

# FEDERAL REGISTER

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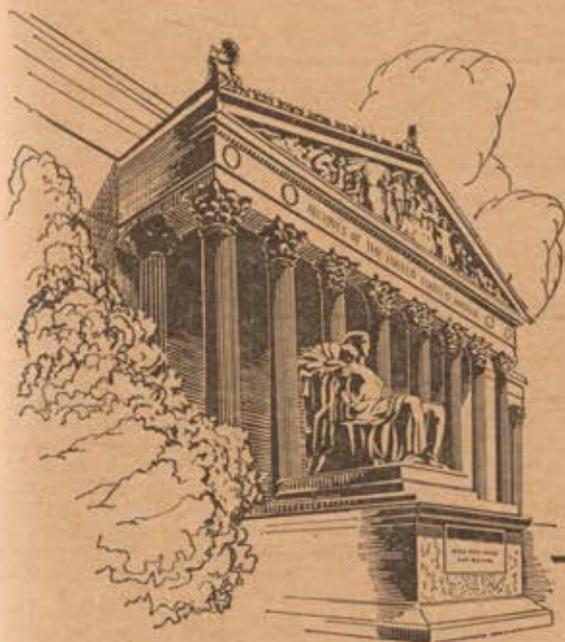
Wednesday, February 1, 1967 • Washington, D.C.

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**Agencies in this issue—**

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Atomic Energy Commission  
Civil Aeronautics Board  
Commerce Department  
Consumer and Marketing Service  
Education Office  
Federal Communications Commission  
Federal Crop Insurance Corporation  
Federal Maritime Commission  
Federal Power Commission  
Federal Water Pollution Control  
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# 5-Year Compilations of Presidential Documents

## Supplements to Title 3 of the Code of Federal Regulations

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the President and published in the Federal Register during the period June 2, 1938-December 31, 1963. Tabular finding aids and subject indexes are included. The individual volumes are priced as follows:

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11325

#### PRESCRIBING A NEW PART OF THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following Selective Service Regulations, which shall constitute Part 1643 of Chapter XVI of Title 32 of the Code of Federal Regulations:

#### PART 1643—PAROLE

- |         |   |
|---------|---|
| Sec.    |   |
| 1643.1  | Parole—general.   |
| 1643.2  | Authority to grant parole.  |
| 1643.3  | Application for parole and recommendation of Director of Selective Service.   |
| 1643.4  | Action upon recommendation or advice of the Director.   |
| 1643.5  | Induction of paroled registrant.  |
| 1643.6  | Reclassification of registrant.   |
| 1643.7  | Disposition of persons paroled who are not inducted into the Armed Forces.  |
| 1643.8  | Disposition of persons paroled who are inducted into the Armed Forces and who are discharged under other than honorable conditions. |
| 1643.9  | Disposition of persons paroled who are inducted into the Armed Forces and who are discharged under honorable conditions.            |
| 1643.10 | Parole for assignment to civilian work contributing to the maintenance of the national health, safety, or interest.                 |
| 1643.11 | Authority of the Attorney General to control parolees.  |
| 1643.12 | Application of general parole laws.   |
| 1643.13 | Functions of Board of Parole and other officials.   |

§ 1643.1 *Parole—general.* Any person required to register under the provisions of the Universal Military Training and Service Act, as amended, and any proclamation of the President thereunder, who is convicted of a violation of any of the provisions of the Universal Military Training and Service Act, as amended, or any rules or regulations prescribed thereunder, shall be eligible for release from custody on parole for service in the Armed Forces of the United States or for civilian work contributing to the maintenance of the national health, safety, or interest, in the manner and under the conditions provided for in the regulations in this part.

§ 1643.2 *Authority to grant parole.* In accordance with the procedures specified in Section 1643.3 and upon the recommendation of the Director of Selective Service, as authorized in Section 1643.4, the parole of a convicted person provided for in Section 1643.1 may be granted by the Attorney General if in his judgment it is compatible with the public interest and the enforcement of the Universal Military Training and Service Act, as amended. In recommending the parole of any such person, the Director of Selective Service shall also recommend whether he should be paroled (a) for induction into the Armed Forces of the United States, (b) for induction into the Armed Forces of the United States for noncombatant service, but only in cases in which the person's claim for exemption from combatant service has been sustained in his latest classification on the merits by his local board or by the appeal board in the case of an appeal, or (c) subject to the provisions of Section 1643.10(a) of this part, for assignment to civilian work contributing to the maintenance of the national health, safety, or interest in lieu of induction into the Armed Forces of the United States. If the parole is granted by the Attorney General, it shall conform to such recommendation.

§ 1643.3 *Application for parole and recommendation of Director of Selective Service.* (a) Any person who has been convicted of a violation described in Section 1643.1 may apply to the Attorney General for parole. He shall submit with his application a consent in writing to induction, or if he claims to be a conscientious objector to both combatant and noncombatant service, shall execute a consent to assignment to civilian work contributing to the maintenance of the national health, safety, or interest.

(b) If the Attorney General determines that the application for parole should receive consideration, he shall cause the applicant to be physically and mentally examined in the light of Armed Forces induction standards and to be given an intelligence test. A written report shall be prepared setting forth the level of mental ability attained in the test.

(c) The papers executed under Section 1642.31 and paragraphs (a) and (b) of this section, including the chest X-ray film and the report of serology, shall be transmitted to the Director of Selective Service by the Attorney General with a request that the Director of Selective Service determine whether he will recommend the parole.

§ 1643.4 *Action upon recommendation or advice of the Director.* The Director of Selective Service shall either recommend to the Attorney General that the registrant be paroled or shall advise the Attorney General that he does not recommend the parole of the registrant, and he shall forward the papers and chest X-ray film and report of serology referred to in Section 1643.3, together with a copy of his recommendation or advice, to the appropriate State Director of Selective Service for transmittal to the proper local board.

§ 1643.5 *Induction of paroled registrant.* (a) If the Attorney General grants parole to a registrant for induction into the Armed Forces, or for induction into the Armed Forces for noncombatant service only, he shall send the local board a certified copy of an order suspending parole supervision of the registrant during military service.

(b) Upon receipt of the certified copy of the order suspending parole supervision, the local board shall proceed to order the registrant to report for induction in the same manner as in the case of a delinquent registrant. Whenever the institution in which the registrant is confined is not located within the area over which his local board has jurisdiction, the registrant shall be transferred for induction, in the manner provided in Section 1632.10 of this chapter, to the local board having jurisdiction of the area in which such institution is located.

Arrangements shall be made by the Attorney General for the delivery of the registrant to the examining and entrance station of the Armed Forces so that he may comply with the order to report for induction.

(c) In addition to other records required to be forwarded by a local board in delivering a delinquent registrant, for each paroled registrant there shall be forwarded to the examining and entrance station of the Armed Forces:

- (1) the written consent of the registrant to induction;
- (2) the certified copy of the order suspending parole supervision of the registrant during military service granted by the Attorney General;
- (3) a certified copy of a statement from the Director of Selective Service recommending such parole which will indicate whether the individual is paroled for induction into the Armed Forces for combatant or noncombatant service;
- (4) the report of the registrant's intelligence test;
- (5) the original and three copies of the Report of Medical Examination (Standard Form 88) completely filled out by the examining physician of the institution of custody;
- (6) the Report of Medical History (Standard Form 89);
- (7) Serology (Standard Form 514c) original and duplicate copy; and

(8) the chest X-ray films which were completed by the institution physician.

The Delivery List (SSS Form 261) should be separate from any other delivery list and should identify the registrants as paroled registrants.

§ 1643.6 *Reclassification of registrant.* The local board shall reopen the classification of a registrant who is granted a parole by the Attorney General and is delivered for induction. If the registrant is inducted into the Armed Forces he shall be placed in Class I-C. If he is rejected at the induction station he shall be placed in the lowest class for which he is determined to be eligible under the provisions of Section 1623.2 of this chapter.

§ 1643.7 *Disposition of persons paroled who are not inducted into the Armed Forces.* Any person who, under the provisions of the regulations in this part, is granted a parole for service in the Armed Forces of the United States but is not actually inducted into such Forces shall be returned to a penal or correctional institution to complete the sentence originally imposed.

§ 1643.8 *Disposition of persons paroled who are inducted into the Armed Forces and who are discharged under other than honorable conditions.* Any person who is paroled for service in the Armed Forces of the United States and who after induction into such Forces is discharged therefrom under other than honorable conditions (other than "honorable discharge" or "general discharge") shall, if there remains uncompleted any portion of the sentence originally imposed, be returned to a penal or correctional institution or to parole status as a civilian as may be determined in accordance with law.

§ 1643.9 *Disposition of persons paroled who are inducted into the Armed Forces and who are discharged under honorable conditions.*

(a) Any person who is paroled for service in the Armed Forces of the United States and who, after induction and before completion of the service specified in the order granting the parole, is discharged from such Forces under honorable conditions ("honorable discharge" or "general discharge") shall be permitted to remain on parole until the termination of his sentence subject to the provisions of law with respect to Federal prisoners on parole.

(b) Any person who is paroled for service in the Armed Forces of the United States and who is inducted into such Forces and completes his period of service under honorable conditions ("honorable discharge" or "general discharge") as required by the Universal Military Training and Service Act, as amended, shall be discharged from further confinement and supervision.

§ 1643.10 *Parole for assignment to civilian work contributing to the maintenance of the national health, safety, or interest.* (a) No person shall be considered for parole for the purpose of assignment to civilian work contributing to the maintenance of the national health, safety, or interest unless his conviction and incarceration resulted from his failure or refusal to perform civilian work ordered by his local board pursuant to Part 1660 of this chapter.

(b) If the Attorney General grants a parole to a person for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, the Attorney General shall send to the local board a certified copy of his order paroling the registrant for such assignment.

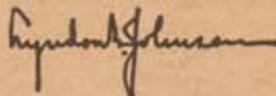
(c) Upon receipt of a certified copy of an order paroling a registrant for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, the local board shall determine what civilian work would be appropriate for him to perform and shall order him to perform that work in the manner provided in Section 1660.20 (a) and (b) of this chapter.

(d) Any person paroled for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, who fails or refuses to perform any such work satisfactorily, shall be reported by the Director of Selective Service to the Attorney General who may, in his discretion, revoke the parole of such person and return him to a penal or correctional institution to complete the sentence originally imposed with or without credit for the time spent on parole as the Attorney General may deem appropriate.

§ 1643.11 *Authority of the Attorney General to control parolees.* The Attorney General may impose such terms and conditions as he may deem proper upon any person paroled under the provisions of this part. Paroles authorized by this part may be revoked at any time in the discretion of the Attorney General. In any such case the parolee shall be returned to the proper penal or correctional institution to complete the sentence originally imposed.

§ 1643.12 *Application of general parole laws.* Nothing in the regulations in this part shall be construed to limit or restrict the application of the parole provisions contained in Title 18 of the United States Code.

§ 1643.13 *Functions of Board of Parole and other officials.* References in the regulations in this part to the Attorney General shall be construed to refer to the Board of Parole or to other officers or employees of the Department of Justice insofar as such references involve functions vested by statute in, or delegated by the Attorney General to, the Board of Parole or other officers or employees of the Department of Justice.



THE WHITE HOUSE,  
January 30, 1967.

[F.R. Doc. 67-1277; Filed, Jan. 31, 1967; 11:28 a.m.]

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX—COUNTIES DESIGNATED FOR CANNING PEA CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for canning pea crop insurance for the 1967 crop year.

###### UTAH

Box Elder.	Salt Lake.
Cache.	Utah.
Davis.	Weber.

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

[SEAL] JACK H. MORRISON,  
*Acting Manager, Federal  
Crop Insurance Corporation.*

[P.R. Doc. 67-1159; Filed, Jan. 31, 1967;  
8:48 a.m.]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX—COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 21, 1966 (31 F.R. 13581), which were designated for corn crop insurance for the 1967 crop year.

###### KENTUCKY

Christian.	Todd.
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###### MISSISSIPPI

Tippah.	
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###### NORTH CAROLINA

Nash.	
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###### SOUTH DAKOTA

Day.	
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###### TENNESSEE

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

[SEAL] JACK H. MORRISON,  
*Acting Manager, Federal  
Crop Insurance Corporation.*

[P.R. Doc. 67-1160; Filed, Jan. 31, 1967;  
8:48 a.m.]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regula-

tions, as amended, the following counties are hereby added to the list of counties published October 21, 1966 (31 F.R. 13583), which were designated for cotton crop insurance for the 1967 crop year.

###### CALIFORNIA

Tulare.	
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###### TEXAS

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

[SEAL] JACK H. MORRISON,  
*Acting Manager, Federal  
Crop Insurance Corporation.*

[P.R. Doc. 67-1161; Filed, Jan. 31, 1967;  
8:48 a.m.]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX—COUNTY DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published October 21, 1966 (31 F.R. 13584), which were designated for grain sorghum crop insurance for the 1967 crop year.

###### TEXAS

Bosque.	
---------	--

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

[SEAL] JACK H. MORRISON,  
*Acting Manager,  
Federal Crop Insurance Corporation.*

[P.R. Doc. 67-1162; Filed, Jan. 31, 1967;  
8:48 a.m.]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX—COUNTY DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published October 21, 1966 (31 F.R. 13587), which were designated for tobacco crop insurance for the 1967 crop year. The type of tobacco on which insurance is offered is shown opposite the county name.

###### MISSOURI

Buchanan	31
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(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,  
*Acting Manager, Federal  
Crop Insurance Corporation.*

[P.R. Doc. 67-1163; Filed, Jan. 31, 1967;  
8:48 a.m.]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX—COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 21, 1966 (31 F.R. 13587), which were designated for tomato crop insurance for the 1967 crop year.

###### UTAH

Box Elder.	Utah.
Davis.	Weber.
Salt Lake.	

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

[SEAL] JACK H. MORRISON,  
*Acting Manager, Federal  
Crop Insurance Corporation.*

[P.R. Doc. 67-1164; Filed, Jan. 31, 1967;  
8:49 a.m.]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1961 and Succeeding Crop Years

###### APPENDIX—COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published October 21, 1966 (31 F.R. 13587), which were designated for sugar beet crop insurance for the 1967 crop year.

###### COLORADO

Adams.	Logan.
Boulder.	Sedgwick.
Larimer.	

###### IDAHO

Bingham.	Jerome.
Cassia.	Power.

###### MICHIGAN

Bay.	Tuscola.
Saginaw.	

###### MINNESOTA

Norman.	Polk.
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###### OHIO

Henry.	Sandusky.
Ottawa.	Wood.
Putnam.	

###### WASHINGTON

Adams.	Franklin.
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###### WYOMING

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

[SEAL] JACK H. MORRISON,  
*Acting Manager, Federal  
Crop Insurance Corporation.*

[P.R. Doc. 67-1165; Filed, Jan. 31, 1967;  
8:49 a.m.]

### PART 404—APPLE CROP INSURANCE

#### Subpart—Regulations for the 1967 and Succeeding Crop Years

##### APPENDIX—COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 404.20 of the above-identified regulations, the following counties have been designated for apple crop insurance for the 1967 crop year.

#### OREGON

Umatilla.

#### WASHINGTON

Chelan. Douglas.  
Columbia. Okanogan.

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

[SEAL] JACK H. MORRISON,  
Acting Manager, Federal  
Crop Insurance Corporation.

[F.R. Doc. 67-1166; Filed, Jan. 31, 1967;  
8:49 a.m.]

### PART 410—FLORIDA CITRUS CROP INSURANCE

#### Subpart—Regulations for the 1967 and Succeeding Crop Years

##### APPENDIX—COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 410.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1967 crop year.

#### FLORIDA

Brevard. Marion.  
De Soto. Martin.  
Hardee. Orange.  
Highlands. Osceola.  
Hillsborough. Pasco.  
Indian River. Polk.  
Lake. St. Lucie.  
Manatee. Seminole.

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

[SEAL] JACK H. MORRISON,  
Acting Manager, Federal  
Crop Insurance Corporation.

[F.R. Doc. 67-1167; Filed, Jan. 31, 1967;  
8:49 a.m.]

### PART 411—GRAPE CROP INSURANCE

#### Subpart—Regulations for the 1967 and Succeeding Crop Years

##### APPENDIX—COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been designated for grape crop insurance for the 1967 crop year.

#### NEW YORK

Chautauqua. Seneca.  
Ontario. Steuben.  
Schuyler. Yates.

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

[SEAL] JACK H. MORRISON,  
Acting Manager, Federal  
Crop Insurance Corporation.

[F.R. Doc. 67-1168; Filed, Jan. 31, 1967;  
8:49 a.m.]

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

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

### PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

#### Subpart—Proclamation, Announcement and Apportionment of National Marketing Quota for Maryland Tobacco 1967-69

Sec.

724.36e Basis and purpose.

724.36f Proclamation of a national marketing quota for Maryland tobacco for each of the three marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969; and determinations and announcement with respect to the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1967.

AUTHORITY: The provisions of this subpart issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

#### § 724.36e Basis and purpose.

(a) Sections 724.36e and 724.36f are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the Act, (1) to proclaim a national marketing quota for Maryland tobacco for each of the 3 marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969, (2) to determine the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1966; (3) to announce the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1967; and (4) to apportion the national marketing quota for Maryland tobacco for the 1967-68 marketing year among the several States. The determination contained in § 724.36f have been made on the basis of the latest available statistics of the Federal Government. No data, views, or recommendations were received from Maryland tobacco producers and others as provided in a notice (31 F.R. 14002) given in accordance with the provisions of 5 U.S.C. 553.

(b) Since the Act requires the holding of a referendum of Maryland tobacco producers within 30 days after issuance

of the proclamation of a national marketing quota to determine whether such producers favor quotas, and since tobacco farmers are making preparations for 1967 production of Maryland tobacco and need to know, at the earliest possible date, the 1967 Maryland tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, and the announcement and apportionment of the national marketing quota for Maryland tobacco for the 1967-68 marketing year, contained herein, shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.36f Proclamation of a national marketing quota for Maryland tobacco for each of the three marketing years beginning October 1, 1967, October 1, 1968, and October 1, 1969; and determinations and announcement with respect to the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1967.

(a) *Proclamation.* Since Maryland tobacco farmers voting in a referendum on February 25, 1966, disapproved quotas for the 3 marketing years beginning October 1, 1966, October 1, 1967, and October 1, 1968, and since such disapproval was not the third consecutive disapproval of quotas for Maryland tobacco, section 312 of the Act requires the proclamation of marketing quotas on Maryland tobacco for the 3 marketing years beginning October 1, 1967, October 1, 1968 and October 1, 1969, and, therefore, such quotas are hereby proclaimed.

(b) *Reserve supply level.*<sup>1</sup> The reserve supply level for Maryland tobacco is 109.8 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 29.0 million pounds and a normal year's exports of 15.0 million pounds.

(c) *Total supply.*<sup>1</sup> The total supply of Maryland tobacco for the marketing year beginning October 1, 1966, calculated in accordance with the Act, is 128.8 million pounds consisting of estimated carryover of 91.0 million pounds and estimated 1966 production of 37.8 million pounds.

(d) *Carryover.*<sup>1</sup> The estimated carryover of Maryland tobacco for the 1967-68 marketing year calculated in accordance with the Act, is 81.0 million pounds.

(e) *National marketing quota.*<sup>1</sup> The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1967, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 28.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 28.8 million pounds would result in undue restriction of marketings during the 1967-68 marketing year and such amount is hereby increased by 20

<sup>1</sup> Rounded to the nearest tenth of a million pounds.

percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1967, is 34.6 million pounds.

(f) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment	Reserve <sup>2</sup>
Delaware	.06	0
Maryland	32,796.75	32.99
Virginia	10.70	.01
Reserve <sup>1</sup>	82.22	

<sup>1</sup> Acreage reserved for establishing allotments for new farms.

<sup>2</sup> The acreage included in the State acreage allotment available pursuant to section 724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8507; 28 F.R. 9144; 29 F.R. 1315; 30 F.R. 826) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

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

Signed at Washington, D.C., on January 30, 1967.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 67-1215; Filed, Jan. 30, 1967; 12:50 p.m.]

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

[Navel Orange Reg. 122, 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 publica-

tion 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)(i) and (ii) of § 907.422 (Navel Orange Reg. 122, 32 F.R. 709) are hereby amended to read as follows:

**§ 907.422 Navel Orange Regulation 122.**

- (b) *Order.* (1) \* \* \*
- (i) \* \* \*
- (i) District 1: 850,000 cartons;
- (ii) District 2: 325,000 cartons

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

Dated: January 27, 1967.

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

[F.R. Doc. 67-1154; Filed, Jan. 31, 1967; 8:48 a.m.]

**PART 991—HOPS OF DOMESTIC PRODUCTION**

**Date by Which Certain Written Contracts Are To Be Submitted to Committee**

Notice was published in the January 13, 1967, issue of the FEDERAL REGISTER (32 F.R. 387) regarding a proposal to establish a final date for submission, to the Committee, of written contracts, entered into with producers prior to, and effective by, February 8, 1966, calling for delivery of hops produced prior to 1971. The establishment of this date is pursuant to § 991.38 of Marketing Order No. 991 (31 F.R. 9713, 10072) regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Hop Administrative Committee and other available information, it is hereby found that the date when certain written contracts are to be submitted to the committee, pursuant to § 991.38 shall be as follows:

**§ 991.138** Date by which certain written contracts are to be submitted to the Committee.

With respect to the written contracts, provided for in § 991.38, that were en-

tered into by handlers prior to, and effective by, February 8, 1966, which permit such handlers to acquire from producers certain additional quantities of hops through 1970, each handler shall submit or cause to be submitted, such written contracts to the Committee not later than February 10, 1967.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that: (1) No useful purpose would be served by postponing beyond a reasonable time the deadline for the submission of such contracts as said contracts, to be considered, must have been entered into prior to, and effective by, February 8, 1966; (2) adequate publicity has been given to producers and handlers concerning the establishment of a submission date.

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

Dated: January 27, 1967.

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

[F.R. Doc. 67-1134; Filed, Jan. 31, 1967; 8:46 a.m.]

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

[Milk Order No. 96]

**PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA**

**Order Amending Order**

**§ 1096.0 Findings and determinations.**

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 13, 1967, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 25, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1967, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

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

§§ 1096.18, 1096.19 [Revoked]

1. Sections 1096.18 and 1096.19 are revoked.

§ 1096.27 [Amended]

2. In § 1096.27(j) (2) delete "or 1096-73".

3. Section 1096.27(i) (2) is revoked.

4. Section 1096.30(a) (1) (i) is revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

(a) \* \* \*

(1) \* \* \*

(i) Receipts of milk from producers, including such handler's own production;

5. Section 1096.31(c) is revised to read as follows:

§ 1096.31 Payroll reports.

