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List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

U.S. Constitution

Amendment 25

ADMINISTRATOR OF GENERAL SERVICES

CERTIFICATION OF AMENDMENT TO CONSTITUTION OF THE UNITED STATES RELATING TO SUCCESSION TO THE PRESIDENCY AND VICE PRESIDENCY AND TO CASES WHERE THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE

To All to Whom These Presents Shall Come, Greeting:

KNOW YE, That the Congress of the United States, at the first session, eighty-ninth Congress begun at the City of Washington on Monday, the fourth day of January, in the year one thousand nine hundred and sixty-five, passed a Joint Resolution in the words and figures as follows: to wit—

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article—

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office."

And, further, that it appears from official documents on file in the General Services Administration that the Amendment to the Constitution of the United States proposed as aforesaid has been ratified by the Legislatures of the States of Alaska, Arizona, Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

And, further, that the States whose Legislatures have so ratified the said proposed Amendment constitute the requisite three-fourths of the whole number of States in the United States.

Now, therefore, be it known that I, Lawson B. Knott, Jr., Administrator of General Services, by virtue and in pursuance of Section 106b, Title 1 of the United States Code, do hereby certify that the Amendment aforesaid has become valid, to all intents and purposes, as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the General Services Administration to be affixed.

DONE at the City of Washington this 23rd day of February in the year of our Lord one thousand nine hundred and sixty-seven.

[SEAL] LAWSON B. KNOTT, Jr.

The foregoing was signed in my presence on this 23rd day of February, 1967.

LYNDON B. JOHNSON

[F.R. Doc. 67-2208; Filed, Feb. 23, 1967; 4:18 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that the position of a second Deputy Legal Adviser is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (l) of § 213.3304 is amended as set out below.

§ 213.3304 **Department of State.**

* * * * *

(l) *Office of the Legal Adviser.* (1) Two Deputy Legal Advisers.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2132; Filed, Feb. 24, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one additional position of Private Secretary engaged in the interdepartmental activities of the Office of the Secretary of Defense is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (c) of § 213.3306 is amended as set out below.

§ 213.3306 **Department of Defense.**

* * * * *

(c) *Interdepartmental Programs.* * * *

(2) Six Private Secretaries engaged in the interdepartmental activities of the Office of the Secretary of Defense.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2131; Filed, Feb. 24, 1967; 8:47 a.m.]

PART 752—ADVERSE ACTIONS BY AGENCIES

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Time Limit on Appeal Rights to Commission and Order of Processing Appeals

Sections 752.203 and 771.219 are amended to clarify that (1) an employee who appeals to his agency's second appellate level forfeits his right to appeal to the Commission, and (2) an employee who appeals a first-level agency appellate decision to the Commission forfeits his right to appeal to his agency's second appellate level. Sections 752.203 and 771.219 are amended as set out below.

1. Section 752.203(b)(3) is amended as follows:

§ 752.203 **Appeal rights to the Commission.**

* * * * *

(b) *Time limit.* * * *

(3) (i) An appeal to the agency and an appeal to the Commission from the same original decision may not be processed concurrently.

(ii) An employee who appeals first to the Commission within the prescribed time limit forfeits his right of appeal to the agency.

(iii) When the employee appeals first to the agency within the prescribed time limit, he is entitled to appeal to the Commission only after, but not more than 10 days later than:

(*a*) Receipt of the final agency appellate decision if the agency has only one appellate level; or

(*b*) Receipt of the first-level agency appellate decision, if the agency has more than one appellate level.

If no agency appellate decision has been made within 60 days from the date of filing the appeal to the agency, the employee may elect to terminate that appeal by appealing to the Commission.

(iv) An employee who appeals to the second agency appellate level forfeits his right of appeal to the Commission. An employee who appeals a first-level agency appellate decision to the Commission forfeits his right to appeal to the second agency appellate level.

(5 U.S.C. 1302, 3301, 3302, 5338, 7701, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218, E.O. 10988, 27 F.R. 551, 3 CFR 1959–63 Comp., p. 521)

2. Section 771.219 is amended as follows:

§ 771.219 **Order of processing appeals.**

(a) An appeal to the agency and an appeal to the Commission from the same original decision may not be processed concurrently.

(b) An employee who appeals first to the Commission within the prescribed time limit forfeits his right of appeal to the agency.

(c) When the employee appeals first to the agency within the prescribed time limit, he is entitled to appeal to the Commission only after, but not more than 10 days later than:

(1) Receipt of the final agency appellate decision, if the agency has only one appellate level; or

(2) Receipt of the first-level agency appellate decision, if the agency has more than one appellate level.

If no agency appellate decision has been made within 60 days from the date of filing the appeal to the agency, the employee may elect to terminate that appeal by appealing to the Commission.

