shall be filed after the CATV system has obtained any necessary franchise for operation or has entered into a lease or other arrangement to use facilities and shall set forth the name of the community involved, the date on which a franchise was obtained, the signal or signals proposed to be extended beyond their Grade B contours, the date on which copies of the notifications required by § 74.1105 of this chapter were filed with the Commission, and the specific reasons why it is urged that such extension is consistent with the public interest. Public notice will be given of the filing of such a request, and interested parties may file a response or statement within thirty (30) days after such public notice. A reply to such response or statement may be filed within a twenty (20) day period thereafter. The Commission shall designate the request for an evidentiary hearing on issues to be specified, with the burden of proof and the burden of proceeding with the introduction of evidence upon the CATV system making the request, unless otherwise specified by the Commission as to particular issues.

* * * * *

(d) The provisions of paragraphs (a) and (b) of this section shall not be applicable to any signals which were being supplied by a CATV system to its subscribers in a community on February 15, 1966, and pursuant to a franchise (where necessary) issued on or before that date: *Provided, however,* That any new franchise or amendment of an existing franchise after Februray 15, 1966, to operate or extend the operations of the CATV system in the same general area or any extension into another community does come within the provisions of paragraphs (a) and (b) of this section: *And provided further,* That no CATV system located in a community in the 100 largest television markets, which was supplying to its subscribers on February 15, 1966, a signal carried beyond its Grade B contour, shall extend such service to new geographical areas within the same community where the Commission, upon petition filed under § 74.1109 by a television broadcast station or other interested person located in the area and after consideration of the response of the CATV system and appropriate proceedings, determines that the public interest, taking into account the considerations set forth in the Second Report and Order in Docket Nos. 14895, 15233, and 15971, FCC 66-220, paragraphs 113-149, would be served by appropriate conditions limiting the geographical extension of the system to new areas in the community. The Commission may also consider, upon the basis of the pleadings before it, whether temporary relief is called for in the public interest, and, if so, the nature of such relief; no CATV system coming within the foregoing provision shall extend its service to new geographical areas in violation of the terms of the specified temporary relief.

PART 91—INDUSTRIAL RADIO SERVICES

III. Part 91 is amended as follows:

1. In § 91.559, paragraphs (a) and (b) (3) are amended and paragraph (b) (4) is added, as follows:

§ 91.559 Authorizations for operational fixed stations to relay television signals to CATV systems.

* * * * *

(a) *Stations required to be carried.* Within the limits of its channel capacity, any such CATV system shall carry the signals of operating or subsequently authorized and operating television broadcast and 100 watts or higher power translator stations in the following order of priority, upon the request of the licensee or permittee of the relevant station:

(1) First, all commercial and noncommercial educational stations within whose principal community contours the system or the community of the system is located, in whole or in part;

(2) Second, all commerical and noncommercial educational stations within whose Grade A contours the system or the community of the system is located, in whole or in part;

(3) Third, all commercial and noncommercial educational stations within whose Grade B contours the system or the community of the system is located, in whole or in part; and

(4) Fourth, all commercial and noncommercial educational translator stations operating in the community of the system, in whole or in part, with 100 watts or higher power.

(b) *Exceptions.* * * *

(3) The system need not carry the signal of any television translator station if: (i) The system is carrying the signal of the originating station, or (ii) the system is within the Grade B or higher priority contour of a station carried on the system whose programing is substantially duplicated by the translator: *Provided, however,* That where the originating station is carried in place of the translator station, the priority for purposes of paragraph (e) of this section shall be that of the translator station unless the priority of the originating station is higher.

(4) In the event that the system operates, or its community is located, within the Grade B or higher priority contours of both a satellite station and its parent station, the system need carry only the station with the higher priority; if the satellite station and its parent station are of equal priority, the system may select between them.

* * * * *

[F.R. Doc. 67-778; Filed, Jan. 24, 1967; 8:45 a.m.]