(c) The number of days, for which milk was received from such producer;

§§ 1096.65, 1096.66, 1096.67 [Revoked]

6. The subheading, "Determination of Base" and §§ 1096.65, 1096.66, and 1096.67 are revoked.

7. Section 1096.72(b) is revised to read as follows:

§ 1096.72 Computation of weighted average price and uniform price.

(b) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price" or the "uniform price" for producer milk.

§ 1096.73 [Revoked]

8. Section 1096.73 is revoked.

9. Section 1096.80(b) is revised and paragraph (c) is revoked as follows:

§ 1096.80 Time and method of payment for producer milk.

(b) On or before the 15th day after the end of each month for milk received during the month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1096.72, subject to the butterfat and location differentials computed pursuant to §§ 1096.74 and 1096.75, respectively; and

(1) Less payment made pursuant to paragraph (a) of this section;

(2) Less marketing service deduction pursuant to § 1096.85;

(3) Plus or minus adjustments pursuant to § 1096.84 for errors in previous payments made to such producers; and

(4) Less proper deduction authorized by such producer.

(c) [Revoked]

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

Effective date: February 1, 1967.

Signed at Washington, D.C., on January 27, 1967.

GEORGE L. MEHREN,  
Assistant Secretary.

[P.R. Doc. 67-1155; Filed, Jan. 31, 1967; 8:48 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Subtitle A—Office of the Secretary of Commerce

#### PART 11—PROHIBITION OF TRANSPORTATION BY U.S. DOCUMENTED VESSELS AND U.S. REGISTERED AIRCRAFT OF CERTAIN COMMODITIES FROM AND TO SOUTHERN RHODESIA

This order is found necessary to carry out measures taken by the Security Council of the United Nations, by Security Council Resolution No. 232 adopted December 16, 1966; and to implement Executive Order No. 11322 Relating to Trade and Other Transactions Involving Southern Rhodesia signed January 5, 1967. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance. Part 11 is added to Title 15 of the Code of Federal Regulations, reading, as follows:

- Sec.  
11.1 Prohibited transportation and discharge.  
11.2 Applications for adjustment or exceptions.  
11.3 Reports.  
11.4 Records.  
11.5 Defense against claims for damages.  
11.6 Violations.

AUTHORITY: The provisions of this Part 11 issued under E.O. 11322, 32 F.R. 119; 59 Stat. 620, 22 U.S.C. 287(c).

#### § 11.1 Prohibited transportation and discharge.

(a) No person shall transport on any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any arms, ammunition of all types, military aircraft, military vehicles and equipment and materials for the manufacture and maintenance of arms and ammunition; other aircraft and motor vehicles, and equipment and materials for the manufacture, assembly, or maintenance of aircraft or motor vehicles; oil or oil products if he knows or has reason to believe that said commodity or article is destined directly or indirectly for Southern Rhodesia, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any port or place in Southern Rhodesia, or at any other port or place in transit to Southern Rhodesia, unless a validated export license under the Export Control Act of 1949, as amended, or under section 414 of the Mutual Security Act of 1954, as amended; or a license under the Rhodesian Transaction Regulations issued by the Secretary of Treasury, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Secretary of Commerce or his delegate. This prohibition applies to the owner of the ship or aircraft, and any other officer, employee, or agent of the owner of the ship or aircraft who participates in the transportation.

(b) No person shall transport on any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States asbestos, iron ore, chrome, pig iron, sugar, tobacco, copper, meat and meat products, and hides, skins, and leather originating in Southern Rhodesia and exported therefrom after December 16, 1966, or products made therefrom in Southern Rhodesia or elsewhere, unless a license under the Rhodesian Transaction Regulations issued by the Treasury Department has been obtained. This prohibition applies to the owner of the ship or aircraft, and any other officer, employee, or agent of the owner of the ship or aircraft who participates in the transportation.

**§ 11.2 Application for adjustment or exceptions.**

Any person affected by any provisions of this Part 11 may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him, arising from transactions commenced before the date of the issuance of Executive Order No. 11322 (Jan. 5, 1967) or issuance of this Part 11. Such an application may be made by letter or telegram addressed to the Secretary of Commerce, Washington, D.C. 20230, reference 15 CFR Part 11. If authorization is requested, any such application should specify in detail the material to be shipped, the name and address of the shipper and of the recipient of the shipment, the ports or places from which and to which the shipment is being made and the use to which the material shipped will be put. The application should also specify in detail the facts which support the applicant's claim for an exception.

**§ 11.3 Reports.**

Persons subject to this Part 11 shall submit such reports to the Secretary of Commerce as he shall require, subject to the terms of the Federal Reports Act.

**§ 11.4 Records.**

Each person participating in any transaction covered by this part shall retain in his possession, for at least 2 years, records of shipments in sufficient detail to permit an audit that determines for each transaction that the provisions of this Part 11 have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

**§ 11.5 Defense against claims for damages.**

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this Part 11 or any provision thereof, notwithstanding that this Part 11 or such provision shall there-

after be declared by judicial or other competent authority to be invalid.

**§ 11.6 Violations.**

Any person who wilfully violates or evades or attempts to violate or evade any provisions of this Part 11 or wilfully conceals a material fact or furnishes false information in the course of operation under this Part 11 is subject to the penalty provisions of 59 Stat. 620, 22 U.S.C. 287(c) or of other Federal statutes violated. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this Part 11.

**Effective date.** This Part 11 shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: January 26, 1967.

JOHN T. CONNOR,  
Secretary of Commerce.

[P.R. Doc. 67-1117; Filed, Jan. 31, 1967; 8:45 a.m.]

**Title 21—FOOD AND DRUGS**

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

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**  
**DIOCTYL SODIUM SULFOSUCCINATE**

**Use as Solubilizing Agent for Gums and Colloids Used as Thickening Agents in Certain Standardized Foods**

In the matter of amending the identity standards for bread (§ 17.1), evaporated milk (§ 18.520), cream cheese (§ 19.515), neufchatel cheese (§ 19.520), creamed cottage cheese (§ 19.530), pasteurized process cheese spread (§ 19.775), cream cheese with other foods (§ 19.782), pasteurized neufchatel cheese spread with other foods (§ 19.783), cold-pack cheese food (§ 19.787), ice cream (§ 20.1), fruit sherbets (§ 20.4), water ices (§ 20.5), french dressing (§ 25.2), salad dressing (§ 25.3), and soda water (§ 31.1) to provide for the optional use of dioctyl sodium sulfosuccinate as a solubilizing agent for the gums and colloids permitted as thickening agents in these foods, subject to the limitation that the dioctyl sodium sulfosuccinate is not to exceed 0.5 percent by weight of such gums and colloids, in accordance with § 121.1137 of the food additive regulations.

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of August 3, 1966 (31 F.R. 10415), based on a petition submitted by the American Cyanamid Co., Fine Chemicals Department, Pearl River, N.Y. 10965.

In the one comment received in response to the notice, the American Institute of Baking, 400 East Ontario Street, Chicago, Ill. 60611, opposed the

proposed amendment to the bread standard (§ 17.1), which due to cross-references would have also applied to related bread standards (§§ 17.2 through 17.5). The petitioner has since withdrawn without prejudice its proposal to so amend the bread standard.

Upon consideration of the comment filed, the information furnished by the petitioner, and other available information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the above-cited standards as proposed, except for bread (§ 17.1).

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That the standards of identity for foods be amended as follows:

**PART 18—MILK AND CREAM**

1. Section 18.520 is amended by adding to paragraph (a) (1) a new subdivision (iii), as follows:

§ 18.520 Evaporated milk; identity; label statement of optional ingredients.

(a) \* \* \*

(1) \* \* \*

(iii) When an optional ingredient provided for in subdivision (ii) of this subparagraph is used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredient.

**PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS**

§ 19.515 [Amended]

2. Section 19.515 *Cream cheese; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (b), subparagraph (2) is redesignated as subparagraph (2) (i) and a new subdivision (ii) is added thereto reading as follows:

(ii) When one or more of the optional ingredients in subdivision (i) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

b. In paragraph (c), the reference "paragraph (b) (2)" is changed to read "paragraph (b) (2) (i)".

§ 19.520 [Amended]

3. Section 19.520 *Neufchatel cheese; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (b), subparagraph (2) is redesignated as subparagraph (2) (i) and a new subdivision (ii) is added thereto reading as follows:

(ii) When one or more of the optional ingredients in subdivision (1) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

b. In paragraph (c), the reference "paragraph (b) (2)" is changed to read "paragraph (b) (2) (1)".

4. Section 19.530 is amended by inserting a new subdivision (iii) in paragraph (b) (6), as follows:

§ 19.530 Creamed cottage cheese; identity; label statement of optional ingredients.

(b) \* \* \*

(6) \* \* \*

(iii) When one or more of the optional ingredients in subdivision (1) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

§ 19.775 [Amended]

5. Section 19.775 *Pasteurized process cheese spread; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (f), subparagraph (1) is redesignated as subparagraph (1) (1) and a new subdivision (ii) is added thereto reading as follows:

(ii) When one or more of the optional ingredients in subdivision (1) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

b. In paragraph (g), the reference to paragraph "(f) (1)" is changed to read "(f) (1) (1)".

6. Section 19.782 *Cream cheese with other foods; identity; label statement of optional ingredients* is amended by redesignating paragraph (a) (1) as paragraph (a) (1) (1) and by adding thereto a new subdivision (ii) reading as follows:

§ 19.782 Cream cheese with other foods; identity; label statement of optional ingredients.

(a) \* \* \*

(1) \* \* \*

(ii) When one or more of the optional ingredients in subdivision (1) of this paragraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

§ 19.783 [Amended]

7. Section 19.783 *Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients* is amended as follows:

a. In paragraph (b), subparagraph (1) is redesignated as subparagraph (1)

(1) and a new subdivision (ii) is added thereto reading as follows:

(ii) When one or more of the optional ingredients in subdivision (1) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

b. In paragraph (d), the reference "paragraph (b) (1)" is changed to read "paragraph (b) (1) (1)".

8. Section 19.787(e) (8) is revised to read as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

(e) \* \* \*

(8) In the preparation of cold-pack cheese food, guar gum may be used in a quantity not to exceed 0.3 percent of the weight of the finished food. When such optional ingredient is used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredient.

## PART 20—FROZEN DESSERTS

9. Section 20.1(f) is amended by adding thereto a new subparagraph (7), as follows:

§ 20.1 Ice cream; identity; label statement of optional ingredients.

(f) \* \* \*

(7) When one or more of the optional thickening ingredients in subparagraph (2) or (5) of this paragraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

10. Section 20.4(e) is amended by adding thereto a new subparagraph (12), as follows:

§ 20.4 Fruit sherbets; identity; label statement of optional ingredients.

(e) \* \* \*

(12) When one or more of the optional thickening ingredients in subparagraph (2) or (5) of this paragraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

11. Section 20.5 *Water ices; identity; label statement of optional ingredients* is amended by redesignating paragraph (d) (1) as paragraph (d) (1) (1) and by adding thereto a new subdivision (ii) reading as follows:

§ 20.5 Water ices; identity; label statement of optional ingredients.

(d) \* \* \*

(1) \* \* \*

(ii) When one or more of the optional thickening ingredients in subdivision (1) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

## PART 25—DRESSINGS FOR FOODS

12. Section 25.2(c) is amended by inserting therein a new subparagraph (3), as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

(c) \* \* \*

(3) When one or more of the optional emulsifying ingredients in subparagraph (1) of this paragraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

13. Section 25.3 *Salad dressing; identity; label statement of optional ingredients* is amended by redesignating paragraph (d) as paragraph (d) (1) and by adding thereto a new subparagraph (2), as follows:

§ 25.3 Salad dressing; identity; label statement of optional ingredients.

(d) \* \* \*

(2) When one or more of the optional ingredients in subparagraph (1) of this paragraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

## PART 31—NONALCOHOLIC BEVERAGES

14. Section 31.1 *Soda water; identity; label statement of optional ingredients* is amended by redesignating paragraph (b) (6) as paragraph (b) (6) (1) and by adding thereto a new subdivision (ii), as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

(b) \* \* \*

(6) \* \* \*

(ii) When one or more of the optional ingredients in subdivision (1) of this subparagraph are used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

Due to cross-references, the amendment to § 19.775 is applicable to the standard for pasteurized cheese spread (§ 19.776), pasteurized process cheese spread with fruits, vegetables, or meats (§ 19.780), and pasteurized cheese spread with fruits, vegetables, or meats (§ 19.781); the amendment to § 19.787 is applicable to the standard for cold-pack cheese food with fruits, vegetables, or meats (§ 19.788); and the amendment to § 20.1 is applicable to the standards for frozen custard (§ 20.2) and ice milk (§ 20.3).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following 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. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

**Effective date.** This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 24, 1967.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[P.R. Doc. 67-1149; Filed, Jan. 31, 1967; 8:47 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 67-111]

#### PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

##### License Period

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of January 1967:

To expedite the processing of applications in the Experimental Radio Services, we have decided to extend the basic license period for stations in those services from 1 to 2 years, and to stagger the expiration dates for experimental licenses over the 12 calendar months, in

accordance with the alphabetical distribution of the names of licensees. The new license period will apply to all initial or renewal applications granted on or after February 1, 1967. See § 5.63 (a) and (c), as set forth below. In addition, we are including a provision reflecting present policy that experimental licenses will not be granted for a period longer than that which is required for completion of the experimental project. See § 5.63 (b). Finally, we are deleting present § 5.63 (c), which provides for simultaneous modification and renewal of licenses in certain circumstances. This provision has, in some cases, retarded the grant of applications for modification of license for limited periods pending review of the question of renewal for the full license term.

These changes are beneficial to experimental applicants and licensees as a class, in that they expedite the processing of initial, renewal, and modification applications and generally extend the license term, and should not adversely affect the interest of other parties. We therefore find, pursuant to section 4 of the Administrative Procedure Act, to the extent that these amendments include matters not procedural in nature, that notice and public procedure are unnecessary and that the amendments should be made effective upon publication in the FEDERAL REGISTER.

Authority for this amendment is contained in section 4(i) and 303 (g) and (r) of the Communication Act of 1934, as amended.

In view of the foregoing: *It is ordered*, Effective February 1, 1967, that § 5.63 of the rules and regulations is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 308, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 25, 1967.

Released: January 27, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

In Part 5 of Chapter I of Title 47 of the Code of Federal Regulations, § 5.63 is amended to read as follows:

##### § 5.63 License period.

(a) The basic license period for stations in the Experimental Radio Services is 2 years.

(b) A license will not be granted for a period longer than that which is required for completion of the experimental project. If such period is estimated to be less than 2 years, a statement to that effect by the applicant may facilitate a grant of the application. See also § 5.58.

(c) The expiration dates for licenses in the Experimental Radio Services will be distributed over the 12 calendar months, in accordance with the alphabetical distribution of the names of licensees. Hence, an initial license may

<sup>1</sup> Commissioner Lee absent.

be granted for a basic period of 1½ to 2½ years, depending on the date of grant and the alphabetical position of the name of the licensee.

[P.R. Doc. 67-1169; Filed, Jan. 31, 1967; 8:49 a.m.]

[Docket No. 16968; FCC 67-118]

#### PART 73—RADIO BROADCAST SERVICES

##### TV Broadcast Stations; St. James, Minn.

**Report and order.** In the matter of amendment of § 73.606(b) *Table of Assignments*, Television Broadcast Stations (St. James, Minn.); Docket No. 16968, RM-997.

1. On November 2, 1966, the Commission adopted a notice of proposed rule making in the above entitled matter (FCC 66-969) pursuant to a petition filed by Hubbard Broadcasting, Inc., licensee of Station KSTP-TV, Channel 5, St. Paul, Minn., requesting that a UHF channel be assigned to St. James, Minn., for commercial use. Interested parties were requested to file comments on or before December 12, 1966, and replies to comments on or before December 22, 1966.

2. The only comments filed were by Petitioner, which reaffirmed its intention to apply for the channel if it were assigned and to operate on the assigned channel as a satellite of its station, KSTP-TV. St. James is the county seat of Wantonwan County and is located in southern Minnesota, approximately 100 miles southwest of Minneapolis-St. Paul. The 1960 U.S. Census reported a population for St. James of 4,174 persons and a population for Wantonwan County of 14,460 persons. As a satellite of NBC affiliate KSTP-TV, the assignment at St. James would provide a program service which is presently not available to the residents of this area.

3. It thus appears that there is a demand for a commercial UHF channel to serve St. James and the surrounding area and the proposed assignment should be adopted. As we noted in the notice of proposed rule making, St. James is in an area where UHF channel availabilities are considered plentiful.

4. In the light of the foregoing and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective March 6, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channel
St. James, Minn.	38

Note: Offset for Channel 38 will be supplied in a subsequent order.

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

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

Adopted: January 25, 1967.

Released: January 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-1170; Filed, Jan. 31, 1967;  
8:49 a.m.]

[Docket No. 16967; FCC 67-119]

### PART 73—RADIO BROADCAST SERVICES

#### Commercial UHF TV Broadcast Channel; New Orleans, La.

*Report and order.* In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission rules and regulations to add a commercial UHF television broadcast channel at New Orleans, La.; Docket No. 16967, RM-1008.

1. On November 2, 1966, the Commission adopted a notice of proposed rule making in the above entitled matter (FCC 66-967) pursuant to a petition filed by Rault Petroleum Corp. of New Orleans. Interested parties were afforded an opportunity to comment on or before

<sup>1</sup> Commissioner Lee absent.

December 12, 1966, and to reply to comments on or before December 22, 1966.

2. The only comments received were from Petitioner, which reaffirmed its intention to apply for authority to construct and operate the channel if it were assigned to New Orleans. It thus appears that there is a demand for an additional commercial UHF channel to serve New Orleans and the proposed assignment should be adopted. As we noted in the notice of proposed rule making, there is an adequate number of available assignments remaining in the area to meet foreseeable future needs. New Orleans is ranked 43d among television markets based on net weekly circulation. In the revised UHF plan adopted in the fifth report and memorandum opinion and order in Docket No. 14229 (FCC 66-137, released Feb. 11, 1966), 39 of the top 75 markets were given six or more commercial assignments. Ten of these 39 markets have less net weekly circulation than New Orleans.

3. In the light of the foregoing and pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective March 6, 1967, the Table of Assignments in § 73.606(b) of the Commission rules is amended, insofar as the city listed below is concerned, to read as follows:

City	Channels
New Orleans, La...	41, 61, *8, 12, 20, 26, *32, 38

NOTE: Offset for Channel 38 will be supplied in a subsequent Order.

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

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

Adopted: January 25, 1967.

Released: January 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-1171; Filed, Jan. 31, 1967;  
8:49 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter XVI—Selective Service System

#### PART 1643—PAROLE

CROSS REFERENCE: For an Executive order establishing new Part 1643, see Title 3, Executive Order 11325, *supra*.

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

[ 18 CFR Part 602 ]

### CERTIFICATION OF FACILITIES

#### Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior proposes to amend Chapter V of Title 18 Code of Federal Regulations by adding a new Part 602, as set forth below, applicable to certifications relating to water pollution control facilities for which investment tax credit is sought during the period of suspension of credit imposed by P.L. 89-800.

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 30 days after publication of this notice, will be considered.

The regulations will become effective upon republication.

Sec.	
602.1	Applicability.
602.2	Definitions.
602.3	General provisions.
602.4	Applications.
602.5	State certification.
602.6	General policies.
602.7	Requirements for certification.

**AUTHORITY:** The provisions of this Part 602 issued under sec. 301, 80 Stat. 378; 5 U.S.C. 22, and under sec. 2, 80 Stat. 1511, 26 U.S.C. 48(h) (12).

#### § 602.1 Applicability.

The regulations of this part apply to certifications by the Secretary under section 48(h) (12) of the Internal Revenue Code of 1954, as amended.

#### § 602.2 Definitions.

As used in this subpart, the following terms shall have the meaning indicated below:

(a) "Federal Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(c) "Applicant" means any person who files an application with the Secretary for certification that property is in

compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act.

(d) "Secretary" means the Secretary of the Interior.

(e) "Facility" means property for which certification is sought under this part.

#### § 602.3 General provisions.

(a) Applicants shall file applications in accordance with this part for each facility for which certification is sought.

(b) Applications shall be submitted to the Secretary through the State water pollution control agency.

(c) Applications may be filed prior to, during, or subsequent to the construction and operation of the facility.

(d) No certification shall be rendered for any facility prior to the completion of construction and commencement of operation of such facility in accordance with the application.

(e) An amendment to an application shall be submitted in the same manner as the original application and shall be considered a part of the application it amends.

(f) No certification shall be rendered by the Secretary for any facility prior to the certification of such facility by the State water pollution control agency in accordance with this part.

(g) The Secretary shall advise applicants who have submitted applications prior to the completion of construction and commencement of operation of a facility whether or not a certification will issue if the facility is constructed in accordance with the application.

(h) The Secretary shall notify applicants whether or not a certification is issued. If the Secretary determines not to issue a certification he shall advise the applicant of the reasons therefor.

#### § 602.4 Applications.

Applications for certification under this part shall be submitted in such manner and on such forms as the Secretary may prescribe and shall include the following information:

(a) Name and address of the applicant and Internal Revenue Service Identifying Number;

(b) Detailed description of the facility for which certification is sought, including plans and specifications, and a detailed description of the function and operation of such facility;

(c) Address of facility location;

(d) Description of the industrial operation in connection with which such facility is or will be used;

(e) Description of the effect of such facility in terms of quantity and quality of wastes removed, altered, or disposed of by such facility;

(f) Identification of applicable State and local water pollution control requirements and standards and a statement as to whether such facility does or will meet such standards;

(g) Time of construction and operation of such facility;

(h) Such other information as the Secretary deems necessary for certification.

#### § 602.5 State certification.

No application shall be considered by the Secretary until it has been submitted to the State water pollution control agency, and unless the application is accompanied by a State certification that the facility described in such application is in conformity with the State program and requirements for control of water pollution or a statement that such facility will be certified as being in conformity with the State program and requirements if such facility is constructed and operated in accordance with the application. Such certification or statement shall be executed by an agent or officer authorized to act on behalf of the State water pollution control agency and accompanied by evidence of such authority.