(d) An employee who appeals to the second agency appellate level forfeits his right of appeal to the Commission.

(e) An employee who appeals a first-level agency appellate decision to the Commission forfeits his right to appeal to the second agency appellate level.

(5 U.S.C. 1302, 3301, 3302, 5338, 7701, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218, E.O. 10988, 27 F.R. 551, 3 CFR 1959–63 Comp., p. 521)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2133; Filed, Feb. 24, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 127]

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

Limitation of Handling

§ 907.427 **Navel Orange Regulation 127.**

(a) *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 mar-

keting 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 26, 1967, and ending at 12:01 a.m., P.s.t., March 5, 1967, are hereby fixed as follows:

(i) District 1: 1,000,000 cartons;

(ii) District 2: 500,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 24, 1967.

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

[F.R. Doc. 67-2239; Filed, Feb. 24, 1967; 11:18 a.m.]

[Valencia Orange Reg. 188]

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

Limitation of Handling

§ 908.488 Valencia Orange Regulation 188.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 23, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 26, 1967, and ending at 12:01 a.m., P.s.t., March 5, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 66,155 cartons.

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

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

Dated: February 24, 1967.

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

[F.R. Doc. 67-2240; Filed, Feb. 24, 1967; 11:18 a.m.]

[Lemon Reg. 256]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.556 Lemon Regulation 256.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recom-

mendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 21, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 26, 1967, and ending at 12:01 a.m., P.s.t., March 5, 1967, are hereby fixed as follows:

(i) District 1: 18,600 cartons;

(ii) District 2: 204,600 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 23, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-2209; Filed, Feb. 24, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7978; Amdt. 39-354]

PART 39—AIRWORTHINESS DIRECTIVES

Dassault/Sud Fan Jet Falcon Airplanes, Serial Nos. 1 Through 69, Except Nos. 59, 62, 63, 67

There have been several reports of inflight jamming of the horizontal stabilizer jack assemblies P/N's 21–59–0 and 21–59–1–A on Dassault/Sud Fan Jet Falcon airplanes. The jamming has been attributed to freezing water accumulating in the covers of electric motors in the assemblies. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections of the horizontal stabilizer jack assemblies, P/N's 21–59–0 and 21–59–1–A, for the accumulation of moisture. A hole for drainage is to be provided and the motors are to be replaced with modified motors if the jack body is found moist. Inspections at intervals of 50 hours' time in service are provided for the jack assemblies, including the motors and jack bodies, to insure against inadvertent collection of moisture. In addition, the AD requires the installation of modified jack assemblies within 200 hours' time in service from the initial inspection required by this AD. At that time, the inspections required by this AD may be discontinued.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

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

DASSAULT/SUD. Applies to Fan Jet Falcon airplanes, Serial Nos. 1 through 69, except Nos. 59, 62, 63, and 67.

Compliance required as indicated, unless already accomplished. To prevent inflight jamming of the horizontal stablizer actuator, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service from the date of the last inspection, inspect the horizontal stabilizer actuator jack assembly, P/N's 21–59–0 or 21–59–1–A, for the presence of moisture in accordance with AMD Service Bulletin No. 270 (27–34), dated January 13, 1967, or later SGAC-approved revision.

(b) If, during the inspections required by paragraph (a), the jack body and electric motors show no trace of moisture, before further flight, drill a drain port in the covers of the actuator motors, P/N SEB993A, in accordance with AMD Service Bulletin No. 88, Revision 2, dated January 10, 1967, or a later SGAC-approved revision. If the jack body is dry but the motors show traces of moisture, before further flight, dry the motors and comply with the requirements of the first sentence of this paragraph. If the jack body shows traces of moisture, before further flight, dry the jack and replace both the normal and emergency motors, P/N SEB993A, with motors P/N SEB993B.

(c) Within the next 200 hours' time in service after the inspection required by paragraph (a), replace the actuator jack assembly, P/N's 21–59–0 or 21–59–1–A with a modified jack, P/N's 21–59–0–E or 21–59–1–B. Upon accomplishing this replacement, the inspection requirements of paragraph (a) may be discontinued.

This amendment is effective March 2, 1967.

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

Issued in Washington, D.C., on February 17, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-2109; Filed, Feb. 24, 1967; 8:45 a.m.]