#### § 602.6 General policies.

The general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act are: To enhance the quality and value of our water resources to eliminate or reduce the pollution of interstate waters and tributaries thereof; to improve the sanitary condition of surface and underground waters; to conserve such waters for public water supplies, propagation of fish, and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses; and to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

#### § 602.7 Requirements for certification.

(a) If the Secretary determines that a facility, for which application for certification has been made in accordance with the provisions of this part, is in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act, he shall so certify.

(b) In determining whether a facility complies with applicable regulations of

Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Act, the Secretary shall consider whether such facility is consistent with and meets the requirements of:

(1) Water quality standards and plan of implementation and enforcement established pursuant to section 10(c) of the Federal Act;

(2) Recommendations issued pursuant to section 10 (e) and (f) of the Federal Act;

(3) State water pollution control programs established pursuant to section 7 of the Federal Act and regulations under Subpart A, Part 601 of this chapter;

(4) Comprehensive water pollution control programs established pursuant to section 3 of the Federal Act;

(5) Guidelines for Establishing Water Quality Standards for Interstate Waters issued by the Federal Water Pollution Control Administration of the Department of the Interior, May 1966;

(6) General Standards applicable to Federal facilities as set forth in section 4, Executive Order 11288;

(7) State, interstate, and local standards and requirements for the prevention, control, and abatement of water pollution.

Dated: January 24, 1967.

STEWART L. UDALL,  
Secretary.

[F.R. Doc. 67-1127; Filed, Jan. 31, 1967;  
8:45 a.m.]

#### Fish and Wildlife Service

[ 50 CFR Part 32 ]

#### MINGO NATIONAL WILDLIFE REFUGE, MO.

##### Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926), it is proposed to amend 50 CFR 32.31 by the addition of Mingo National Wildlife Refuge, Mo., to the list of areas open to the hunting of big game, as legislatively permitted.

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

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

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

#### § 32.31 List of open areas; big game.

MISSOURI  
MINGO NATIONAL WILDLIFE REFUGE

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

JANUARY 26, 1967.

[F.R. Doc. 67-1125; Filed, Jan. 31, 1967;  
8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[ 7 CFR Part 813 ]

#### SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

##### Notice of Hearing on Proposed Allotment of 1967 Quota

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the sugar quota established for the Domestic Beet Sugar Area for the calendar year 1967 is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held beginning at 10 a.m., e.s.t., February 20, 1967 in Room 4711 South Building, U.S. Department of Agriculture, Washington, D.C. (20250).

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the above-mentioned quota for the calendar year 1967 among persons who process and market sugar produced from sugarbeets in the Domestic Beet Sugar Area. The finding made above is based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugarbeets or molasses to be sold to and processed for the account of one allottee by another.

This Notice of Hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or

amended by the Secretary for the purposes of (1) allotting any increase or decrease in the quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data whenever estimates are used in the formulation of an allotment of the quota.

Signed at Washington, D.C., this 27th day of January 1967.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 67-1158; Filed, Jan. 31, 1967;  
8:48 a.m.]

#### Consumer and Marketing Service

[ 7 CFR Part 1047 ]

[Docket No. AO 33-A35]

#### MILK IN FORT WAYNE, IND., MARKETING AREA

##### Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn of America, 3730 East Washington Boulevard, Fort Wayne, Ind., beginning at 10, local time, on February 9, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Fort Wayne, Ind. marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Allen Dairy Products, Inc. and Wayne Cooperative Milk Producers, Inc.

Proposal No. 1. Delete the first proviso in § 1047.62(b)(1)(i)(b) and substitute therefor:

§ 1047.62 Obligation of handler operating a partially regulated distributing plant.

(b) . . .  
(1) . . .  
(i) . . .  
(b) . . .

Provided, That for each of the months of April, May, and June an amount computed by multiplying the total hundred-weight of milk received from dairy farmers at such plant for such months by the following amounts: 20 cents in April and 25 cents in May and June.

shall be subtracted from the amount computed pursuant to this subdivision:

*Proposal No. 2.* Delete § 1047.62(b) (2) and substitute therefor:

§ 1047.62 **Obligation of handler operating a partially regulated distributing plant.**

(b) \* \* \*  
(2) On or before the 17th day after the end of each of the months of April, May, and June for the producer-settlement fund an amount computed by multiplying the total hundredweight of milk received from dairy farmers at such plant for such months by the following amounts: 20 cents in April and 25 cents in May and June;

*Proposal No. 3.* Delete § 1047.71(h) and substitute therefor:

§ 1047.71 **Computation of uniform prices.**

(h) Subtract for each of the months of April, May, and June an amount computed by multiplying the total hundredweight of producer milk for such months by the following amounts: 20 cents in April and 25 cents in May and June;

Proposed by the Dairy Division, Consumer and Marketing Service:

*Proposal No. 4.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard J. Connolly, 1122 South Harrison Street, Fort Wayne, Ind. 46802, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 27, 1967.

CLARENCE H. GIRARD,  
Deputy Administrator  
Regulatory Programs.

[F.R. Doc. 67-1156; Filed, Jan. 31, 1967; 8:48 a.m.]

## [ 7 CFR Part 1064 ]

[Docket No. AO 23-A31]

### MILK IN GREATER KANSAS CITY MARKETING AREA

#### Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Mo., on January 5, 1967, pursuant to notice thereof

issued on December 22, 1966 (31 F.R. 16625).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on January 18, 1967 (32 F.R. 722; F.R. Doc. 67-746) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 722; F.R. Doc. 67-746) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. The quantity of milk which may be diverted as producer milk to nonpool plants and pool supply plants.

2. The quantity of milk which must be shipped by a supply plant to pool distributing plants to qualify the supply plant as a pool plant.

3. The circumstances under which a supply plant operated by a cooperative may qualify as a pool plant based on deliveries of its member producers' milk to distributing pool plants.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Milk diverted to nonpool plants and to pool supply plants should be considered producer milk to the extent that such diverted milk during the months of February through August does not exceed the quantity of milk received at pool distributing plants and during the months of September through January does not exceed 35 percent of the milk received at such distributing plants. Also, if the average daily quantity received at distributing plants was greater in the previous month, allowable diversions should be determined on the basis of such receipts.

Milk in excess of that required by distributing plants for Class I sales can often be utilized most efficiently by moving such milk directly from producers' farms to a nonpool plant or a pool supply plant where it can be manufactured.

The order presently provides for diverted milk to be included as producer milk but in smaller quantities. The quantities presently allowed are not sufficient to accommodate the necessary diversions for some cooperatives and some handlers. During December 1966 it was necessary to suspend certain provisions of the order to permit the diversion of additional producer milk. In some other recent months additional hauling costs have been incurred because the limitation on diversions required the shipment of milk to pool plants which would otherwise have been diverted to nearer nonpool plants. Milk which is delivered to pool distributing plants in excess of the requirements of such plants may be then transferred to nonpool plants thus adding to the total transfer cost.

Although producer milk should be made available to pool distributing plants when it is needed for Class I sales, the order should accommodate its efficient utilization in other classes at other times when it is not needed at distributing plants.

Prior to September 1966 diversions had been unlimited in January through August and were limited in September through December to about the same quantity as was delivered to pool plants. However, diversions at that time were allowable as producer milk on the basis of each producer's deliveries to pool plants. Since September diversions have been permitted on the basis of combined deliveries of a cooperative association or a group of nonmember producers to pool distributing plants. The diversion allowance based on combined deliveries permits greater efficiency in the handling of the reserve supply than does the allowance based on each producer's deliveries.

The proposed diversion allowance for producer milk will permit the efficient utilization of producer milk which is not needed at distributing pool plants for Class I sales. The smaller diversion allowance in the months of September through January is appropriate for these months of generally lower supplies during which it is essential that adequate shipments be made to distributing pool plants. These months correspond to the months in which pool supply plants are required to ship specified percentages of their producer receipts to pool distributing plants.

The allowable diversions should be based on either the total quantity of producer milk delivered to pool distributing plants during the current month or the average daily quantity delivered in the previous month multiplied by the number of days in the current month. The cooperative proponents asked that allowable diversions be based on a percentage of milk pooled in the previous month including milk diverted. This was to assure that the diverting handler would know at the beginning of the month how much milk he could divert during the month.

Basing allowable diversions on milk pooled the previous month rather than on milk delivered to pool distributing plants would permit greater diversions by handlers with a history of diverting larger quantities. Essentially the same diversion allowance can be permitted by increasing the percentage and calculating the allowance in terms of receipts at pool distributing plants. This method treats all handlers alike, according to their current performance in delivering to pool distributing plants.

To provide added assurance of a known quantity which may be diverted as producer milk during any month, minimum allowable diversions should also be permitted on the basis of average daily receipts at pool distributing plants during the previous month. This allowance based on the previous month's performance can be calculated at the beginning of the month and thus a handler can know in advance that he may divert in

the current month at least this quantity. Since month-to-month deliveries by producers do not vary greatly the allowable diversions based on the previous month's deliveries will normally be about the same as those based on the current month's performance. However, in the case of a new plant or new cooperative serving the market the previous month basis for allowable diversions might be unduly restrictive. Hence, the previous month basis should apply only with the alternative that current month deliveries should determine allowable diversions if deliveries in the current month are greater than in the previous month.

2. The shipments to distributing pool plants required to establish pool status for supply plants should be reduced from 50 percent of the supply plant's producer milk receipts to 30 percent for the months of November, December, and January. Shipments required for pool status in September and October should be continued at 50 percent of the supply plant's receipts of producer milk. Also, if a supply plant qualifies as a pool plant in the months September through January it should continue as a pool plant in the following months of February through August.

In order to accommodate the pooling of a supply plant under current conditions of milk supplies the cooperative associations representing a majority of the producers supplying the market asked that the shipping performance requirement be reduced from 50 percent to 30 percent for the months of November, December, and January.

There is one supply plant which serves the Kansas City market regularly. When deliveries of milk directly from producers' farms to distributing plants increase, less milk is needed from the supply plant. Deliveries of producer milk in December increased to the extent that shipments from the supply plant dropped to less than half the amount shipped in November.

The plant was maintained in pool status for December by suspending a provision which would have prevented it from pooling. In order to assure the continued pool status of the producer milk at this plant in January, it will be necessary to again suspend this provision.

The shipping requirements herein proposed for supply plants will permit such plants which serve the market regularly (without the arrangement discussed in Issue No. 3) to maintain their status as pool plants.

3. A supply plant which is operated by a cooperative should be a pool plant if 65 percent (50 percent in some months) of the producer member milk of such cooperative is received at pool distributing plants. Also, if two or more cooperative associations desire to qualify a supply plant as a pool plant based on their combined deliveries to pool plants they may do so by informing the market administrator of their desire in advance of the month.

Pool status for the supply plant should be provided if 65 percent of the member

producer milk of the cooperative or cooperatives is received at pool distributing plants during the months of September through January. In February through August pool plant status should be accorded if receipts at pool distributing plants are 50 percent or more of total member producer milk. Receipts at pool distributing plants for this purpose should include deliveries directly from producers' farms and transfers from the supply plant.

The cooperative association which supplies about half of the producer milk for the market has agreed with the cooperative which operates the supply plant to market the milk of the two cooperatives jointly. The cooperative association which is the primary supplier for distributing plants has agreed to move milk from the supply plant to maintain the pool status of the supply plant. The cooperative operating the supply plant has agreed to make its milk supply available when it is needed by distributing plants. Under this arrangement the two cooperatives function as a single marketing agency in supplying the fluid needs of the market.

The most efficient use of the combined milk supply of these two cooperatives may be attained by holding excess milk in the supply plant. Hence, the plant should qualify as a pool plant if the combined deliveries of the cooperatives' member producer milk demonstrate that their principal function is supplying milk to pool distributing plants.

During the months of September through January this performance should be demonstrated by delivering 65 percent of the member producer milk of such cooperatives to pool distributing plants. These are the months when supplies relative to sales are the lowest and they correspond to the months in which a pool supply plant is required to make specified shipments and in which allowable diversions are the least. During the months of February through August the supply plant of a cooperative should be qualified as a pool plant if 50 percent of the member producer milk of the cooperative or cooperatives is delivered to pool distributing plants.

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

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of

said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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

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

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

*Rulings on exceptions.* No exceptions to the recommended decision were filed.

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

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

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

Signed at Washington, D.C., on January 27, 1967.

GEORGE L. MEHREN,  
Assistant Secretary.

*Order Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area*

§ 1064.0 Findings and determinations.

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

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

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

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

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on January 18, 1967, and published in the FEDERAL REGISTER on Jan-

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

uary 21, 1967 (32 F.R. 722; F.R. Doc. 67-746), shall be and are the terms and provisions of this order, and are set forth in full herein.

1. In § 1064.12 the introductory text and paragraph (b) are revised and a new paragraph (c) is added to read as follows:

§ 1064.12 Pool plant.

"Pool plant" means a plant (except a plant exempt pursuant to § 1064.60 or 1064.62) specified in paragraph (a), (b), or (c) of this section:

(b) A supply plant from which during the month the volume of Grade A fluid milk products shipped to and received at pool plants pursuant to paragraph (a) of this section and/or disposed of in the marketing area as Class I on routes is not less than 30 percent during November, December, and January and not less than 50 percent during all other months of the volume of Grade A milk received from dairy farmers at such plant (including receipts from a handler pursuant to § 1064.7(c) except receipts of diverted milk pursuant to § 1064.15): *Provided*, That any supply plant which is a pool plant during September through January shall be pooled for the following months of February through August if the required percentages pursuant to this paragraph are not met, unless such operator requests the market administrator in writing that such plant not be a pool plant, such non-pool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(c) A supply plant which is operated by a cooperative association in any month in which the member producer milk of such cooperative association received during the month at pool distributing plants either by transfer from such supply plant or directly from member producers' farms is equal to or in excess of the following percentages of such cooperatives' total member producer milk: September, October, November, December, and January, 65 percent; all other months, 50 percent. If two or more cooperative associations desire to qualify a supply plant operated by one of such cooperatives as a pool plant on the basis of their combined deliveries to pool distributing plants and have filed a request to this effect in writing with the market administrator on or before the first day of the month the agreement is effective, such a supply plant shall be a pool plant during the month if the above specified percentages of the total member producer milk of such cooperative associations was received during the month at pool distributing plants.

2. In § 1064.15 paragraphs (a) and (b) are revised to read as follows:

§ 1064.15 Diverted milk.

(a) A handler pursuant to § 1064.7(b) may divert for its account without limit during the other days of the month the milk of any member producer whose

milk is received at a pool distributing plant for at least 6 days' production during the month. The total quantity of milk so diverted may not exceed 35 percent in September through January and 100 percent in February through August of the larger of the following amounts: (1) the total quantity of its member producer milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member producer milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month;

(b) A handler in his capacity as the operator of a pool distributing plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, whose milk is received at his pool distributing plant for at least 6 days' production during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 35 percent in September through January and 100 percent in February through August of the larger of the following amounts: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month pursuant to paragraph (a) of this section; and

[F.R. Doc. 67-1157; Filed, Jan. 31, 1967; 8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17146, RM-1031; FCC 67-116]

### UHF TELEVISION BROADCAST CHANNEL

#### Table of Assignments; Leesburg, Fla.

1. On September 12, 1966, Heard Broadcasting, Inc., licensee of standard broadcast station WLBE, Leesburg-Eustis, Fla., filed a petition for rule making requesting that a commercial television broadcast channel be assigned to Leesburg and Eustis, Fla. In support thereof, the petitioner stated the belief that a local television broadcast station is needed in Lake County, Fla., so as to better serve local public interest. The petitioner further stated an intention to promptly apply for authority to construct and operate a new television broadcast station on such channel as might be assigned.

2. The communities of Leesburg and Eustis are located in central Florida 30

to 35 miles northwest of Orlando, Fla. According to the 1960 U.S. Census, Leesburg had a population of 11,172 and Eustis, 6,189. The population of Lake County was given as 57,383. Leesburg is currently assigned Channel 45 which is reserved for educational use as a part of the Florida statewide educational television broadcasting system. An examination of assignment possibilities at Leesburg shows that any 3 out of 8 available channels below Channel 70 could be assigned in the area and provide geographic flexibility of at least 10 miles cochannel and 5 miles on the "taboo" channels. Channel 55 was found to be the most efficient assignment using the criteria employed in developing the overall UHF assignment plan.

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 Assignment in § 73.606(b) of the Commission rules by assigning Channel 55 to Leesburg, Fla.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before March 6, 1967, and reply comments on or before March 16, 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 25, 1967.

Released: January 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-1172; Filed, Jan. 31, 1967;  
8:49 a.m.]

<sup>1</sup> Commissioner Lee absent.

[ 47 CFR Part 73 ]

[Docket No. 17147; RM-1054; FCC 67-117]

UHF TELEVISION BROADCAST  
CHANNEL

Table of Assignments;  
Hopkinsville, Ky.

1. On October 26, 1966, J. Shelby McCallum, Gary H. Latham, and E. T. Breathitt, Jr., filed a petition (RM-1054) for rule making requesting that Channel 51 be assigned to Hopkinsville, Ky. In support thereof, the petitioners state that at the present time there is no TV channel assigned to Hopkinsville and that there is no unused TV channel assigned to any community within 15 miles of Hopkinsville. Petitioners assert that if Channel 51 is assigned to Hopkinsville, they will promptly file an application for authority to construct and operate a new TV broadcast station on that channel.

2. Hopkinsville is located in southwestern Kentucky approximately 60 miles northwest of Nashville, Tenn., slightly under 60 miles west by south of Bowling Green, Ky., and about 65 miles east by south of Paducah, Ky. According to the 1960 U.S. Census, it had a population of 19,465. The 1966 edition of the TV Factbook shows that Hopkinsville TV Cable Co. holds a franchise in Hopkinsville and at the time of publication the system was under construction. Estimated potential subscribers was given as 3,000. Direct reception of existing TV stations may be assumed to be difficult due to the distances involved.

3. An examination of a current computer printout of available channels shows that any three out of seven available channels below Channel 70 could be assigned to the area and provide geo-

graphic flexibility for the selection of a transmitter site of at least 10 miles cochannel and 5 miles on the "taboo" channels. A further study shows that employing the criteria used in developing the overall UHF assignment table, Channel 63 would have the least impact on available assignments below Channel 70 but Channel 51 would have the least impact if the loss of channels above Channel 69 is also considered. Under the circumstances, Channel 51 is considered to be the preferred channel.

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 51 to Hopkinsville, Ky.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before March 6, 1967, and reply comments on or before March 16, 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 25, 1967.

Released: January 27, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-1173; Filed, Jan. 31, 1967;  
8:49 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circular; Public Debt Series No. 2-67]

### 4% PERCENT TREASURY NOTES OF SERIES A-1972

#### Offering of Notes

JANUARY 26, 1967.

**I. Offering of notes.** 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers \$2,000,000,000, or thereabouts, of notes of the United States, designated 4% percent Treasury Notes of Series A-1972, at 99.625 percent of their face value and accrued interest. The following notes, maturing February 15, 1967, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

3% percent Treasury Notes of Series B-1967; or 4 percent Treasury Notes of Series C-1967.

The books will be open only on January 30, 1967, for the receipt of subscriptions.

**II. Description of notes.** 1. The notes will be dated February 15, 1967, and will bear interest from that date at the rate of 4% percent per annum, payable semi-annually on August 15, 1967, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1972, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest whereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000 and \$500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

**III. Subscription and allotment.** 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in notes of the two issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight January 30, 1967.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treas-

ury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve Bank, or Government Investment Account and such subscriber certifies in writing that at 4 p.m., e.s.t., January 25, 1967, it owned or had contracted to purchase for value notes of the two issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

**IV. Payment.** 1. Payment at 99.625 percent of their face value and accrued interest, if any, for notes allotted hereunder must be made or completed on or before February 15, 1967, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of notes of the two issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. A cash adjustment will be made for the difference (\$3.75 per \$1,000) between the par value of maturing notes accepted in exchange and the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing notes. In the case of registered notes, the payment will be made in accordance with the assignments on the notes surrendered. When payment is made with notes in bearer form, coupons dated February 15, 1967, should be detached and cashed when due. When payment

is made with registered notes, the final interest due on February 15, 1967, will be paid by issue of interest checks in regular course to holders of record on January 13, 1967, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury notes in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 4 3/4 percent Treasury Notes of Series A-1972;" if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 4 3/4 percent Treasury Notes of Series A-1972 in the name of \_\_\_\_\_;" if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 4 3/4 percent Treasury Notes of Series A-1972 in coupon form to be delivered to \_\_\_\_\_."

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,  
Secretary of the Treasury.

[F.R. Doc. 87-1213; Filed, Jan. 30, 1967;  
12:45 p.m.]

[Dept. Circular; Public Debt Series No. 1-67]

**4 3/4 PERCENT TREASURY NOTES  
OF SERIES B-1968**  
**Offering of Notes**

JANUARY 26, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers \$5,500,000,000, or thereabouts, of notes of the United States, designated 4 3/4 percent Treasury Notes of Series B-1968, at 99.875 percent of their face value and accrued interest. The following notes, maturing February 15, 1967, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

3 3/4 percent Treasury Notes of Series B-1967; or 4 percent Treasury Notes of Series C-1967.

The books will be open only on January 30, 1967, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated February 15, 1967, and will bear interest from that date at the rate of 4 3/4 percent per annum, payable on a semiannual basis on May 15 and November 15, 1967, and on May 15, 1968. They will mature May 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, \$1,000,000, \$100,000,000, and \$500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign

States; dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in notes of the two issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight January 30, 1967.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve Bank, or Government Investment Account and such subscriber certifies in writing that at 4 p.m., e.s.t., January 25, 1967, it owned or had contracted to purchase for value notes of the two issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.875 percent of their face value and accrued interest, if any, for notes allotted hereunder must be made or completed on or before February 15, 1967, or on later allotment. Payment will not be deemed to have been completed where registered

notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of notes of the two issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. A cash adjustment will be made for the difference (\$1.25 per \$1,000) between the par value of maturing notes accepted in exchange and the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing notes. In the case of registered notes, the payment will be made in accordance with the assignments on the notes surrendered. When payment is made with notes in bearer form, coupons dated February 15, 1967, should be detached and cashed when due. When payment is made with registered notes, the final interest due on February 15, 1967, will be paid by issue of interest checks in regular course to holders of record on January 13, 1967, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury notes in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 4 3/4 percent Treasury Notes of Series B-1968;" if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 4 3/4 percent Treasury Notes of Series B-1968 in the name of \_\_\_\_\_;" if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 4 3/4 percent Treasury Notes of Series B-1968 in coupon form to be delivered to \_\_\_\_\_."

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

HENRY H. FOWLER,  
Secretary of the Treasury.[P.R. Doc. 67-1214; Filed, Jan. 30, 1967;  
12:45 p.m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## NEVADA

Notice of Classification of  
Public Land

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal in satisfaction of valid scrip rights pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751).

For satisfaction of Valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims:

## MOUNT DIABLO MERIDIAN

T. 15 N., R. 20 E.,  
Sec. 23, NE 1/4 NE 1/4 NE 1/4 NE 1/4.

The areas described aggregate approximately 2.5 acres.

For satisfaction of Valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims:

## MOUNT DIABLO MERIDIAN

T. 12 N., R. 21 E.,  
Sec. 5, S 1/2 S 1/2, NW 1/4 SW 1/4;  
Sec. 8, N 1/2 N 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4;  
Sec. 9, NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4.  
T. 13 N., R. 21 E.,  
Sec. 16, W 1/2;  
Sec. 17, W 1/2 W 1/2, SE 1/4 SW 1/4, S 1/2 SE 1/4;  
Sec. 18, E 1/2 E 1/2, E 1/2 W 1/2 E 1/2;  
Sec. 19, N 1/2 NE 1/4;  
Sec. 20, E 1/2, E 1/2 W 1/2, NW 1/4 NW 1/4;  
Sec. 21, W 1/2;  
Sec. 28, NW 1/4 NW 1/4;  
Sec. 29, N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 NW 1/4;  
Sec. 32, E 1/2, N 1/2 NW 1/4;  
Sec. 33, E 1/2;  
Sec. 34, NW 1/4.

The areas described aggregate approximately 3,600 acres.

JERRY O'CALLAGHAN,  
Acting Associate Director.

JANUARY 25, 1967.

[P.R. Doc. 67-1126; Filed, Jan. 31, 1967;  
8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

## MARYLAND TOBACCO

## Notice of Referendum

Notice is hereby given that on February 20 to 24, 1967, each inclusive, a referendum will be held of farms engaged in the production of 1966 crop Maryland

tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). Notice that consideration would be given to establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot was given in 31 F.R. 14002. No data, views, or recommendations were received pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1967-68, 1968-69, and 1969-70 marketing years for Maryland tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249; 29 F.R. 16184; 30 F.R. 2521, 2588, 6144, 14260, 14411; 31 F.R. 2413, 4193, 6533, 12011, 14673, 16401).

In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given to the date of the referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and this notice shall be effective upon the filing of this document with the Office of the Federal Register.

Signed at Washington, D.C., on January 27, 1967.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.[P.R. Doc. 67-1216; Filed, Jan. 30, 1967;  
12:50 p.m.]

## Consumer and Marketing Service

[P. &amp; S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK  
YARDS, OGDEN, UTAHNotice of Petition for Modification of  
Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on December 3, 1965 (24 A.D. 1578), continuing in effect to and including December 19, 1967, an order issued on November 24, 1961 (20 A.D. 1117) which, as modified by orders issued on March 10, 1964 (23 A.D. 310) and August 27, 1964 (23 A.D. 958), authorizes the respondents, Market Agencies at the Union Stock Yards, Ogden, Utah, to assess the current temporary schedule of rates and charges.

On January 12, 1967, a petition was filed by the Ogden Sales Co., a market agency selling horses on commission at special sales at the Union Stock Yards, Ogden, Utah, requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges

so as to authorize it to amend section V of its tariff by adding a new charge for selling registered horses. Section V would read as follows:

**Section V—Special Sales.** When livestock are sold at Special Sales at a time other than that of the regular Auction, the following selling charges will be assessed.

	<i>Per head</i>
Dairy cows (sold for milking purpose).....	\$5.00
Dairy bulls (for breeding purpose).....	5.00
Registered cows.....	5.00
Registered bulls.....	5.00
Registered or dairy yearlings.....	2.50
<b>Horses:</b>	
(a) Sold by weight or by head (other than special sales for breed associations).....	3.80
(b) [New] Horses sold by weight or by head with registration papers or which are eligible for registration (other than special sales for breed associations).....	8.80
(c) Special horse sales held for breed associations which require cataloging, special advertising and other special arrangements will be charged for at rates mutually agreed upon with such breed associations prior to the sale.	

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1967.

GLENN G. BIEMAN,  
*Acting Director, Packers and  
Stockyards Division, Con-  
sumer and Marketing Service.*

[F.R. Doc. 67-1135; Filed, Jan. 31, 1967;  
8:46 a.m.]

## DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 366]

### GRACE ENTERPRISES ET AL.

#### Order Denying Export Privileges

In the matter of the Grace Enterprises and Leung Shing Kit, a/k/a Jimmy S. K. Leung and Robert K. Leung, 9-11 B Jordan Road, Kowloon, Hong Kong, Case No. 366; respondents.

By charging letter dated September 30, 1966 the above respondents were charged with violations of § 381.5 of the U.S. Export Regulations in that they made false and misleading statements in a U.S. export document and also made false and misleading statements to an official of the U.S. Government in the course of an investigation conducted under authority of the Export Control Act. The false representations related to the end use of three oscilloscopes. It is not alleged that any commodities were exported from the United States or that the respondents sold or reexported any commodities to an unauthorized person or destination.

The charging letter was duly served on respondents. A letter dated November 5,

1966, was received in reply. The substance of this letter is not responsive to the charges but appears to relate to another transaction in which the respondents received oscilloscopes from the United States. The respondents did not request an oral hearing and in accordance with the usual practice an informal hearing was held by the Compliance Commissioner. At this hearing, on December 6, 1966, documentary evidence in support of the charges was presented on behalf of the Investigations Division.

The Compliance Commissioner has considered the pleadings and evidence and he has submitted to the undersigned a written report which includes a summary of the evidence, findings of fact, and findings that violations have occurred. He has recommended that remedial action as hereinafter set forth be taken against the respondents. The Compliance Commissioner has also submitted the record in the case consisting of the charging letter, respondents' letter in reply, and the exhibits. After considering the record in the case, I hereby make the following

**Findings of fact.** 1. The respondent The Grace Enterprises is a business firm located in Hong Kong engaged in importing and exporting and in selling general merchandise. The respondent Leung Shing Kit, also known as Jimmy S. K. Leung, is the owner or principal official of said firm. The respondent Robert K. Leung is manager of the firm.

2. On or about April 14, 1965 Robert K. Leung on behalf of The Grace Enterprises executed a Form FC 842, Single Transaction Statement By Consignee and Purchaser, certifying that three oscilloscopes and accessories valued at \$7,345, which the firm had ordered from a U.S. supplier would be used by respondent The Grace Enterprises for research purposes in assembling transistor radio sets in Hong Kong. The respondents knew that this statement would be considered as part of the export license to be filed by the U.S. supplier.

3. On or about June 11, 1965 the U.S. supplier filed with the Office of Export Control an application for an export license for the three oscilloscopes and accessories and as part of said application submitted the Form FC 842 above referred to. On June 17, 1965 the Office of Export Control, relying on the statements in the Form FC 842, issued a validated export license authorizing the exportation of said commodities from the United States to the respondent The Grace Enterprises, Hong Kong.

4. On July 2, 1965, a U.S. Government official in Hong Kong, in the course of an investigation conducted under authority of the Export Control Act, interviewed Leung Shing Kit regarding the end use of the above-mentioned commodities. The respondent Leung Shing Kit stated that the commodities in question were to be used by The Grace Enterprises at its factory located at 9-11 B Jordan Road, Hong Kong in the production of transistor automobile radios.

5. The Office of Export Control learned that the commodities in question would not be used by The Grace Enterprises in

the manner represented by respondents and on October 20, 1966, the exportation not having been made, it revoked the license previously issued, and the commodities were not exported to The Grace Enterprises.

6. At the time the respondents Robert K. Leung and Leung Shing Kit made the statements above referred to, as to the use to which the commodities in question would be put, they knew that The Grace Enterprises did not intend to use the said commodities in the manner represented.

Based on the foregoing I have concluded that the respondents violated § 381.5 of the Export Regulations in that they made false and misleading statements in a U.S. export control document and to an official of the U.S. Government during the course of an investigation conducted under authority of the Export Control Act.

Evidence has been presented which shows that the respondent Leung Shing Kit is the owner and dominant official of the firm Leung Brothers Impex Agencies, which is located at the same address as The Grace Enterprises, and that the respondent Robert K. Leung is the manager of said firm. Accordingly, a determination is hereby made that within the purview of § 382.1(b) of the Export Regulations the firm Leung Brothers Impex Agencies, Hong Kong, is a related party to respondents and all of the prohibitions and restrictions of this order shall be applicable to said Leung Brothers Impex Agencies.

As to the sanction that should be imposed the Compliance Commissioner said:

In deciding what sanction should be imposed in this case there are several factors that should be considered. In the first place the oscilloscopes concerning which the false and misleading statements were made were never exported from the United States. Fortunately, information was received prior to the exportation which led to an investigation as the result of which the exportation was prevented.

The other important factors to be considered are the nature of the commodities in question and the extent to which respondents have dealt in such commodities. These were commodities of a strategic nature which were subject to the Import Certificate/Delivery Verification Procedure. The respondents in other instances have received from the U.S. commodities in this general category and it appears that they have been evasive concerning disposition of such commodities.

Although no evidence has been presented in this case of an unauthorized reexportation, the making of false and misleading statements by respondents for the purpose of obtaining the goods was the first step which could have so resulted. I am of the view that a fair and just sanction is to deny respondents U.S. export privileges for 5 years with the proviso that after 9 months they may apply for conditional restoration of export privileges on a proper showing. If export privileges are conditionally restored respondents will remain on probation for the remainder of the denial period.

The Compliance Commissioner recommended that the firm Leung Brothers Impex Agencies of Hong Kong be named as a related party to the respondents.

In making this recommendation he stated:

Evidence has been presented to show that the respondent, Leung Shing Kit, also known as Jimmy S. K. Leung, is the owner and dominant official in the firm called Leung Brothers Impex Agencies which is at the same address as The Grace Enterprises. The respondent Robert K. Leung is represented to be manager of both firms. In order to prevent evasion of the denial order by respondents it is appropriate to make a determination that Leung Brothers Impex Agencies is a related party to respondents within the purview of §382.1(b) of the Export Regulations and I recommend that such determination be made.

I hereby adopt the recommendation of the Compliance Commissioner and find that the firm Leung Brothers Impex Agencies, Hong Kong, is a related party to the respondents and a determination to that effect is hereby made. All of the prohibitions and restrictions of this denial order shall apply to said Leung Brothers Impex Agencies as though it was named as a respondent in this order.

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

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in paragraph IV hereof, the respondents for the period of 5 years are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in

the conduct of trade or services connected therewith, including Leung Brothers Impex Agencies, Hong Kong.

IV. Nine months after the effective date of this order the respondents may apply to have the effective denial of their export privileges held in abeyance while they remain on probation. Such application as may be filed by said respondents shall be supported by evidence showing their compliance with the terms of this order and such disclosure of their import and export transactions as may be necessary to determine their compliance with this order. Such application will be considered on its merits and in the light of conditions and policies existing at that time. The respondents' export privileges may be restored under such terms and conditions as appear to be appropriate.

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

This order shall become effective on February 1, 1967.

Dated: January 24, 1967.

RAUER H. MEYER,

Director, Office of Export Control.

[F.R. Doc. 67-1136; Filed, Jan. 31, 1967; 8:48 a.m.]

**National Bureau of Standards  
NBS RADIO STATIONS  
Standard Frequency and Time  
Broadcasts**

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be an adjustment

in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On March 1, 1967, the clock at the station will be retarded by 200 ms at 0000 hours UT (7 p.m., e.s.t., of February 28, 1967), as announced by the Bureau International de l'Heure (BIH) for the stepped atomic time (SAT) system. The successive time pulses emitted from station WWVB are 1 second apart. The carrier frequency is 60 kHz and is broadcast without offset.

Notice is also hereby given that there will be no adjustment in the phases of time signals emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on March 1, 1967. During 1967 the pulses will occur at intervals which are longer than 1 second by 300 parts in 10<sup>8</sup>, due to the offset to be maintained in carrier frequencies, as coordinated by the BIH.

Phase adjustments, when made, insure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of extrapolated UT2 clock readings provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,  
Director.

[F.R. Doc. 67-1185; Filed, Jan. 31, 1967; 8:51 a.m.]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Office of Education

**NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES**

**Notice of Acceptance for Filing Application for Federal Financial Assistance**

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Southwest Texas Educational Television Council, Post Office Box 7158, Austin, Tex., File No. 184, to improve the facilities of noncommercial educational television station KLRN, Channel 9, Austin, Tex.

Nebraska Educational Television Commission, 12th and R Streets, Lincoln, Nebr., File No. 185, for the establishment of a new noncommercial educational television station on Channel 16, Norfolk, Nebr.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala., File No. 186, to improve the facilities of noncommercial educational television station WBIQ, Channel 10, Birmingham, Ala.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala., File No. 187, to improve the facilities of noncommercial educational television station WHIQ, Channel 25, Huntsville, Ala.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala., File No. 188, to improve the facilities of noncommercial educational television station WEIQ, Channel 42, Mobile, Ala.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala., File No. 189, to improve the facilities of noncommercial educational television station WAIQ, Channel 26, Montgomery, Ala.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,  
Chief, Educational Television,  
Facilities Branch, U.S. Office  
of Education.

[F.R. Doc. 67-1148; Filed, Jan. 31, 1967;  
8:47 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-275]

### PACIFIC GAS AND ELECTRIC CO.

#### Notice of Receipt of Application for Construction Permit and Facility License

The Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif. 94106, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated January 16, 1967, for a construction permit and operation of a pressurized water nuclear reactor at its Diablo Canyon site located adjacent to the Pacific Ocean, approximately 150 miles northwest of Los Angeles, in San Luis Abispo County, Calif.

The proposed reactor is designed for initial operation at approximately 3,250 thermal megawatts with a net electrical output of approximately 1,060 megawatts.

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

Dated at Bethesda, Md., this 25th day of January 1967.

For the Atomic Energy Commission.

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

[F.R. Doc. 67-1119; Filed, Jan. 31, 1967;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 18127]

### CENTRAL AIRLINES CHICAGO ENTRY CASE

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 2, 1967, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before February 20, 1967, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates. Answers to motions should be submitted on or before February 27, 1967.

Dated at Washington, D.C., January 26, 1967.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 67-1146; Filed, Jan. 31, 1967;  
8:47 a.m.]

[CAB Docket No. 16946; ICC Docket Ex Parte  
No. 251]

### RAILWAY EXPRESS AGENCY, INC.

#### Joint Agency Notice Regarding Petitions for Declaratory Order

CROSS REFERENCE: For a document regarding petitions for a declaratory order filed by Railway Express Agency, Inc., see F.R. Doc. 67-1137, Interstate Commerce Commission, *infra*.

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14185]

### EDUCATIONAL FM BROADCAST CHANNELS

#### Allocation and Technical Standards; Order Extending Time for Filing Comments and Reply Comments

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards (educational FM channels); Docket No. 14185.

1. On November 14, 1966, the Commission issued a notice of inquiry in the above-entitled matter inviting comments from interested parties on a proposal to adopt a nationwide table of assignments for noncommercial educational FM broadcast stations and other technical standards and criteria (31 F.R. 14755). The time for filing comments was specified as December 30, 1966, and for replies as January 16, 1967. In an order issued

December 15, 1966, these dates were extended to and including February 13 and February 28, 1967, respectively.

2. On January 24, 1967, Kear and Kennedy, consulting engineers, filed a petition for an extension of time for filing comments in this proceeding of 30 days. Petitioner states that as consultants for television station WFIL-TV, Channel 6, Philadelphia, Pa., a measurement program has been developed which will produce information and data illustrative of the effect of educational FM stations on the operation of a television station on Channel 6. Petitioners point out that they have not been able to finish the program due to the fact that the educational station to be measured ceased operation during the holiday and examination period and that one month will be sufficient time in which to accumulate the data and analyze the results.

3. We are of the view that the requested extension is merited since it will provide the Commission with information on an important aspect of the proceeding and that it would serve the public interest. Accordingly, it is ordered, This 25th day of January 1967, that the time for filing comments is extended to and including March 13, 1967, and for replies to comments to and including March 28, 1967.

4. This action is taken pursuant to authority contained in sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and § 0.231 (d) (8) of the Commission's rules.

Released: January 26, 1967.

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

[F.R. Doc. 67-1174; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket Nos. 15469, 15470; FCC 67M-139]

### ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

#### Order Continuing Further Hearing

In re applications of R. L. Mohr doing business as Advanced Electronics, Docket No. 15469, File No. 214-C2-P-63, for a construction permit in the domestic public land mobile radio service at Palos Verdes, Calif.; Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050-C2-P-63, for a construction permit for station KMD990 in the domestic public land mobile radio service at Los Angeles, Calif.

The Hearing Examiner having under consideration a "Motion For Continuance Of Procedural Dates" in the above matter filed January 23, 1967, by Industrial Communications Systems, Inc., and

It appearing, that all parties agree to granting the motion, and

It further appearing, that a petition is pending before the Review Board which if granted would substantially alter the type of evidence to be presented:

*It is ordered*, This 26th day of January 1967, that the aforesaid motion is granted and accordingly:

(1) The date for the exchange of rebuttal exhibits is changed from January 31, 1967, to February 28, 1967.

(2) The date for the notification of witnesses desired for cross-examination is changed from February 8, 1967, to March 8, 1967, and

(3) The date for further hearing is changed from February 14, 1967, to March 14, 1967.

Released: January 26, 1967.

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

[F.R. Doc. 67-1175; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket No. 16928, etc.; FCC 67M-138]

### CALIFORNIA WATER AND TELEPHONE CO. ET AL.

#### Order Canceling Hearing

In the matter of California Water and Telephone Co., Docket No. 16928, Tariff FCC No. 1 and Tariff FCC No. 2 applicable to channel service for use by community antenna television systems; in the matter of the Associated Bell System Companies, Docket No. 16943, tariffs for channel service for use by community antenna television systems; in the matter of the General Telephone System, and United Utilities, Inc. companies, Docket No. 17098, tariffs for channel service for use by community antenna television systems:

*It is ordered*, This 26th day of January 1967, by the Hearing Examiner on his own motion, that the date for the distribution of initial testimony (February 13, 1967) and the date for the commencement of hearing (February 27, 1967) are canceled, and

*It is further ordered*, That a further prehearing conference will be held commencing at 10 a.m., February 9, 1967, in the Commission's offices in Washington, D.C.

Released: January 26, 1967.

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

[F.R. Doc. 67-1176; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket Nos. 17117, 17118; FCC 67M-133]

### WARD L. JONES AND MARS HILL BROADCASTING CO., INC.

#### Order Scheduling Hearing

In re applications of Ward L. Jones, Syracuse, N.Y., Docket No. 17117, File No. BPH-5314; Mars Hill Broadcasting Co., Inc., Syracuse, N.Y., Docket No. 17118, File No. BPH-5450; for construction permits:

*It is ordered*, This 25th day of January 1967, that Isadore A. Honig shall

serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 21, 1967, at 10 a.m.; and that a prehearing conference shall be held on February 24, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 26, 1967.

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

[F.R. Doc. 67-1177; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket Nos. 17070-17072; FCC 67M-142]

### KLRA, INC., ET AL.

#### Order Following Prehearing Conference

In re applications of KLRA, Inc., Little Rock, Ark., Docket No. 17070, File No. BPH-4707; KAAY, Inc., Little Rock, Ark., Docket No. 17071, File No. BPH-5250; The Valley Corp., Little Rock, Ark., Docket No. 17072, File No. BPH-5403; for construction permits.

In accordance with the procedural arrangements made at the prehearing conference held this date: *It is ordered*, This 26th day of January 1967, that the future course of the proceeding shall be governed by adherence of all parties to the following schedule:

Procedure	Date
(1) Preliminary Exchange of Engineering Exhibits (coverage, etc.)	March 3, 1967.
(2) Final Exchange of Engineering, Financial Issue and Comparative Issue Exhibits.	March 17, 1967.
(3) Notification re Cross-examination of Witnesses.	March 29, 1967.

*It is further ordered*, That the hearing heretofore scheduled to commence on February 14, 1967, is postponed to April 11, 1967 at 10 a.m. in the offices of the Commission at Washington, D.C., with the initial phase of the hearing to be directed to presenting evidence under the comparative coverage aspect and the financial issue, and the second phase of the hearing will be convened on April 18, 1967 at 10 a.m. in Washington, D.C. for the presentation of other evidence under the standard comparative issue.

Released: January 27, 1967.

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

[F.R. Doc. 67-1178; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket No. 14817; FCC 67M-134]

### RADIO STATION KQXI (KQXI)

#### Order Scheduling Hearing

In re application of Frances C. Gaguine & Bernice Schwartz doing business as Radio Station KQXI (KQXI), Arvada,

Colo., Docket No. 14817, File No. BMP-9769; for construction permit:

*It is ordered*, This 25th day of January 1967, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 21, 1967, at 10 a.m.; and that a prehearing conference shall be held on February 20, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 26, 1967.

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

[F.R. Doc. 67-1179; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket Nos. 15460, 16923; FCC 67M-132]

### SYMPHONY NETWORK ASSOCIATION, INC., AND STEEL CITY BROADCASTING CO.

#### Order Continuing Prehearing Conference

In re applications of Symphony Network Association, Inc., Birmingham, 3238; Steel City Broadcasting Co., Birmingham, Ala., Docket No. 16923, File No. BPCT-3660; for construction permit for new television broadcast station (Channel 68).

The Hearing Examiner having under consideration a letter dated January 24, 1967 from counsel for Steel City Broadcasting Co. requesting a cancellation of further prehearing conference now scheduled at 2 p.m. on January 26, 1967;

It appearing, that the parties have held discussions looking toward the dismissal of one of the applications in exchange for payment of expenses and that in the light of present developments a further prehearing conference would be unable to accomplish anything constructive:

*It is ordered*, This 25th day of January 1967, that the further prehearing conference is continued from January 26, 1967 to February 24, 1967 at 2 p.m.

Released: January 26, 1967.

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

[F.R. Doc. 67-1180; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket No. 17141; FCC 67M-140]

### BRANDYWINE-MAIN LINE RADIO, INC.

#### Order Scheduling Hearing

In re applications of Brandywine-Main Line Radio, Inc. for renewal of licenses of stations WXUR and WXUR-FM, Media, Pa.; Docket No. 17141, File Nos. BR-4178 and BRH-1320:

*It is ordered*, This 26th day of January 1967, that H. Gifford Irlon shall serve as

Presiding Officer in the above-entitled proceeding, and that the hearings there-in shall be convened at 10 a.m. on March 21, 1967, in Media, Pa.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the Presiding Officer at 9 a.m., February 20, 1967, in Washington, D.C.

Released: January 27, 1967.

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

[P.R. Doc. 67-1181; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket No. 17137; FCC 67-106]

## WESTERN UNION TELEGRAPH CO.

### Order Instituting Investigation

In the matter of section 14.2 of Tariff FCC No. 237 of The Western Union Telegraph Co. applicable to Autodin Service; Docket No. 17137.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of January 1967:

1. The Commission has under consideration:

(1) Section 14.2 of Tariff FCC No. 237 of The Western Union Telegraph Co. applicable to Autodin Service; and

(2) A petition filed on January 13, 1967, by the Secretary of Defense requesting that the Commission suspend the effectiveness of 7th Revised Page 89 of the aforesaid tariff, which purports to make certain changes in the provisions of the aforesaid section 14.2 to become effective January 29, 1967, and investigate the lawfulness of the aforesaid section 14.2.

2. Autodin Service is a service whereby The Western Union Telegraph Co. (Western Union) furnishes to the U.S. Government channels and equipment for the transmission and switching of data signals. The Autodin Network consists of switching centers and stations within the United States, with extensions to switching centers or stations located in Alaska, Hawaii, and U.S. possessions, in foreign countries, and on U.S. Naval Ships.

3. The aforesaid section 14.2 of Western Union's Tariff FCC No. 237 provides that all channel facilities, all switching center equipment and all station equipment utilized in the Autodin Network shall be furnished by Western Union except for certain facilities and equipment specifically enumerated in section 14.2 which may be furnished by the customer. These listed exceptions apply in some cases only upon a showing of military necessity. The aforesaid 7th Revised Page 89 of Western Union's Tariff FCC No. 237 would add two additional items of equipment, namely Data Processing Units and Teleprinter equipment, that may be furnished by the customer, and, in the case of the Data Processing Units, a military necessity showing will be required.

4. Petitioner alleges, among other things, that the aforesaid tariff is unreasonable in placing any restrictions on the interconnection of Government-owned terminal equipment with the Autodin Network; that the right of full interconnection is necessary to fulfill the needs of the national defense; that the tariff restrictions materially affect the Department of Defense's essential communication both in and out of the Continental United States; and that the tariff places an undue burden on the Department of Defense by requiring that Letters of Military Necessity be issued to cover all existing and future Government-owned terminal equipment for the Autodin Network. Petitioner also alleges that the tariff is not clear as to the degree of interconnection permitted under the tariff.

5. The Commission is of the opinion that the allegations of the petition are sufficient to raise questions concerning the justness and reasonableness of the provisions in the aforesaid section 14.2 of Western Union Tariff FCC No. 237 which should be investigated by the Commission. However, we believe that the request for suspension of the aforementioned 7th Revised Page 89, effective January 29, 1967, should be denied inasmuch as this tariff page, when effective, will permit the customer to provide certain additional items of terminal equipment not now permitted under the tariff. Suspension would, therefore, appear to go counter to petitioner's objective.

6. *Accordingly, it is ordered*, That, pursuant to the provisions of sections 201, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of section 14.2 of Tariff FCC No. 237 of The Western Union Telegraph Co., including any amendments, cancellations, or successive issues thereof;

7. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the regulations and practices published in the aforesaid tariff schedule are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether the aforesaid tariff schedule conforms to the requirements of section 203 of the Act and Part 61 of our rules implementing that section;

(3) If any of such regulations and practices are found to be unlawful, whether the Commission should prescribe regulations and practices in lieu of those published in the aforesaid tariff schedule and, if so, what should be prescribed.

8. *It is further ordered*, That the aforesaid petition of the Secretary of Defense, insofar as it requests suspension of the aforementioned tariff schedule, is denied;

9. *It is further ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that, pursuant to section 8(a) of the Administrative Procedure Act, 5 U.S.C. 1007(a), the examiner to be designated to preside at

the hearing shall certify the record, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282;

10. *It is further ordered*, That The Western Union Telegraph Co. is hereby made a party respondent hereto, and that the Secretary of Defense is hereby granted leave to intervene upon the filing of a notice of intention to appear and participate as a party within 20 days of the release date of this order.

Released: January 26, 1967.

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

[P.R. Doc. 67-1182; Filed, Jan. 31, 1967;  
8:50 a.m.]

[Docket No. 17137; FCC 67M-141]

## WESTERN UNION TELEGRAPH CO.

### Order Scheduling Hearing

In the matter of section 14.2 of Tariff FCC No. 237 of The Western Union Telegraph Co. applicable to Autodin Service; Docket No. 17137:

*It is ordered*, This 26th day of January 1967, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 6, 1967, at 10 a.m.; and that a prehearing conference shall be held on February 15, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 27, 1967.

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

[P.R. Doc. 67-1183; Filed, Jan. 31, 1967;  
8:50 a.m.]

## FEDERAL MARITIME COMMISSION

### CENTRAL AMERICA LINE AND INTER-AMERICAN SHIPPING CORP.

#### Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at

<sup>1</sup> Commissioner Wadsworth absent.

the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Carlos A. Saenz, Inter-American Shipping Corp., Steamship Agents and Brokers, 844 Biscayne Boulevard, Miami, Fla. 33132.

Agreement 9609, between Central America Line and Inter-American Shipping Corp., establishes a through billing arrangement for the movement of general cargo from the ports of Miami and Tampa, Fla. to west coast ports of Central America in Costa Rica, Nicaragua, Honduras, El Salvador, and Guatemala with transshipment at Cristobal, Canal Zone, in accordance with the terms and conditions of the agreement.

Dated: January 27, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 67-1150; Filed, Jan. 31, 1967;  
8:47 a.m.]

#### HOLLAND AMERICA LINE AND SEATRAN LINES, INC.

##### Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9613, between Holland America Line and Seatrain Lines, Inc.,

establishes a through billing arrangement in the trade from Holland, Belgium, and Germany to ports in Puerto Rico, with transshipment at New York, N.Y., in accordance with the terms and conditions set forth in the agreement.

Dated: January 27, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 67-1151; Filed, Jan. 31, 1967;  
8:47 a.m.]

#### HOLLAND AMERICA LINE AND SEATRAN LINES, INC.

##### Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9614, between Holland America Line and Seatrain Lines, Inc., establishes a through billing arrangement in the trade from Puerto Rico to ports in Holland, Belgium and Germany, with transshipment at New York, N.Y., in accordance with the terms and conditions set forth in the agreement.

Dated: January 27, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 67-1152; Filed, Jan. 31, 1967;  
8:47 a.m.]

#### PACIFIC STEAM NAVIGATION CO. AND INTER-AMERICAN SHIPPING CORP.

##### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with

the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Carlos A. Saenz, Inter-American Shipping Corp., Steamship Agents and Brokers, 844 Biscayne Boulevard, Miami, Fla. 33132.

Agreement 9611, between Pacific Steam Navigation Co., and Inter-American Shipping Corp., establishes a through billing arrangement for the movement of general cargo from the ports of Miami and Tampa, Fla., to west coast ports of South America in Colombia, Ecuador, Peru, and Chile with transshipment at Cristobal Canal Zone, in accordance with the terms and conditions of the agreement.

Dated: January 27, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[P.R. Doc. 67-1153; Filed, Jan. 31, 1967;  
8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CS67-33, etc.]

SAM BOREN ET AL.

### Notice of Applications for "Small Producer" Certificates<sup>1</sup>

JANUARY 24, 1967.

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

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

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 14 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 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 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.

Docket No.	Date filed	Name of applicant
CP67-33	Jan. 12, 1967	Sam Boren, 2554 Highland Park Village, Dallas, Tex. 75200.
CP67-34	Jan. 11, 1967	R. H. Fulton, Post Office Box 1525, Lubbock, Tex. 79408.
CP67-35	do	The Investors Petroleum Corp., 230 Central Bldg., Midland, Tex. 79201.
CP67-36	Jan. 13, 1967	Texas American Oil Corp. et al., Midland Savines Bldg., 909 Wall St., Midland, Tex. 79201.
CP67-37	Jan. 16, 1967	Tri-Service Drilling Co., Post Office Box 1785, Midland, Tex. 79201.
CP67-38	do	M. W. Brannan, Post Office Box 1785, Midland, Tex. 79201.
CP67-39	do	Greenbrier 64, Ltd., 211 North Erway, Dallas, Tex. 75201.
CP67-40	do	Louis Polk, Box 967, Dayton, Ohio 45401.
CP67-41	do	Chambers & Kennedy, 607 Midland National Bank Bldg., Midland, Tex. 79201.
CP67-42	do	John G. Searle, Box 5110, Chicago, Ill. 60607.
CP67-43	do	W. W. Meeker, 1112 Vaughn Bldg., Midland, Tex. 79201.

[P.R. Doc. 67-1120; Filed, Jan. 31, 1967; 8:45 a.m.]

[Docket No. CP67-201]

### CITY OF WALSENBURG, COLO., AND COLORADO INTERSTATE GAS CO.

#### Notice of Application

JANUARY 24, 1967.

Take notice that on January 13, 1967, the city of Walsenburg, Colo. (Applicant) filed in Docket No. CP67-201 an application pursuant to section 7(a) of the Natural Gas Act for an order of the

Commission directing the Colorado Interstate Gas Co. (Respondent) to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes that Respondent be ordered to establish physical connection of its transmission facilities with the distribution facilities to be built by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in Applicant.

The estimated third year peak-day and annual requirements of Applicant's system are 1,826 Mcf and 173,980 Mcf respectively.

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 20, 1967.

JOSEPH H. GUTRIDE,  
Secretary.

[P.R. Doc. 67-1121; Filed, Jan. 31, 1967; 8:45 a.m.]

[Docket No. CP67-202]

### MANUFACTURERS LIGHT AND HEAT CO.

#### Notice of Application

JANUARY 24, 1967.

Take notice that on January 16, 1967, The Manufacturers Light and Heat Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-202 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 an additional delivery point to one of its existing customers, 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 an additional delivery point to the Stroudsburg Gas Co. in Monroe County, Pa., in order to supply the natural gas requirements of the Delaware Water Gas Division of Stroudsburg Gas Co. The delivery point will be on Applicant's 14-inch high pressure transmission Line No. 1278.

The total estimated cost of the proposed construction is \$11,340, which cost will be financed out of 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 20, 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.

[P.R. Doc. 67-1122; Filed, Jan. 31, 1967; 8:45 a.m.]

[Docket Nos. CI61-356, CI63-182]

### SUNSET INTERNATIONAL PETROLEUM CORP. ET AL.<sup>1</sup>

#### Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity and Severing Proceedings

JANUARY 24, 1967.

On September 6, 1960, the predecessor in interest<sup>2</sup> to Sunset International Petroleum Corp. (Operator) et al. (Sunset) filed in Docket No. CI61-356 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from the Clear Lake Field, Beaver County, Okla., at an initial rate of 21.0 cents per Mcf at 14.65 p.s.i.a. plus certain revenue from the sale of liquids, all as more fully set forth in the application.

On August 9, 1962, H. L. Hunt (Hunt) filed in Docket No. CI63-182 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Michigan Wisconsin Pipe Line Co. from Woodward County, Okla., at an initial rate of 19.5 cents per Mcf plus tax reimbursement and upward B.t.u. adjustment, all as more fully set forth in the application.

Concurrently with their applications Applicants have submitted copies of the related gas purchase contracts which have been accepted for filing as Sunset's FPC Gas Rate Schedule No. 40 and Hunt's FPC Gas Rate Schedule No. 36.

<sup>1</sup>This order pertains to Sunset International Petroleum Corp., a California corporation, which is successor in interest to Sunset International Petroleum Corp., a Delaware corporation, formerly applicant in this proceeding and successor to Stekol Panhandle Limited Partnership, originally applicant in this proceeding.

<sup>2</sup>Stekol Panhandle Limited Partnership.

The subject applications are consolidated for hearing and decision with other applications for certificates for sales from the Oklahoma "Panhandle" pricing area.<sup>3</sup>

By motion filed December 21, 1966, Sunset requests that its application be severed from the consolidated proceeding and that a certificate be issued conditioned as were the certificates issued by the order accompanying Opinion No. 390, El Paso Natural Gas Co. et al., Docket No. G-17849 et al., 29 FPC 1175, as modified by Opinion No. 390-A, 30 FPC 479. Said orders provide for an initial rate of 17.0 cents per Mcf, including tax reimbursement and certain revenues from the sale of liquids or adjustment for B.t.u. content.

By letter dated December 8, 1966, Hunt has expressed his willingness to accept a certificate authorizing the sale of natural gas at an initial rate of 17.0 cents per Mcf, including tax reimbursement, plus fractional upward and proportional downward B.t.u. adjustment, conditioned as were the certificates issued by the order accompanying Opinion No. 353, Michigan Wisconsin Pipe Line Co. et al., Docket No. CP61-102 et al., 27 FPC 449.

After due notice petitions for leave to intervene were filed in Docket No. CI61-356 by Southern California Gas Co. and Southern Counties Gas Co. of California, jointly, and Pacific Gas and Electric Co., and a notice of intervention was filed by the Public Utilities Commission of the State of California. Petitions for leave to intervene were filed in Docket No. CI63-182 by Michigan Wisconsin Pipe Line Co. and the county of Wayne, Mich. No further petitions for leave to intervene, notices of intervention or protests to the granting of the applications have been received.

Interveners have expressed no objections to the issuance of certificates at the 17.0-cent rate; and, inasmuch as said rate has been found to be required by the public convenience and necessity for similar sales from the same area, the subject applications will be severed from the consolidated proceeding and granted.

At a hearing held on January 19, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicants are engaged in the sale for resale of natural gas in interstate commerce for ultimate public consumption and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding,

will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, 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.

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

(4) The proposed sales of natural gas by Applicants are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the subject applications should be severed from the consolidated proceeding in Docket No. G-16878 et al. The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sales by Applicants of natural gas in interstate commerce for resale for ultimate public consumption, 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 applications in this proceeding.

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

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

(D) The subject applications are severed from the consolidated proceeding in Docket No. G-16878 et al.

(E) The certificate issued to Sunset in Docket No. CI61-356 is subject to the conditions set forth in paragraphs (G) and (H) of the order accompanying Opinion No. 390, 29 FPC 1175, as modified by Opinion No. 390-A, 30 FPC 479.

(F) The certificate issued to Hunt in Docket No. CI63-182 is subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353, 27 FPC 449, and paragraphs (B) and (C) of the order accompanying Opinion No. 464, 33 FPC 1228.

(G) Within 30 days from the issuance of this order Sunset shall file a supplement to its FPC Gas Rate Schedule No. 40 providing for a rate of 17.0 cents per Mcf, including tax reimbursement and revenue from the sale of liquids or adjustment for B.t.u. content, as required by Opinion No. 390, as modified by Opinion No. 390-A.

(H) Within 30 days from the issuance of this order Hunt shall file a supplement to his FPC Gas Rate Schedule No. 36 providing for a rate of 17.0 cents per Mcf, including tax reimbursement, adjusted for a proportional downward price for the sale of natural gas containing less than 1,000 B.t.u.'s per cubic foot as required by Opinion Nos. 353 and 464.

By the Commission.

[SEAL] GORDON M. GRANT,  
Acting Secretary.

[F.R. Doc. 67-1123; Filed, Jan. 31, 1967;  
8:45 a.m.]

[Docket No. G-10658]

## UNITED FUEL GAS CO.

### Notice of Petition To Amend

JANUARY 24, 1967.

Take notice that on January 16, 1967, United Fuel Gas Co. (Petitioner), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. G-10658 a petition to amend the order issued in said docket on September 18, 1956, as amended by the order issued October 27, 1964, by authorizing an increase in the delivery of a maximum daily quantity of natural gas on an interruptible basis for a specific period to one of its industrial customers, 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 in the instant proceeding on September 18, 1956, Petitioner was authorized to deliver a maximum of 35,000 Mcf of natural gas per day to E. I. du Pont de Nemours Co. (du Pont), Belle, Kanawha County, W. Va. By the amending order issued October 27, 1964, Petitioner was authorized to increase its deliveries to du Pont to a maximum of 60,000 Mcf per day.

Petitioner now requests that it be authorized to deliver to du Pont for the period from April 1, 1967, through October 1, 1967, a maximum daily quantity of 70,000 Mcf in order that du Pont may effectuate certain changes in its plant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commis-

<sup>3</sup> The consolidated proceeding was initially designated as The Superior Oil Co. (Operator) et al., Docket No. G-16878 et al., by order issued Sept. 15, 1966, and published in the FEDERAL REGISTER on Sept. 24, 1966, 31 F.R. 12618.

sion, 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 20, 1967.

JOSEPH H. GUTRIDE,  
Secretary.

[P.R. Doc. 67-1124; Filed, Jan. 31, 1967;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-2049]

### ELECTRIC BOND AND SHARE CO. AND AMERICAN & FOREIGN POWER CO., INC.

#### Notice of and Order for Hearing on Joint Application for Order Exempting Certain Transactions Incident to Merger

JANUARY 23, 1967.

Notice is hereby given that Electric Bond and Share Co., a New York Corporation ("Bond and Share"), and American & Foreign Power Co., Inc., a Maine Corporation ("Foreign Power"), Two Rector Street, New York, N.Y. 10004, both of which are registered under the Investment Company Act of 1940 ("Act") as closed-end nondiversified management investment companies, have filed a joint application pursuant to sections 17(b) and 6(c) of the Act for an order exempting from the provisions of section 17(a), and exempting from certain other provisions of the Act as may be applicable, certain transactions incident to a proposed merger of Foreign Power into Bond and Share, with Bond and Share to continue in existence as the surviving corporation. All interested persons are referred to the application on file with the Commission for a statement of the proposed transactions which are summarized below.

*Description of applicants—Bond and Share.* Originally a holding company for public utility properties, Bond and Share registered under the Investment Company Act in 1961. At June 30, 1966, 61 percent of its total assets of \$223 million were investment securities; 34 percent of this total was Foreign Power stock of which Bond and Share owned 55.57 percent of the issued and outstanding shares. Bond and Share is also engaged through subsidiaries in providing engineering, construction, and consulting services, the production and sale of chemical products, resins, and plastics, and in other retail operations.

*Foreign Power.* Organized by Bond and Share in 1923 for the purpose of owning and operating foreign public utility properties. Foreign Power registered under the Investment Company Act in 1966. In recent years Foreign Power has disposed of its principal utility interests in Latin America in return for dollar obligations of several Latin American countries and has purchased

interests in nonutility enterprises in Argentina and Mexico. At June 30, 1966, investment securities valued at approximately \$362 million (exclusive of U.S. Government securities) comprised 79 percent of Foreign Power's total assets of \$458.4 million. Approximately \$318 million of dollar obligations of various Latin American governments accounted for 69 percent of Foreign Power's total assets at June 30, 1966. Foreign Power was obligated to reinvest a maximum of \$114.8 million or 25 percent of such total assets, in Latin America.

*Jurisdiction of the Securities and Exchange Commission under section 17.* In effect, section 17(a) of the Act, as here pertinent, makes it unlawful for Foreign Power as principal to transfer its assets to Bond and Share, an affiliated person, in exchange for the issuance of Bond and Share stock, unless the Commission upon application under section 17(b) of the Act grants an exemption from such prohibition.

The Commission may grant an application and issue an order of exemption under section 17(b) of the Act if evidence establishes that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; the proposed transactions are consistent with the policies of both applicants as recited in their registration statements and reports filed under the Act; and the proposed transactions are consistent with the general purposes of the Act.

*Merger ratio.* The merger agreement provides that each share of the common stock of Foreign Power outstanding on the effective date of the merger will be converted into six tenths of a share of common stock, \$5 par value, of Bond and Share, the surviving corporation.

On October 11, 1966, before merger negotiations were announced the closing price of Foreign Power stock on the New York Stock Exchange was 13. Bond and Share's closing price on that date was 35½. During the preceding 2 years the prices of the two stocks generally reflected a 1 to 2 ratio.

*Supporting statements.* In support of their application, applicants state that (a) combination of their financial resources and management strengths will facilitate expansion of existing operations into industrial fields and will permit acquisition on a larger scale than would be possible for the two companies separately, (b) the merger will eliminate taxes now paid by Bond and Share on dividends received from Foreign Power, and (c) the elimination of duplicate functions and expenses should result in significant additional economies. Further, they state that the merger will eliminate any question as to whether or not the relationship of applicants is permitted by the Act.

Bond and Share holds a substantial amount of Foreign Power stock at a tax basis in excess of current market. By selling certain portions of such high tax base stock in past years, Bond and Share

has incurred substantial capital losses which have enabled it to pay dividends which are treated as returns of capital. Bond and Share estimates that under present tax laws and based upon present market prices, it could pay such "return-of-capital" dividends for approximately 4 to 5 years. Bond and Share also applies tax losses on the sale of its Foreign Power stock to offset Bond and Share's realized taxable gains. Although the merger will terminate the present "return-of-capital" status of the Bond and Share dividend, applicants state that in the judgments of the respective boards of directors the advantages that will flow from combining the financial and other resources of the two companies will more than compensate for the change in the tax status of the dividend and lack of capital losses from future sales by Bond and Share of Foreign Power stock to offset any capital gains from future sales of other securities.

*Merger negotiations.* The terms of the merger were negotiated by special committees of the Boards of Directors of Bond and Share and Foreign Power. Lazard Freres & Co. acted as financial adviser to the special committee of the Bond and Share board and the negotiating members of the Foreign Power board were advised separately by The First Boston Corp. The First Boston Corp. has advised Foreign Power that based on the assumption of an initial annual dividend rate of \$2 per share, the merger terms are fair and in the best interest of Foreign Power stockholders. Lazard Freres & Co. has advised Bond and Share that the merger terms are fair and in the best interests of its stockholders.

*Shareholder approval.* Consummation of the merger will require the affirmative vote of 66⅔ percent of the outstanding common stock of Bond and Share and the affirmative vote of 75 percent of the outstanding common stock of Foreign Power, or of almost 44 percent of the outstanding shares of common stock of Foreign Power not owned by Bond and Share. The Boards of Directors of Bond and Share and Foreign Power have called Special Meetings of the Stockholders thereof to be held on February 27, 1967 and February 28, 1967, respectively, to take action upon the proposed merger.

*Rights of dissenting shareholders.* The application states that the Foreign Power shareholders have certain appraisal rights in connection with the merger pursuant to sections 281 to 291 of Title 13 of the Maine Revised Statutes of 1964, but that Bond and Share shareholders will have no right of appraisal.

*Bond and share's assumption of Foreign Power senior debt.* At present Bond and Share has no senior securities outstanding. Of its total consolidated capitalization 9.2 percent is long-term debt (exclusive of Foreign Power). Incident to the merger Bond and Share will assume all of Foreign Power's long-term debt, including three classes of debentures totaling \$124,779,000. Such assumption will mean that 23.9 percent of Bond and Share's total pro forma

corporate capitalization will be long-term debt and 76.1 percent will be capital stock and surplus. Its total pro forma consolidated capitalization after the merger will be 26.9 percent long-term debt and 73.1 percent capital stock and surplus.

Section 18(a) of the Act prohibits any registered closed-end investment company except under certain circumstances from issuing or selling any class of senior security and also places restrictions on the declaration of dividends upon its capital stock under certain circumstances. Section 18(c) prohibits the issuance or sale of any senior security representing indebtedness by any registered closed-end investment company if immediately thereafter it will have outstanding more than one class of senior security representing indebtedness.

Applicants assert that even if such assumption of Foreign Power's senior securities should be considered to be an issuance or sale by Bond and Share of senior (debt) securities, such assumption would be permitted under section 18(e) of the Act which exempts from the provisions of section 18 certain senior securities issued or sold by any registered closed-end company pursuant to a plan of reorganization. However, applicants request an exemption under section 6(c) from section 18 should the Commission find that section 18(e) does not provide such an exemption.

**Bond and Share's assumption of Foreign Power stock options.** The merger agreement provides, among other things, for the assumption by Bond and Share, on the basis of an exchange provided for in the merger agreement, of the obligation of Foreign Power to issue stock pursuant to outstanding options under Foreign Power's Key Employees' Stock Ownership Plan to purchase 38,448 shares of Foreign Power's Common Stock. Sections 18(d) and 23(a) and (b) of the Act prohibit the creation of stock options and issuance of stock pursuant to such options by a registered closed-end company.

Applicants assert that even if such assumption should be considered tantamount to an issuance of options by Bond and Share, such issuance falls within the exemption contained in section 18(d) for warrants "issued in exchange for outstanding warrants in connection with a plan of reorganization." They also assert that because of the exceptions provided in sections 23(a) and 23(b) with respect to an issuance of stock in connection with a reorganization, the issuance of such stock by Bond and Share pursuant to the options would not violate either section 23(a) or section 23(b). However, applicants request an exemption under section 6(c) from sections 18(d), 23(a), and 23(b), so as to permit the assumption by Bond and Share of the obligation of Foreign Power to issue stock pursuant to its outstanding stock options and the issuance by Bond and Share of such stock, should the Commission find that sections 18(d), 23(a), and 23(b) (4) do not provide the necessary exemptions.

**Limited exemptions previously granted Foreign Power.** On September 26, 1966 the Commission issued an order granting Foreign Power limited exemptions from sections 17(a), 17(d), 21(b), and 30 of the Act, among others, which Foreign Power deemed necessary in the special circumstances of its reinvestment program in Latin America (Investment Company Act Release No. 4712). Since Bond and Share will be the surviving corporation in the merger, applicants request that the Commission take any action which it may deem necessary or appropriate to permit the surviving corporation to receive the benefit of such limited exemptions.

Section 6(c) provides that the Commission may conditionally or unconditionally exempt any transaction or transactions from any provision of the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

**Order for hearing.** It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to the aforesaid sections and any other applicable provisions of the Act; therefore:

**It is ordered,** Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on March 2, 1967, at 10 a.m., in the offices of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

**It is further ordered,** That any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration

without prejudice to its specifying additional matters and questions upon further examination:

(a) Whether the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(b) Whether the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act;

(c) Whether the proposed transactions are consistent with the general purposes of the Act;

(d) Whether an order of this Commission should be issued under sections 17(b) and 6(c) exempting the proposed transactions from section 17(a) and approving or exempting such transactions under such other provisions of the Act as may be applicable including sections 17(d), 18(a), 18(c), 18(d), 21(b), 23(a), 23(b), and 30 of the Act.

**It is further ordered,** That at the aforesaid hearing attention be given to the foregoing matters and questions.

**It is further ordered,** That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to Bond and Share and Foreign Power; that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 67-1128; Filed, Jan. 31, 1967;  
8:46 a.m.]

[70-4448]

**POTOMAC EDISON CO. AND ALLEGHENY POWER SYSTEM, INC.**

**Notice of Proposed Issue and Sale of Common Stock by Subsidiary Company and Acquisition and Pledge Thereof by Holding Company**

JANUARY 26, 1967.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), a registered holding company, and The Potomac Edison Co. ("Potomac"), 320 Park Avenue, New York, N.Y. 10022 an electric utility subsidiary company of Allegheny and also a registered holding company, 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, and 12 of the Act and Rules 43 and 44 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.

All of Potomac's outstanding shares of common stock are owned by Allegheny. Potomac proposes to issue and Allegheny proposes to acquire 150,000 additional shares of Potomac's common stock, without par value, for a cash consideration of \$3 million. Upon such acquisition, Allegheny proposes to pledge the shares with Chemical Bank New York Trust Co., Trustee under a Trust Indenture dated as of September 1, 1949, securing Allegheny's 3½ percent Sinking Fund Collateral Trust Bonds.

The net proceeds from the issue and sale of the additional common stock will be applied toward the construction program of Potomac and its subsidiary companies which is estimated at \$29,200,000 for 1967.

Information regarding the fees and expenses incident to the proposed transactions is to be filed by amendment.

The application-declaration states that prior authorization of the Maryland Public Service Commission is required for the issue and sale of the common stock and its acquisition by Allegheny and by Chemical Bank New York Trust Co., as pledgee, and that petitions for such authorization have been filed with said Commission. Copies of the orders entered therein are to be supplied by amendment. It is also stated that no other 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 17, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed 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.

[P.R. Doc. 67-1129; Filed, Jan. 31, 1967;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 27, 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. 40876—*Iron or steel articles to McHattie and Sugar Land, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8954), for interested rail carriers. Rates on iron or steel articles, in carloads, from points in official, southern, southwestern, and western trunkline territories, to McHattie and Sugar Land, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 223 to Southwestern Freight Bureau, agent tariff ICC 4503.

FSA No. 40877—*Starch between points in southern territory.* Filed by O. W. South, Jr., agent (No. A4985), for interested rail carriers. Rates on starch, noibn, in carloads, in covered hopper cars minimum 140,000 pounds, between L&N common points; also between such points on the one hand, and points in southern territory on the AT&N, C&G, GM&O, IC, M&B, ME, MC, and St. L-SF, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southern Freight Association, agent, tariff ICC S-665.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-1139; Filed, Jan. 31, 1967;  
8:46 a.m.]

[Notice 431]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 27, 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 1124 (Deviation No. 24), HER-RIN TRANSPORTATION COMPANY, Post Office Box 1440, Houston, Tex. 77001, filed January 16, 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 Madison, Fla., over Florida Highway 6 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Madison, Fla., over U.S. Highway 90 to Jacksonville, Fla., (2) from Valdosta, Ga., over U.S. Highway 41 to Lake City, Fla., and (3) from Valdosta, Ga., over Georgia Highway 31 to the Georgia-Florida State line, thence over Florida Highway 145 to Madison, Fla., and return over the same routes.

No. MC 29647 (Deviation No. 2), CHARLTON BROS. TRANSPORTATION CO., INC., Post Office Box 2097, Hagerstown, Md. 21740, filed January 16, 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 Frederick, Md., over Interstate Highway 70 to Hancock Md., (2) from Hagerstown, Md., over Interstate Highway 81 to Harrisonburg, Va., (3) from Frederick, Md., over Interstate Highway 70N to Baltimore, Md., (4) from Frederick, Md., over Interstate Highway 70S to junction Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 1, and (5) from Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 1, 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 Amcelle, Md., over U.S. Highway 220 to Cumberland, Md., thence over U.S. Highway 40 to Frederick, Md., (2) from Hagerstown, Md., over U.S. Highway 11 to Harrisonburg, Va., (3) from Frederick, Md., over U.S. Highway 40 to Baltimore, Md., (4) from Frederick, Md., over U.S. Highway 40 to junction U.S. Highway 29, near Ellicott City, Md. (a point within 10

miles of Baltimore), thence over U.S. Highway 29 to junction Maryland Highways 103 and 175, thence over Maryland Highways 103 and 175 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Interstate Highway 495, and (5) from Baltimore, Md., over U.S. Highway 1 to Washington, D.C., and return over the same routes.

No. MC 76177 (Deviation No. 2), BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233, 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 Selma, Ala., over U.S. Highway 80 to Meridian, Miss., thence over U.S. Highway 11 and/or Interstate Highway 59 to New Orleans, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Selma, Ala., over Alabama Highway 41 to Monroeville, Ala., thence over Alabama Highway 21 to Atmore, Ala., thence over U.S. Highway 31 to Mobile, Ala., and (2) from Mobile, Ala., over U.S. Highway 90 to New Orleans, La., and return over the same routes.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 355) (Cancels Deviation No. 285), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed January 20, 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 deviation routes as follows: (1) From Syracuse, N.Y., over Interstate Highway 81 and access roads to Binghamton, N.Y., (2) from Lafayette, N.Y., over U.S. Highway 20 to junction Interstate Highway 81, (3) from Tully, N.Y., over New York Highway 80 to junction Interstate Highway 81, (4) from Preble, N.Y., over New York Highway 281 to junction Interstate Highway 81, (5) from Little York, N.Y., over New York Highway 109 to junction Interstate Highway 81, (6) from junction U.S. Highway 11 and New York Highway 109 (east of Little York, N.Y.), over New York Highway 109 to junction Interstate Highway 81, (7) from Homer, N.Y., over access roads to junction Interstate Highway 81 (southeast of Homer, N.Y.), (8) from Cortland, N.Y., over city streets and access road to junction Interstate Highway 81 (in Cortland, N.Y.), (9) from Polkville, N.Y., over New York Highway 41 to junction Interstate Highway 81, (10) from Marathon, N.Y., over access roads to junction Interstate Highway 81, (11) over access roads between U.S. Highway 11 and Interstate Highway 81 (near Whitney Point, N.Y.), and (12) over access roads between U.S. Highway 11 and Interstate Highway 81 (near Castle Creek, N.Y.), 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 Hallstead, Pa., over U.S. Highway 11 via Lisle, Cortland, Syracuse, Hastings, and Colosse, N.Y., to Potsdam, N.Y., thence over New York Highway 11B to Nicholville, N.Y., thence over New York Highway 195 to junction U.S. Highway 11, thence over U.S. Highway 11 to Mooers, N.Y., (2) from junction U.S. Highway 11 and New York Highway 281, near Tully, N.Y., over New York Highway 281 to junction New York Highway 13, north of South Cortland, N.Y., (3) from junction U.S. Highway 11 and Lake Road, in Tully, N.Y., over Lake Road to junction New York Highway 281, and (4) from junction New York Highway 41 and U.S. Highway 11, in Homer, N.Y., over New York Highway 41 to junction New York Highway 281, and return over the same routes.

No. MC 61616 (Deviation No. 20), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark. 72114, filed November 22, 1966. 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 deviation routes as follows: (1) From junction Interstate Highway 40 and U.S. Highway 64, 2.8 miles west of Knoxville, Ark., over Interstate Highway 40 to junction Arkansas Highway 103, an access road, thence over Arkansas Highway 103 to Clarksville, Ark., a distance of 7.2 miles, and (2) from Clarksville, Ark., over Arkansas Highway 103, an access road, to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 64, 1.7 miles west of the west city limits of Clarksville, Ark., a distance of 5.2 miles, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From 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.

No. MC 109780 (Deviation No. 18), TRANSCONTINENTAL BUS SYSTEM, INC., Box 730, Wichita, Kans. 67201, filed January 16, 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 Mayflower, Ark., over Interstate Highway 40 (relocated U.S. Highway 65) to junction unnumbered county road, thence over unnumbered county road to junction Arkansas Highway 365 (formerly U.S. Highway 65), 3 miles south of Conway, Ark., 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 Conway, Ark., over old U.S. Highway 65 (redesignated Arkansas

Highway 365) to Little Rock, Ark., and return over the same route.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-1140; Filed, Jan. 31, 1967; 8:46 a.m.]

[Notice 1023]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 27, 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 97825 (Sub-No. 3) filed May 9, 1966, published FEDERAL REGISTER issue of June 3, 1966, amended January 5, 1967, republished January 19, 1967, and republished this issue to reflect the hearing information. Applicant: LOUISIANA MIDLAND TRANSPORT CO., INC., 3679 Florida Boulevard, Baton Rouge, La. Applicant's representative: Carlos G. Spaht, Union Federal Building, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities*, (1) between Georgetown and Ferriday, La., over Louisiana Highway 500 and U.S. Highway 84, including a side trip to and from Rhinehart, La., over Louisiana Highway 8, (2) between Packton and Georgetown, La., over Louisiana Highway 500, (3) between Ferriday and Vidalia, La., over U.S. Highway 65, and (4) between Trout and Pineville, La. (with closed doors), via Pollock, La., over Louisiana Highway 8 and U.S. Highway 165, and (B) *cement*, in packages or containers and in bulk, in tank or hopper-type vehicles, from Monroe, La. and Natchez, Miss., and points in the Natchez, Miss., commercial zone, to points in Arkansas, Alabama, Louisiana, and Mississippi, restricted to traffic which has had a prior movement by rail or water from Selma (Jefferson County), Mo. NOTE: Common control may be involved. The purpose of this republication is to reflect the hearing information.

CONTINUED HEARING: February 17, 1967, at the Federal Building, 701 Loyola Avenue, New Orleans, La., before Examiner Wm. N. Culbertson.

No. MC 113855 (Sub-No. 149) filed January 16, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems*, and parts for irrigation systems, from points in Douglas County, Nebr. (except Omaha, Nebr., and points in its commercial zone), to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Rhode Island, Vermont, Virginia, and West Virginia; (2) (a) *pipe, accessories and fittings* when moving in the same vehicle with pipe, tubing, and electric light poles, and (b) *materials, equipment, and supplies* used in installation and maintenance of electric light poles when moving with such light poles, from points in Douglas County, Nebr. (except Omaha, Nebr., and points in its commercial zone), to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. Restriction: Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and oilfield commodities, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 229 in (1) and (2) above.

**HEARING:** February 20, 1967, at the New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner William J. Kane.

No. MC 2230 (Sub-No. 15) (Republication), filed November 15, 1965, published FEDERAL REGISTER issues of December 2, 1965, February 10, 1966, and March 10, 1966, and republished this issue. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Box 1908, Lincoln, Nebr. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. By application filed November 15, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (a) two, three, and four wheeled automotive vehicles used in the transportation of passengers or property, or both, uncrated, and parts and accessories for such vehicles when moving at the same time and with the same vehicles of which they are a part, from points in the United States (except Alaska and Hawaii) to Lincoln, Nebr., restricted to vehicles being returned to the site or sites of the Cushman Motor Works, Inc., and (b) rebuilt and remanufactured two, three, and four wheeled automotive vehicles used in the

transportation of passengers or property, or both, uncrated, and parts and accessories for such vehicles when moving at the same time and with the same vehicles of which they are a part, from the site or sites of the Cushman Motor Works, Inc., at Lincoln, Nebr., to points in the United States (except Alaska and Hawaii). An order of the Commission, Operating Rights Board No. 1, dated December 30, 1966, and served January 20, 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 *automotive vehicles*, in secondary movements, between the plantsite and facilities of the Cushman Motor Works, Inc., in Lincoln, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); 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 39973 (Sub-No. 3) (Republication), filed July 20, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished as corrected, this issue. Applicant: STANDARD TRUCKING COMPANY, a corporation, 225 East 16th Street, Post Office Box 1107, Charlotte, N.C. 28201. By application filed July 20, 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 crude methanol, in shipper owned cargo tanks or containers loaded on flatbed trailers, from Earl (at or near Shelby), N.C., to Forster (at or near Spartanburg), S.C. A corrected order of the Commission, Operating Rights Board No. 1, dated December 13, 1966, and served January 20, 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 methanol, in bulk, from Earl, N.C., to Forster, S.C.; 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 au-

thority 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 50493 (Sub-No. 30) (Republication), filed June 27, 1966, published FEDERAL REGISTER issue of August 4, 1966, and republished this issue. Applicant: P.C.M. TRUCKING, INC., No. 1063 Maine Street, Orefield, Pa. Applicant's representative: Frank A. Doocey, 527 Hamilton Street, Allentown, Pa. 18101. By application filed June 27, 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 dicalcium phosphate, feed grade and defluorinated phosphate, feed grade, in bulk and in bags, from Coronet, Fla., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia. An order of the Commission, Operating Rights Board No. 1, dated January 13, 1967, and served January 20, 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 *phosphatic feed supplements* from Coronet, Fla., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia; 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 61592 (Sub-No. 48) (Republication), filed July 26, 1965, published FEDERAL REGISTER issue of August 19, 1965, and republished as corrected, this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 44402. In the above-specified proceeding, the examiner recommended the granting to applicant 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 tractors (not including tractors with vehicle beds, bed frames, or fifth wheels or those which because of size or weight require the use of special equipment), and attachments and parts therefor, when transported on the same vehicle, at the same time, from

New Orleans, La., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. A corrected order of the Commission, Division 1, acting as an Appellate Division, dated December 19, 1966, and served January 20, 1967, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of tractors (except those which because of size or weight require the use of special equipment), and attachments and parts therefor, from New Orleans, La., to points in Alabama, Arkansas, Kentucky (except Louisville), Louisiana, Mississippi, Tennessee, and those points in Florida on and west of U.S. Highway 319, in Georgia on and west of U.S. Highway 41, in Indiana on and south of U.S. Highway 50, and in Missouri on and south of U.S. Highway 60; that the instant proceeding should be held open for further consideration of applicant's fitness after final determination of the pending proceeding in No. MC 61592 (Sub-No. 42), and for publication in the FEDERAL REGISTER of a notice of the authority actually granted by this order. Because it is possible that other parties, who have relied upon 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 herein will be published in the FEDERAL REGISTER and any 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 114084 (Sub-No. 9) (Republication), filed May 19, 1966, published FEDERAL REGISTER issue of June 9, 1966, and republished this issue. Applicant: SANDS TRUCKING COMPANY, a corporation, 118 South Oakland Avenue, Post Office Box 1392, Statesville, N.C. Applicant's representative: Francis J. Ortman, National Press Building, Washington, D.C. By application filed May 19, 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 antique furniture, crated and uncrated and used household and office furniture (except household goods as defined by the Commission in Ex Parte No. MC 19), from points in New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia, and points in the commercial zone thereof, as determined by the Commission in Ex Parte No. MC 37, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, and points in the commercial zone thereof, as defined by the Commission in Ex Parte No. MC 37. NOTE: Applicant states if the authority sought above is granted, it is willing to file a petition of dismissal

of the authority in MC 114084 Sub 2, coincidental with the issuance of the authority sought in this application. An order of the Commission, Operating Rights Board No. 1, dated December 14, 1966, and served January 19, 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 used household and office furniture, uncrated, in a service limited to movements from wholesale stores or wholesale establishments to retail and wholesale stores or establishments.

(1) From the District of Columbia to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; and (2) from points in New York, New Jersey, Pennsylvania, and Maryland to the District of Columbia and to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; 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. Applicant has demonstrated its willingness to surrender that duplicating authority should the application be granted; and that a grant of the application subject to the coincidental cancellation of that part of applicant's certificate in No. MC 114084 (Sub-No. 2) which provides for the transportation of used household and office furniture would be the appropriate method of avoiding the issuance of duplicating authority in this proceeding. 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 128294 (Sub-No. 1) (Republication), filed August 3, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55414. Applicant's representatives: Joseph J. Dudley, 1504 First National Bank Building, St. Paul, Minn. 55101, and Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. By application filed August 3, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of canned vegetables and frozen foods in mixed truckloads, from Glencoe and Minneapolis, Minn., to points in Montana, under contract with Green Giant Co., Le Seuer, Minn. NOTE:

Common control may be involved. An order of the Commission, Operating Rights Board No. 1, dated December 30, 1966, and served January 19, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *canned vegetables* in mixed loads with frozen foods and (2) *frozen foods* in mixed loads with canned vegetables, from Glencoe and Minneapolis, Minn., to points in Montana, under a continuing contract with Green Giant Co. of Le Seuer, Minn., 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 the President of applicant owns and controls (common control approved by the Commission, Finance Board No. 1, in *James La Casse—Control—Interstate Express Inc., and Hines Transfer, Inc.*, No. MC-F-8712, dated March 10, 1965), Interstate Express, Inc., a contract carrier of paper, paper products, and the machinery, equipment, materials, and supplies used in the manufacture of paper and paper products, and Hines Express, Inc., a common carrier of milk, milk products, and malt beverages; and that such control results in the existence of dual operations. 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 128433 (Sub-No. 1) (Republication), filed August 3, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished this issue. Applicant: JOHN G. FORESTER, doing business as FORESTER'S AUTO SERVICE, 2405 Taylor Street, Chattanooga, Tenn. 37402. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. By application filed August 3, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of towing, checking, and spotting service for shipper-owned movable office-shop construction trailers, moving to or from jobsites, together with tools, equipment, materials, and supplies moving therewith, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, under contract with Hudson Construction Co. An order of the Commission, Operating Rights Board No. 1, dated December 30, 1966, and served January 19, 1967, as amended, finds that opera-

tion by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) office, shop, and storage trailers (except trailers designed to be drawn by passenger automobiles) and (2) construction equipment, materials, and supplies when moving in such trailers, between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, under a continuing contract with Hudson Construction Co., of Chattanooga, Tenn., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

#### NOTICE OF FILING OF PETITION

No. MC 86779 (Sub-No. 19) and No. MC 86779 (Sub-No. 26) (Notice of Filing of Petitions for Extending Explosives Rights) filed December 22, 1966. Petitioner: ILLINOIS CENTRAL RAILROAD, 135 East 11th Place, Chicago, Ill. 60605. Petitioner's representative: Edward J. Wright (same address as above). Petitioner holds authority in No. MC 86779 Sub 19 to conduct operations as a motor common carrier, transporting: General commodities, except household goods as defined by the Commission, and commodities in bulk, between Jackson, Miss., and New Orleans and Baton Rouge, La., over specified regular routes, serving certain intermediate and off-route points. The authority is subject to certain restrictions, the one pertinent herein, is as follows: "The authority granted herein, to the extent it authorizes transportation of explosives, shall be limited in point of time to a period expiring 5 years after June 30, 1960." Petitioner also holds a certificate in No. MC 86779 Sub 26 authorizing the transportation of general commodities, with certain exceptions, between specified regular routes in Mississippi and Louisiana, subject to certain restrictions. The restriction here pertinent, reads as follows: "The authority granted herein, to the extent it authorizes the transportation of explosives, shall be limited in point of time to a period expiring 5 years after February 20, 1961." By the instant petition, petitioner requests that its authority to transport explosives be extended for a

period of 5 more years. Any interested persons desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS 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 28008 (Sub-No. 7), filed November 30, 1966. Applicant: MIDWEST FREIGHT FORWARDING COMPANY, INC., 3220 South Wolcott Avenue, Chicago, Ill. 60608. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut. NOTE: Applicant states it will tack at Bridgeport, Conn., to conduct operations between points in Connecticut, on the one hand, and, on the other, Chicago, Ill. This application is directly related to MC-F 9607, published FEDERAL REGISTER issue of December 14, 1966. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Hartford, Conn.

No. MC 32566 (Sub-No. 4), filed January 16, 1967. Applicant: LONG ISLAND MOTOR HAULAGE CORP., 58-51 52d Avenue, Woodside, N.Y. 11377. Applicant's representative: William Biederman, 280 Broadway Street, New York, N.Y. 10007. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those injurious or contaminating to other lading, between New York, N.Y., and points in Dutchess, Westchester, Orange, and Rockland Counties, N.Y. NOTE: This application is directly related to MC-F-9642, published in the FEDERAL REGISTER January 25, 1967. Applicant states that physical operations would be conducted through the New York gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 107558 (Sub-No. 7), filed January 16, 1967. Applicant: ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I. 02903. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other

lading, (1) between New York, N.Y., on the one hand, and, on the other, points in Nassau County, N.Y., and (2) from New York, N.Y., to points in Suffolk County, N.Y. NOTE: This application is directly related to MC-F-9643, published in the FEDERAL REGISTER, January 25, 1967. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 109397 (Sub-No. 151), filed January 19, 1967. Applicant: TRI STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Also: East on Interstate Business Route 44, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Explosives, blasting agents, blasting materials and supplies, materials, used in the manufacture of explosives, and empty containers used in transporting the above-described commodities, (a) between the plantsite of Hercules Inc., near Carthage, Mo., on the one hand, and, on the other, points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Virginia, West Virginia, and Wyoming, (b) between the plantsite of Hercules Inc., near McAdory, Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Michigan, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (c) between the plantsite of Hercules Inc., near Kenil, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and (2) explosives, from Mead, Nebr., to McAdory, Ala., Kenil, N.J., and Tenino, Wash. NOTE: This application is directly related to MC-F-9594 published in the FEDERAL REGISTER, issue of November 30, 1966. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

#### 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-9648. Authority sought for purchase by SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246, of a portion of the operating rights and certain property of ORSCHELN BROS. TRUCK LINES, INC., Highway 24, East, Moberly, Mo., and for acquisition by FRED J. SCHWERMANN, CARL L. SCHWERMANN, ESTATE OF FRED SCHWERMANN, SR. (FRED J. SCHWERMANN, RICHARD D. SCHWERMANN, AND GEORGE LAIKIN, CO-EXECUTORS), and GRANDCHILDREN AND SPECIAL TRUSTS (FRED J. SCHWERMANN, CARL L. SCHWERMANN, AND GEORGE LAIKIN, TRUSTEES), all also of Milwaukee, Wis., of control of such rights and property through the purchase. Applicants' attorneys: James R. Ziperski, 611 South 28 Street, Milwaukee, Wis. 53246, and George F. Gunn, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Operating rights sought to be transferred: *Cement*, as a common carrier, over irregular routes, from the plantsite of Universal Atlas Cement Division of United States Steel Corp., in Ralls County, Mo., near Hannibal, Mo., to points in Illinois, Iowa, and Missouri. Vendee is authorized to operate as a common carrier in Kentucky, Tennessee, Iowa, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Georgia, Alabama, South Carolina, Florida, North Carolina, Mississippi, Kansas, West Virginia, Nebraska, North Dakota, Oklahoma, Texas, Ohio, Michigan, South Dakota, Louisiana, Pennsylvania, Maryland, Virginia, Colorado, Montana, New Mexico, Vermont, Wyoming, Massachusetts, Connecticut, New Hampshire, Rhode Island, New Jersey, Delaware, California, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9649. Authority sought for purchase by PARKER TRANSFER COMPANY, Telegraph Road, Elyria, Ohio, of a portion of the operating rights of R. LENGLE TRUCKING CO., INC. (JOSEPH PATCHAN, RECEIVER), 3071 West 46th Street, Cleveland, Ohio 44102, and for acquisition by WESLEY A. PARKER, also of Elyria, Ohio, of control of such rights through the purchase. Applicants' attorneys: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115, and Bernard S. Goldfarb, 55 Public Square, Cleveland, Ohio 44113. Operating rights sought to be transferred: *Furnaces, furnace parts, and iron castings*, minimum 15,000 pounds from any one consignor, as a common carrier, over irregular routes, from Cleveland, Ohio, to certain specified points in Michigan; *furnaces and iron castings*, from Cleveland, Ohio, to points in New Jersey, New York, that part of Pennsylvania on and west of U.S. Highway 19, that part of West Virginia on and north of U.S. Highway 50, that part of Indiana on and north of U.S. Highway 40, and points in Cook County, Ill.; *rejected or returned shipments* of the above-specified commodities, from the above destination points in the two paragraphs next above

to Cleveland, Ohio; *heating and air conditioning units, equipment and parts thereof, and such materials and supplies* as are required for the installation thereof, and *iron and steel castings*, from Cleveland, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia; *rejected, damaged, or repossessed shipments* of the above-specified commodities and *empty containers*, from points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, to Cleveland, Ohio; *patterns, flasks, and parts thereof*, between Cleveland, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia.

*Oil burners*, from Peoria, Ill., to Cleveland, Ohio; *malt beverages*, from Rochester, N.Y., and New Castle, Erie, and Pittsburgh, Pa., to Cleveland, Ohio, from Minster, Ohio, to points in New York, and certain specified points in Michigan; *rejected or returned shipments* of malt beverages and *empty malt beverage containers*, from the above destination points in the two paragraphs next above to their respective origin points; *malt beverages*, from Milwaukee, Wis., to Cleveland, Ohio; *empty containers* for malt beverages and *damaged and defective shipments* of malt beverages, from Cleveland, Ohio, to Milwaukee, Wis.; *carbonated beverages*, from Pittsburgh, Pa., to Cleveland Ohio; *rejected or returned shipments* of carbonated beverages and *empty carbonated beverage containers*, from Cleveland, Ohio, to Pittsburgh, Pa., and *empty shipping pallets*, from points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, to Cleveland, Ohio; with restriction. Vendee is authorized to operate as a common carrier in Ohio, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9650. Authority sought for control by ALBEE DEVELOPMENT CORPORATION, Wolfeboro, N.H., of SALT CITY MOVERS & STORAGE CO., INC., 410 South Franklin Street, Syracuse 2, N.Y., and for acquisition by EVERETT S. ALBEE and MEREDITH S. ALBEE, both also of Wolfeboro, N.H., of control of SALT CITY MOVERS & STORAGE CO., INC., through the acquisition by ALBEE DEVELOPMENT CORPORATION. Applicants' attorney and representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038, and Richard F. Cooper, Rochester Realty Building, Rochester, N.H. Operating rights sought to be controlled: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a common carrier, over irregular routes, between certain specified points in New

York, on the one hand, and, on the other points in New York, Connecticut, Delaware, Illinois, Iowa, Indiana, Florida, Georgia, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Michigan, Kentucky, Maine, Missouri, Nebraska, Rhode Island, South Carolina, and the District of Columbia. ALBEE DEVELOPMENT CORPORATION, hold no authority from this Commission. However, its controlling stockholders, are affiliated with ALBEE TRUCKING COMPANY, INC., Route 28, Wolfeboro, N.H., which is authorized to operate as a common carrier in Maine, Vermont, Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9652. Authority sought for (1) purchase by WILLIAM HOLMES, care of R. G. May, 412 West Ninth Street, Sioux Falls, S. Dak., of the operating rights and property of BEN BLINDER, doing business as TRISTATE TRANSPORTATION CO., care of Charles Gorsuch, 304-306 Western Union Building, Aberdeen, S. Dak.; and (2) purchase by HYMAN TRANSPORTATION CO., 2690 Prior Avenue North, St. Paul, Minn. 55113, of the operating rights and property of WILLIAM HOLMES, care of R. G. May, 412 West Ninth Street, Sioux Falls, S. Dak.; and for acquisition by EUGENE PIKOVSKY, also of St. Paul, Minn., of control of such rights and property through the purchase. Applicants' attorneys: Donald A. Morken, 1000 First National Bank, Minneapolis, Minn. 55402, R. G. May, 412 West Ninth Street, Sioux Falls, S. Dak., and Charles Gorsuch, 304-306 Western Union Building Aberdeen, S. Dak. Operating rights sought to be transferred: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a common carrier, over regular routes, between St. Paul, Minn., and Beresford, S. Dak., serving certain intermediate and off-route points, without restriction; and certain off-route points for truckload lots only; between Madelia, Minn., and Worthington, Minn., serving all intermediate points, between Sioux Falls, S. Dak., and Sioux City, Iowa, serving the intermediate point of Hudson, S. Dak., and the off-route points of Fairview, Mo., and Norway Center, S. Dak., also serving the off-route point of Canton, S. Dak., with restriction, between Sioux City, Iowa, and Yankton, S. Dak., serving all intermediate points, between Beresford, S. Dak., and junction South Dakota Highway 46 and unnumbered county highway, 1 mile west of junction South Dakota Highways 17 and 46, between junction South Dakota Highways 19 and 46 and junction South Dakota Highway 19 and unnumbered county highway, approximately 3 miles east of Westerville, S. Dak., between Vermillion, S. Dak., and junction South Dakota Highway 50 and U.S. Highway

77, serving no intermediate points except as otherwise authorized; between Centerville, S. Dak., and Sioux City, Iowa, serving the intermediate points of Hub City and Dalesberg, S. Dak.

*General commodities*, excepting, among others, household goods and commodities in bulk, from Sioux City, Iowa, and Aberdeen, S. Dak., serving the intermediate points of Sioux Falls and Watertown, S. Dak., between Sioux City, Iowa, and Mitchell, S. Dak., serving the intermediate points between Yankton, S. Dak., and Mitchell, S. Dak., including Yankton, S. Dak., between Mankato, Minn., and Madella, Minn., serving all intermediate points, between Fairmont, Minn., and Luverne, Minn., serving all intermediate and certain off-route points, between Pierre, S. Dak., and Sioux City, Iowa, serving the intermediate points of Huron, S. Dak., and those between Pierre and Huron, S. Dak., unrestricted; and the off-route point of Onida, S. Dak., in the transportation of *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission; *dairy products, poultry, butter, and eggs*, from Aberdeen, S. Dak., to Sioux City, Iowa, serving the intermediate points of Sioux Falls and Watertown, S. Dak.; *general commodities*, between Beresford, S. Dak., and Sioux City, Iowa, serving all intermediate and certain off-route points, between Sioux Falls, S. Dak., and Valley Springs, S. Dak., between Brandon, S. Dak., and Corson, S. Dak., serving all intermediate points; *general commodities*, except live-hold goods as defined by the Commission, stock, classes A and B explosives, household other than individual pieces of household furnishings, and commodities too heavy for the equipment used, between Centerville, S. Dak., and Westerville, S. Dak., serving the intermediate point of Wakonda, S. Dak.; *general commodities* except those of unusual value, classes A and B explosives, catalogs, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Sioux Falls, S. Dak., and Meridian, S. Dak., serving all intermediate and certain off-route points, between Sioux Falls, S. Dak., and Yankton, S. Dak., serving all intermediate and certain off-route points, between Sioux Falls, S. Dak., and Yankton, S. Dak., serving all intermediate points (except Parker, S. Dak.), and certain off-route points.

*Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as defined by the Commission, from junction U.S. Highways 14 and 281 (4 miles northwest of Wolsey, S. Dak.) to Cheyenne Agency, S. Dak., serving all intermediate points (except those on U.S. Highway 212 between junction unnumbered highway and U.S. Highway 212 and Cheyenne Agency, S. Dak.) and certain off-route points, from Cheyenne Agency, S. Dak., to junction U.S. Highways 83 and 14 (17 miles northeast of Pierre, S. Dak.), serv-

ing all intermediate points (except those on U.S. Highway 212 between junction unnumbered highway and U.S. Highway 212 and Cheyenne Agency, S. Dak.); *butter*, over irregular routes, from Tripp and Parkston, S. Dak., to Sioux City, Iowa; *eggs*, from Yankton and Tripp, S. Dak., to Sioux City, Iowa; *poultry*, from Parkston and Mitchell, S. Dak., to Sioux City, Iowa; *fruit and vegetables*, between Vermillion, S. Dak., and Omaha, Nebr.; *general commodities*, excepting, among others household goods and commodities in bulk, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the Twin City Ordnance Plant in Mound View Township, Ramsey County, Minn.; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between certain specified points in Minnesota; *canned goods*, over irregular routes, in truckload lots only, from Sleepy Eye and Marshall, Minn., and Marshalltown, Iowa, to Mitchell, Brookings, Madison, and Sioux Falls, S. Dak.; *such commodities*, as are dealt in by wholesale hardware concerns, from Sterling and Dixon, Ill., and Minneapolis, and St. Paul, Minn., and points in the Chicago, Ill., commercial zone, supra, to Sioux Falls, S. Dak.

*Theater supplies*, from Chicago, Ill., to Sioux Falls, S. Dak.; *butter, eggs, and poultry*, from Sioux Falls, S. Dak., to Chicago, Ill.; *carbonated beverages and empty containers therefor*, between Maywood, Ill., and Sioux Falls, S. Dak.; and *farm machinery and farm implements*, between Sioux Falls, S. Dak., on the one hand, and, on the other, Moline, Rockford, and Rock Island, Ill.; and in pending Docket No. MC-106298 Sub 6, seeking a certificate of public convenience and necessity, covering the transportation of general commodities, excepting among others, commodities in bulk, but not excepting household goods, as a common carrier, over regular routes, between Sioux Falls, S. Dak., and Mitchell, S. Dak., between Huron, S. Dak., and Mankato, Minn., over U.S. Highway 14, between Huron, S. Dak., and Watertown, S. Dak., between Huron, S. Dak., and Aberdeen, S. Dak., between St. Peter, Minn., and Nicollet, Minn., over Minnesota Highway 99, between Minneapolis, Minn., and New Uim, Minn., between Minneapolis, Minn., and Brookings, S. Dak., serving no intermediate points except as otherwise authorized, serving three routes for operating convenience only; and in pending No. MC-106298 Sub 7, seeking a certificate of public convenience and necessity, covering the transportation of general commodities, excepting, as immediately above, as a common carrier, over regular routes, between certain specified points in Minneapolis, and the site of a terminal proposed to be constructed by Spector Freight System, Inc., on Minneapolis Highway 49 in Egan Township, Dakota County, Minn., located approximately one-half mile south of junction Minnesota Highways 49 and 55, serving one off-route point in connection with applicant's regular route operations. HY-

MAN TRANSPORTATION CO. is authorized to operate as a common carrier in Minnesota, South Dakota, Iowa, North Dakota, Wisconsin, Illinois, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9653. Authority sought for control by HENNIS FREIGHT LINES OF CANADA LIMITED, Post Office Box 612, Winston-Salem, N.C. 27103, of the operating rights of FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1297, Dade City, Fla., and for acquisition by S. H. MITCHELL, Post Office Box 612, Winston-Salem, N.C., of control of FLORIDA REFRIGERATED SERVICE, INC., through the acquisition by HENNIS FREIGHT LINES OF CANADA LIMITED. Applicants' attorneys and representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006, Lawrence D. Fay, Post Office Box 1088, Jacksonville, Fla. 32201, and Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. 27102. Operating rights sought to be controlled: General commodities with certain specified exceptions, and numerous other specified commodities, as a common carrier, over irregular routes, from and to specified points in the States of Alabama, Georgia, Florida, Arizona, California, New Mexico, North Carolina, Mississippi, South Carolina, Ohio, Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, Montana, Washington, Texas, Tennessee, Kentucky, Nebraska, Kansas, Oklahoma, Michigan, Wisconsin, Illinois, Missouri, North Dakota, Indiana, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, South Dakota, New Jersey, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Iowa, Minnesota, Louisiana, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-120543 Sub 1 and Subs thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. HENNIS FREIGHT LINES OF CANADA LIMITED is authorized to operate as a common carrier in the State of Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9654. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 40 Erie Street, Cambridge, Mass. 02139, of the operating rights of JOSEPH DUPONT TRUCKING, INC. (JAMES RADIN, RECEIVER), 111 Wayland Avenue, Providence, R.I., and for acquisition by MILTON J. ZABARSKY, MAURICE ZABARSKY, both also of Cambridge, Mass., and HARRY ZABARSKY, 38 Main Street, St. Johnsbury, Vt., of control of such rights through the purchase. Applicants' attorneys and representatives: Francis E. Barrett, Francis P. Barrett, both of 25 Bryant Avenue, East Milton,

Mass. 02186, Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., and Russell B. Curnett, 36 Circuit Drive, Providence, R.I. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except high explosives, livestock, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Bristol, R.I., and Providence, R.I., serving all intermediate points; and under a certificate of registration in Docket No. MC-59353 Sub-2, covering the transportation of general commodities (except valuables and dangerous articles, also explosives), as a common carrier, in intrastate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in Vermont, New Hampshire, Maine, Massachusetts, Maryland, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-108473 Sub-No. 28 is a matter directly related.

No. MC-F-9655. Authority sought for purchase by C. B. JOHNSON, INC., Post Office Drawer S. Cortez, Colo. 81321, of the operating rights and certain property of HUGO L. WILLIS, doing business as H. L. WILLIS, 1020 Reese Street, Silverton, Colo. 81433, and for acquisition by C. B. JOHNSON and GEORGE SMITH, JR., INC., both of Cortez, Colo., of control of such rights and property through the purchase. Applicants' attorney: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-96943 Sub 1, covering the transportation ores and concentrates, as a common carrier, in intrastate commerce, within the State of Colorado. Vendee is authorized to operate as a *common carrier* in Colorado and New Mexico. Application has been filed for temporary authority under section 210a(b). NOTE: MC-124230 Sub-No. 6 is a matter directly related.

#### MOTOR CARRIER OF PASSENGERS

No. MC-F-9651. Authority sought for purchase by VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. 05401, of the operating rights and certain property of WHITE RIVER COACH LINES, INC., 4 Hazen Street, White River Junction, Vt., and for acquisition by ROBERT F. THOMPSON, also of Burlington, Vt., of control of such rights and property through the purchase. Applicants' attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers and mail in the same vehicle with passengers, as a *common carrier*, over regular routes, between Rutland, Vt., and Portland, Maine, serving all intermediate points,

between Bristol, N.H., and Portland, Maine, serving all intermediate points on the above-described route during the season extending from June 1 to September 15, both dates inclusive, of each year, said route being authorized as an alternate route for operating convenience only, with no service at intermediate points, during the balance of each year; passengers and their baggage, and express and newspapers in the same vehicle with passengers, between White River Junction, Vt., and Hanover, N.H., between Hanover, N.H., and Lebanon, N.H., serving all intermediate points; between White River Junction, Vt., and Hanover, N.H., serving the intermediate points of Wilder and Norwich, Vt.; and passengers and their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes, from Lisbon and Hanover, N.H., and points within 25 miles of Hanover, except New London, N.H., to points in New York, New Hampshire, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine. Vendee is authorized to operate as a *common carrier* in Vermont, Massachusetts, New York, New Hampshire, and Maine. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-1141; Filed, Jan. 31, 1967;  
8:46 a.m.]

[Notice 1025]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 27, 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 phrasology 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 115826 (Sub-No. 171), filed January 9, 1967. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, from points in Oregon, Washington, and Idaho, to points in Nebraska, Kansas, Missouri, Iowa, Illinois, Michigan, Minnesota, and Wisconsin.

HEARING: February 15, 1967, at the U.S. Post Office and Courthouse, at Eighth and Bannock Streets, Boise, Idaho, before Examiner Richard H. Roberts.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-1142; Filed, Jan. 31, 1967;  
8:46 a.m.]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 27, 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 Number not assigned (OKLAHOMA), filed January 19, 1967. Applicant: MCOMAS TRUCK LINES, INC., 604 North Second Street, Chickasha, Okla. Applicant's representative: C. O. Hunt, Professional Office Building, 1405 South Midwest Boulevard, Midwest City, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of freight, serving between Oklahoma City, Okla., and Duncan, Okla., via H. E. Bailey Turnpike and U.S. Highway 81, serving the intermediate point of Chickasha, Okla., and serving between Ardmore, Okla., and Lawton, Okla., via U.S. Highway No. 70 and U.S. Highway No. 81, and State Highway No. 7, serving intermediate point of Duncan, Okla.; and to add to this authority to and to tack it on to the authority now held by the applicant which is represented by certificate of convenience and necessity No. A-988 issued by the Corporation Commission of Oklahoma on October 11, 1965, which said certificate grants applicant authority to operate a Class "A" Motor Carrier service in the State of Oklahoma over the following route: "For the transportation of freight between Minco, Okla., and Oklahoma City, Chickasha, and El Reno, with service between all points and intermediate points over the following Highways to wit: U.S. Highway 81, between Chickasha and El Reno, State Highway 152, between its junction with U.S. 81, at Union City and its junction with U.S. Highway 277, and over U.S. Highway 277 to Oklahoma City, restricted to service between Oklahoma City, Chickasha, and El Reno, over the above-named routes only; but precluding applicant from serving as to shipments between Oklahoma City, Okla., and Ardmore, Okla., and between Oklahoma City, Okla., and Lawton, Okla., "all within the State of Oklahoma." Both intrastate and interstate authority sought.

HEARING: Monday, February 27, 1967, at the Corporation Commission Office, Oklahoma City, Okla. Requests for procedural information, including the time for filing protests, concerning this applicant, 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. 12910-A filed September 12, 1966. Applicant: A. R. CRAWFORD, doing business as CRAWFORD FREIGHT LINE, 1401 Fifth Avenue SE., Aberdeen, S. Dak. Applicant's representative: Douglas W. Bantz, 235 Midwest-Capitol Building, Aberdeen, S. Dak. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, for hire, between Aberdeen, S. Dak., and White Butte, S. Dak., over U.S. Highway 12, with closed door operation between Aberdeen, S. Dak., and Mobridge, S.

Dak.; and between Mobridge, S. Dak., and Lemmon, S. Dak., serving Mobridge, McLaughlin, Walker, McIntosh, Watauga, Morrystown, Keldron, Thunder Hawk, and Lemmon, S. Dak., and the off-route points of Wapakala and Mahto, S. Dak. Both intrastate and interstate authority sought.

HEARING: Wednesday, March 22, 1967, 9:30 a.m., c.s.t., at the Alonzo-Ward Hotel, Aberdeen, S. Dak. 57401. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Public Utilities Commission of South Dakota, Pierre, S. Dak., and should not be directed to the Interstate Commerce Commission.

State Docket No. 15670 (Amendment), filed November 30, 1966, published FEDERAL REGISTER issue of January 7, 1967, amended January 23, 1967, and republished as amended this issue, to reflect a change in the hearing information. Applicant: HAVASU WAREHOUSE AND STORAGE, INC., Post Office Box 26, Lake Havasu City, Ariz. Applicant's representative: H. Eldon Hanson, 920 Del Webb Building, 3900 North Central Avenue, Phoenix, Ariz. 85012. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, excluding bulk cement, liquids in bulk, in tank vehicles, and machinery or construction materials in excess of 2,000 pounds per shipment, within a 25-mile radius of base of operations at Site Six, Ariz. Authorized shipments originating within a 25-mile radius of Site Six may be transported to Kingman, Ariz., via Highway 66 serving Yucca also. Authorized shipments originating in Kingman or Yucca destined to Site Six may also be transported. No service between any points on Highway 66 or within 5 miles of either side thereof. Both intrastate and interstate authority sought.

HEARING: Wednesday, March 8, 1967, at 9:30 a.m., in the Banquet Room of Havasu Lanes, McCullough Boulevard, Lake Havasu City, Ariz. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Arizona Corporation Commission, State Capitol Annex, Phoenix, Ariz., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-1143; Filed, Jan. 31, 1967;  
8:47 a.m.]

[No. MC-C-3437 (Sub-No. 1)]

### CLEVELAND-HOPKINS AIRPORT

#### Exempt Zone

JANUARY 27, 1967.

Petition seeking individual determination of the zone surrounding the Cleveland-Hopkins Airport, near Cleveland, Ohio, within which motor transportation is incidental to transportation

by air and exempt from economic regulation under section 203(b)(7a) of the Interstate Commerce Act. Petitioner: FRANK SUKOSD, doing business as RAPID TRANSIT COMPANY, 1218 Broadway Avenue NE., East Canton, Ohio 44730. Petitioner's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215.

By a pleading filed December 19, 1966, which is being treated as a petition filed pursuant to the Commission's regulations in 49 CFR 210.40(c), petitioner seeks individual determination of the area surrounding the Cleveland-Hopkins Airport, near Cleveland, Ohio, within which motor transportation is incidental to transportation by air and exempt from the Commission's economic regulation under section 203(b)(7a) of the Interstate Commerce Act.

Petitioner states that the Civil Aeronautics Board, on September 27, 1966, in Docket No. 15581, accepted for filing a tariff of Wings and Wheels Express, Inc., an air freight forwarder subject to the Board's jurisdiction, providing for pickup and delivery service from and to the said airport and extending to points in Ohio as far as 80 miles from the airport; and that, by virtue of the Commission's regulations in 49 CFR 210.40(a) this action by the Civil Aeronautics Board has the effect of exempting from the Commission's economic regulation motor transportation, within the area covered by the tariff, of shipments having a prior or subsequent movement by air in interstate or foreign commerce.

Petitioner asks that an investigation be instituted to determine the proper boundary of the exempt area surrounding the Cleveland-Hopkins Airport, and to fix for it limits smaller in area than those established in the tariff of Wings and Wheels Express, Inc., filed with the Civil Aeronautics Board.

Any interested person wishing to make representations in favor of or in opposition to the relief sought by the petition may do so by submitting written statements. All such persons, including motor carriers, air carriers, shippers and receivers of freight, and others, whether or not subject to the Commission's jurisdiction, are invited to submit representations setting forth any facts or argument pertinent to the proper determination of the scope of the exempt zone surrounding the Cleveland-Hopkins Airport.

Representations must be filed on or before March 13, 1967, and copies thereof will be available thereafter at the office of the Commission in Washington, D.C. Persons desiring to file replies to representations may do so on or before April 17, 1967.

An original and 15 copies of each representation and reply, the original of which must be verified with respect to matters of fact contained therein, must be filed with:

Secretary, Interstate Commerce Commission,  
Washington, D.C. 20423.

In addition, one copy of each representation, reply, or any other pleading must be filed with:

Secretary, Civil Aeronautics Board, Washington, D.C. 20428.

A copy must also be served upon petitioner's representative, whose address appears at the head of this notice, and upon:

Wings and Wheels Express, Inc., 142-42 41st Avenue, Flushing, L.I., N.Y. 11355.

Copies of all representations, replies, or other pleadings filed with the Commission must show that service has been made upon the persons named above, in conformity with rule 1.22 of the Commission's general rules of practice.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-1144; Filed, Jan. 31, 1967; 8:47 a.m.]

[Notice 1472]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 27, 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-69316. By order of January 25, 1967, the Transfer Board approved the transfer to Charles P. Rutherford, Inc., Ambler, Pa., of the certificate in No. MC-360, issued January 9, 1941, to Charles P. Rutherford, Ambler, Pa., authorizing the transportation of: Household goods, between Ambler, Pa., and points within 12 miles thereof, on the one hand, and, on the other, points in New Jersey and New York; Structural iron and steel, between Ambler on the one hand, and, on the other, New York, N.Y., and points in New Jersey; empty bottles and containers therefor, from Salem, N.J., to Ambler, and broken glass, from Ambler to Salem. Joseph H. Savitz, 1332 Philadelphia National Bank Building, Philadelphia, Pa. 19107, attorney for applicants.

No. MC-FC-69328. By order of January 24, 1967, the Transfer Board approved the transfer to Howard K. Smith, Greenville, Ill., of that portion of the operating rights of Kessman Tank Service, Inc., Hamel, Ill., in certificate No. MC-24115, issued August 12, 1966, authorizing the transportation, over irregular routes, of lumnite cement, from Buffington, Ind., to St. Louis, Mo., of powdered silica sand, from Ottawa, Ill., to St. Louis, Mo., and of crude fire clay,

from Mayfield, Ky., and Clover, S.C., to St. Louis, Mo. B. W. LaTourette, Jr., 314 North Broadway, St. Louis, Mo. 63102, attorney for applicants.

No. MC-FC-69338. By order of January 20, 1967, the Transfer Board approved the transfer to Hug-Condon Moving & Storage Co., Inc., New Orleans, La., of certificate No. MC-21679, issued February 3, 1953, to Joseph Chesterfield Goods, Jr., doing business as J. C. Goods Sons, New Orleans, La., and authorizing the transportation of household goods, over irregular routes, between New Orleans, La., on the one hand, and, on the other, points in Louisiana and Mississippi. William V. Condon, Post Office Box 5437, New Orleans, La. 70115, representative for applicants.

No. MC-FC-69340. By order of January 24, 1967, the Transfer Board approved the transfer to Alted Trucking Corp., New York (Bronx), N.Y., 10001, of a portion of the operating rights of Ohio Eastern Express, Inc., Sandusky, Ohio, 44871, in certificate No. MC-124111 (Sub-No. 4), issued September 23, 1965, as amended September 15, 1966, authorizing the transportation, over irregular routes, of pottery, from Sebring, Carrollton, Cambridge, Scio, East Liverpool, Wellsville, and Zanesville, Ohio, to New York, N.Y. Earl J. Thomas, Thomas Building, Worthington, Ohio 43085, representative for applicants.

No. MC-FC-69341. By order of January 24, 1967, the Transfer Board approved the transfer to Armond B. Dillon, doing business as Dillon Moving & Storage Co., Aurora, Ill., of that portion of the operating rights of Evans Trucking Co., a corporation, Pittsburgh, Pa., in certificate No. MC-52464, issued July 20, 1966, authorizing the transportation, as a common carrier, of household goods, over irregular routes, between Glassport, Pa., and points within 10 miles thereof, on the one hand, and, on the other, points in New York, Ohio, West Virginia, and Maryland; and between Greensboro, Pa., on the one hand, and, on the other, points in Ohio and West Virginia. George R. Labissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-69353. By order of January 20, 1967, the Transfer Board approved the transfer to Keystone Truck Lines, Inc., Tulsa, Okla., of the certificates of registration Nos. MC-121090 (Sub-Nos. 1 and 2) issued January 6, 1965, and June 24, 1965, respectively, to Shuler Freight Lines, Inc., Oklahoma City, Okla., evidencing a right to engage in interstate or foreign commerce, in the transportation of freight, between specified points in Oklahoma. Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102, attorney for applicants.

No. MC-FC-69354. By order of January 20, 1967, the Transfer Board approved the transfer to Yazoo Trucking Co., Inc., Yazoo City, Miss., of the operating rights in permit No. MC-125473, issued October 2, 1964, to R. W. Rhodes, doing business as Yazoo Trucking Co., Yazoo City, Miss., authorizing the transportation of: Manufactured fertilizer,

and urea, from specified points in Mississippi to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, and Texas. Donald B. Morrison, Post Office Box 961, Jackson, Miss. 39205, attorney for applicants.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-1145; Filed, Jan. 31, 1967; 8:47 a.m.]

[CAB Docket No. 16946; ICC Docket Ex Parte No. 251]

### RAILWAY EXPRESS AGENCY, INC.

#### Joint Agency Notice Regarding Petitions for Declaratory Order

JANUARY 24, 1967.

By substantially identical petitions filed simultaneously with the Civil Aeronautics Board and the Interstate Commerce Commission on February 4, 1966, Railway Express Agency, Inc., of New York, N.Y., asks that a declaratory order be issued, or that regulations be adopted, defining the conditions under which and the manner in which petitioner (REA) may establish joint rates and through routes with direct air carriers subject to the jurisdiction of the CAB.

The petition requests answers to 14 questions, quoted in the Appendix to this notice, which generally relate to (1) whether and to what extent joint air-surface rates may lawfully be established, and by whom; (2) the respective jurisdictions of the CAB and ICC and of a joint board established under section 1003 of the Federal Aviation Act of 1958 (49 U.S.C. sec. 1483); (3) the performance of joint air-surface service when the surface movement is exempt from economic regulation by the ICC under section 203(b)(7a) of the Interstate Commerce Act; (4) the performance of substituted air-for-surface service similar to that recognized by the ICC and generally known as Plan I trailer-on-flatar service (see Substituted Service—Piggyback 322 ICC 301, 304, and 337-50), but not hitherto found by the CAB to be lawful under the Federal Aviation Act; and (5) the establishment of uniform tariff-filing and accounting regulations by the two agencies.

The Drug and Toilet Preparations Traffic Conference, Air Transportation Committee, and Theodor Manufacturing Corp. have filed separate petitions for leave to intervene in the proceeding before the ICC. Motions to dismiss the petition before the ICC have been filed with that agency by the Freight Forwarders Institute and United Air Lines, Inc.

The Drug and Toilet Preparations Traffic Conference, Air Transportation Committee, and Theodor Manufacturing Corp. have also filed petitions for leave to intervene in the proceeding before the CAB. Answers to REA's petition before the CAB have been filed by American Airlines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., TransWorld Airlines, Inc., United Air Lines, Inc., Emery Air Freight Corporation, Air

Freight Forwarders Association, and Freight Forwarders Institute.

The CAB and ICC are aware that shippers' needs and marketing practices are in a state of constant change requiring an increasing flexibility of transportation services and the use from time to time of different modes or combinations of modes of transport; and that it appears to be in the public interest for the transportation facilities of all carrier modes to be properly coordinated within the framework of the respective statutory responsibilities of each agency. With this awareness, both agencies are interested in cooperating fully with each other so that they might become better informed of industry practices and problems affecting all modes of transportation which might hinder or prevent necessary or desirable intermodal air-surface coordination.

In view of the simultaneous filing of the instant petitions with both the CAB and the ICC, and inasmuch as the questions posed and the relief requested therein appear to concern the regulatory jurisdictions of both agencies, it is desirable and in the public interest that, prior to the final disposition of those petitions or the assignment thereof for any further formal procedures before either agency, the informal procedures provided for in this notice be had before the two agencies here concerned cooperating together under the terms of this notice. These informal procedures generally call for the publication in the FEDERAL REGISTER of a notice of the questions propounded by petitioner and provide an opportunity for interested persons to submit written statements setting forth their views with respect to the legal and practical problems attendant to coordinated air-surface transportation as revealed by petitioner's questions. It is earnestly hoped that through the initial use of these informal procedures sufficient information will be obtained, at the least expense and inconvenience to the interested parties, to enable or facilitate the further handling and ultimate disposition of the subject petitions.

Air carriers, motor carriers, or any other interested person or persons are invited to participate in this initial informal processing stage by submitting for consideration written statements of facts, views, and arguments on any of the questions set forth in the Appendix to this notice or on any other legal or practical issues, pertinent to these proceedings, by filing on or before April 3, 1967, 10 copies of such statements (one copy of which shall be signed) with the CAB, and 15 copies of such statements (one copy of which shall be signed) with the ICC at their respective offices in Washington, D.C. Copies of these statements will be available at the offices of the CAB and the ICC in Washington, D.C., for public inspection. Replies to these statements may be filed in the same manner on or before May 3, 1967.

Issuance of this joint agency notice should not be construed as ruling in any way on the merits of the questions posed

in the subject petitions, nor as precluding either of the participating agencies from determining independently of the other, which right is hereby specifically reserved, what, if any, further formal procedures that agency will take with respect to the instant petitions or the disposition that agency will make of the petitions pending before it. Neither does release of this notice mean that the CAB or the ICC will necessarily answer the questions propounded by petitioner, nor will this action preclude interested parties from moving for the dismissal or other disposition of the subject petitions or any portion thereof. In short, the informal procedures contemplated by this notice are designed to enable the cooperative assembling of information and the joint gathering of relevant data by the CAB and the ICC at the least possible expense and inconvenience to all concerned—all to the end that each agency might then determine, independently and pursuant to its separate statutory responsibilities, what further action should be taken by it with respect to these petitions of REA specifically, and with respect to intermodal air-surface transportation coordination generally.

Copies of this notice will be served on all present parties to these proceedings by the respective agencies, posted in the Docket Section of the Civil Aeronautics Board and in the office of the Secretary of the Interstate Commerce Commission for public inspection, and mailed to the Public Service Commission or Boards of each State having jurisdiction over motor transportation. A copy of this notice also will be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

Dated at Washington, D.C., this 24th day of January 1967.

By the Civil Aeronautics Board and the Interstate Commerce Commission.

INTERSTATE COMMERCE COMMISSION,  
[SEAL] H. NEIL GARSON,  
Secretary.

CIVIL AERONAUTICS BOARD,  
[SEAL] HAROLD R. SANDERSON,  
Secretary.

#### APPENDIX

The following excerpt, taken verbatim from pages 23-29, both inclusive, of the initial petition filed with the Interstate Commerce Commission by Railway Express Agency, Inc., sets forth and explains the matters and things to be considered and studied in these proceedings. Its publication in this notice does not mean that either the CAB or the ICC will answer the questions propounded on their merits as phrased, nor will such publication preclude interested parties from moving for the dismissal or other disposition of the subject petitions or any portion thereof. As indicated in the accompanying notice, the views of interested persons with respect to these and related issues are earnestly solicited, so that some basic and constructive answers, within the governing statutory framework, might be provided to the legal and practical problems confronting the type of intermodal

air-surface transportation coordination here under consideration.

#### EXCERPT

V. The legal questions a declaratory answer to which is petitioned herein.

For the foregoing reasons REA asks a declaratory order which supplies the answers to the following questions. In asking them petitioner has used the term "surface carrier" to mean an express company actively engaged in common carriage of property in interstate commerce, appropriately licensed by the ICC so far as surface carriage is concerned, but without a certificate or an exemption from the Board authorizing engagement in the direct or indirect air carriage involved.

By "air carrier" petitioner means a carrier operating aircraft and appropriately licensed to do so by the CAB.

1. Can a surface and an air carrier lawfully agree to and join in the publication of a joint tariff of single-factor rates covering the receipt and linehaul of a shipment by one of them, and the linehaul and delivery of this shipment by the other, with a midpoint interchange between them?

2. May the carrier which originates such a shipment issue to the shipper a single bill of lading covering its transportation via both carriers to destination, and binding the delivering carrier as well as the originating carrier to the terms of the contract of carriage?

3. May more than two carriers be parties to such a joint contract of carriage and to the underlying joint tariff of single-factor transportation rates? For example, may the services of surface carrier A and air carriers B and C be combined in that sequence? The services of surface carriers A and B, and of air carrier C? The services of surface carrier A, air carrier B, and surface carrier C?

4. If only one surface carrier and only one air carrier is party to such a joint bill of lading, may one of them act only as a bridge or intermediate carrier, the other receiving the shipment from the shipper at the point of origin and delivering the shipment to the receiver at the point of destination? Thus, may surface carrier A originate the shipment, air carrier B carry it part of the way, and A carry it the rest of the way to destination? Is the answer different if air carrier B originates it, surface carrier A carries it part of the way, and air carrier B terminates it?

5. Section 1003 of the Aviation Act establishes a standard for the division between a surface carrier and an air carrier of joint revenues received for rendering through service. This standard requires this division to be "just, reasonable and equitable." Is the question whether this division meets this standard one for decision by the ICC, the CAB, or by a joint board comprised of members of the ICC and the CAB?

6. Assuming this division meets this standard, are there circumstances in which the form or formula of the division can disqualify the underlying rates and service from satisfying the requirements of section 1003 of the Aviation Act? For example, must such a division of revenues be based on a division of the joint transportation rate per cwt.? May a division be received in the form of a rate per pound, a rate per pound-mile, or a sum per shipment carried?

7. Air carriers have terminal areas surrounding their airport terminals within which they are authorized to use surface carriage to supply pickup, delivery and transfer service without subjecting themselves to the regulatory authority of the ICC, as is explained in Motor Transportation of Property Incidental to Transportation by Aircraft 95 MCC 71 (1964). When party with an air carrier to a joint contract

of carriage and to an underlying, applicable joint tariff of single-factor transportation rates, may a surface carrier lawfully pick a shipment up within such a terminal area, and interchange it at an airport within that area with an air carrier who delivers it to the consignee? Are the answers to questions five and six altered by these circumstances? Can the shipper order the surface carrier to back-haul the shipment to an airport outside the terminal area of origin, and interchange it with the same air carrier to the same destination?

8. May surface carriers, under the provisions of section 1003 of the Aviation Act, substitute air for surface carriage via part of their authorized surface linehaul routes in the manner in which motor carriers are now authorized to substitute trailer-on-flat-car railroad transportation for highway transportation under Substituted Service—Piggyback, 322 ICC 301 (1964)? To what extent do considerations discussed in connection with question seven limit this right?

9. When a surface carrier subject to ICC regulation joins with an air carrier in joint rates and through service, section 1003 of the Aviation Act requires that the tariff of joint rates be filed with both the ICC and the CAB. In order to qualify for such filing must such a tariff satisfy the tariff rules and regulations only of the ICC? Only of the CAB? Of both? If both, should different tariffs be filed with each agency when their

regulations conflict? When different tariffs must thus be filed with each agency, which of the two editions must be posted in public places and furnished to shippers as authority for the transportation charges assessed?

10. Is the rule-making power with respect to the form of joint, air-surface tariffs of joint rates exercisable only by the ICC? Only by the CAB? Only by a joint board? By any one of the three? By either the ICC or the CAB?

11. Section 1003 of the Aviation Act establishes a standard which air-surface joint rates must meet. This standard consists of the requirements that they be just and reasonable, and that the classifications, rules, regulations, and practices affecting these rates, fares, and charges or the value of the service thereunder be just and reasonable. Is the question whether a tariff schedule of joint rates meets this standard one for decision by the ICC, the CAB, or by a joint board?

12. Assuming this tariff meets this standard, are there other qualifications, its failure to meet which will disqualify the rates and service described in it from satisfying the requirements of section 1003 of the Aviation Act? For example:

a. Must it prescribe a certain form of bill of lading?

b. Must it grant the shipper the right to route his shipment? Must it contain routing rules of a prescribed nature?

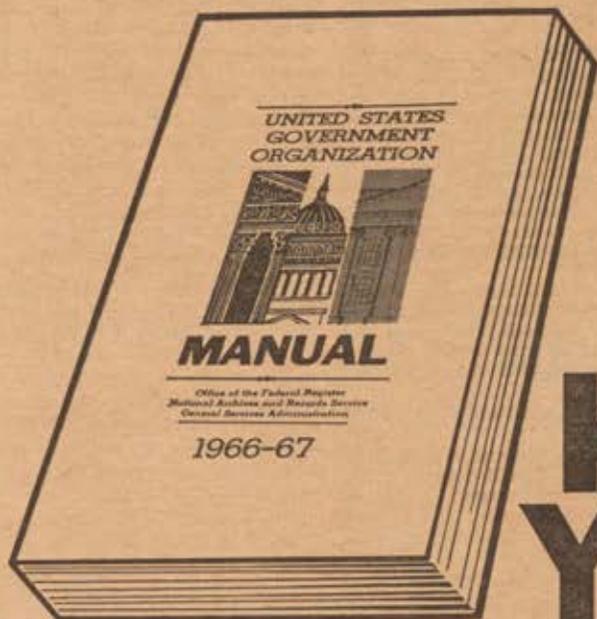
c. Must it describe or proscribe carrier sales and solicitation practices?

d. Must it limit the joint nature of the scope of loss and damage liability of the participating carriers?

13. When a surface and an air carrier participate in joint rates and through service must their intercarrier accounting practices meet certain standards? For example, must they follow any prescribed practice when accounting between each other for transportation revenue received from shippers and receivers; or when allocating responsibility for and collaborating in the allowance or disallowance of loss and damage claims; or when receipting between each other for the physical interchange of traffic?

14. May a surface carrier and an air carrier, when interchanging shipments in through service under joint rates, lawfully arrange, in the interest of decreasing labor manhour costs, for the physical transfer of possession of traffic between them in batches, or in bulk consolidations of several shipments at one time, so long as this manner of physical operation has no effect on the charge to the shipper or the division of that charge between the surface and air carriers?

[F.R. Doc. 67-1137; Filed, Jan. 31, 1967; 8:46 a.m.]



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