[Airworthiness Docket No. 67-WE-3-AD; Amdt. 39-353]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics; Models 240, 340, 440 Airplanes (Equipped With Rolls Royce MK 542–4 Engines and Dowty Rotol Propellers)

A failure of the propeller-gust lock interlock system (P/N 2D3120907–1) has occurred on a General Dynamics Model 240 airplane equipped with Rolls Royce Mk 542–4 engines and Dowty Rotol (c) R245/4–40–4.5/13 propellers in accordance with General Dynamics Supplemental Type Certificate SA1054WE (hereinafter referred to as the CV–600). This failure resulted in the propellers moving to the ground fine pitch stop (zero pitch) during the landing roll and prior to actuating the manual throttle lock handles ("T" handles) controlling the withdrawal of the flight fine pitch stops. While this incident has occurred on a CV–600 airplane, the propeller-gust lock interlock system (P/N2D120907–1) is identical to the propeller-gust lock interlock system installed on General Dynamics Model 340 and Model 440 airplanes equipped with Rolls Royce Mk 542–4 engines and Dowty Rotol (c) R245/4–40–4.5/13 or Dowty Rotol (c) R259/4–40–4.5/17 propellers in accordance with General Dynamics Supplemental Type Certificate SA1096WE (hereinafter referred to as the CV–640).

Failure of the propeller-gust lock interlock system together with the positioning of both throttles below 13,000 r.p.m. will withdraw both propeller flight fine pitch stops, and the propeller blades of both propellers can then move to the ground fine pitch stops. This condition occurring during the approach or landing phase of a flight may cause an immediate loss of air speed and altitude and possible loss of control of the airplane. Since this condition is likely to exist or develop in other airplanes of the same types, an airworthiness directive is being issued to require de-activation of the propeller-gust lock interlock system on CV–600 and CV–640 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to General Dynamics Model 240 airplanes equipped with Rolls Royce Mk 542–4 engines and Dowty Rotol (c)R245/4–40–4.5/13 propellers in accordance with General Dynamics Supplemental Type Certificate SA1054WE (hereinafter referred to as the CV–600), and General Dynamics Model 340 and 440 airplanes equipped with Rolls Royce Mk 542–4 engines and Dowty Rotol (c)R245/4–40–4.5/13 or Dowty Rotol (c)R259/4–40–4.5/17 propellers in accordance with General Dynamics Supplemental Type Certificate SA1096WE (hereinafter referred to as the CV–640).

Compliance required within 50 hours' time in service after the effective date of this airworthiness directive unless already accomplished.

To prevent unwanted withdrawal of the propeller flight fine pitch stops, de-activate the propeller-gust lock interlock system (P/N 2D3120907–1) on CV–600 and CV–640 airplanes in accordance with the following:

(A) CV–600:

(1) Disconnect the gust lock switches from the propeller control circuit in accordance with the instructions outlined in General Dynamics Alert Service Bulletin 600(240D) S.B. No. A61-5 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) Concurrently with the modification described in paragraph (A)(1), incorporate an FAA approved revision to the Normal Procedures Section of the FAA approved Model 600(240D) Airplane Flight Manual (General Dynamics Report CS-65-021) which deletes all reference to the gust lock handle control of the propeller flight fine pitch stops.

(B) CV-640:

(1) Disconnect the gust lock switches from the propeller control circuit in accordance with the instructions outlined in General Dynamics Alert Service Bulletin 640(340D) S.B. No. A61-4 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) Concurrently with the modification described in paragraph (B)(1), incorporate an FAA approved revision to the Normal Procedures Section of the FAA approved Model 640(340D) Airplane Flight Manual (General Dynamics Report CS-65-024) which deletes all reference to the gust lock handle control of the propeller flight fine pitch stops.

This amendment becomes effective immediately upon publication in the FEDERAL REGISTER.

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

Issued in Los Angeles, Calif., on February 17, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67-2110; Filed, Feb. 24, 1967; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-308; Order 337]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Total Gas Supply of Natural Gas Pipeline Companies

FEBRUARY 16, 1967.

By notice of proposed rule making issued herein on September 22, 1966 (31 F.R. 12729, Sept. 29, 1966) the Commission proposed (1) to revise Form 15, Annual Report of Gas Supply; (2) to allow companies with comparatively small volumes of reserves to file only an abbreviated report to be called Form 15-A; and (3) to require the submission of Form 15 information in printed form and in appropriate automatic data processing media. The comments filed and a conference of our staff with interested parties reveal problems in the proposed overall revision of Form No. 15 and immediate use of ADP media which will require additional time to resolve. Accordingly, this order is confined to prescribing the new abbreviated Form No. 15-A and making a minor revision in Form No. 15. In all other respects this proceeding will be continued for further consideration of the other revisions to Form No. 15 proposed in the notice and such additional notice as may be appropriate.

These conclusions result from our consideration of the 18 responses[1] of the invitation in the notice and the results of a conference held on January 6, 1967, pursuant to paragraph 9 of the notice herein.

As was pointed out in paragraph 2 of that notice, Form No. 15 was originally promulgated by Order No. 279, issued March 31, 1964 (31 FPC 750, 29 F.R. 4873), which also anticipated a "Second Phase" of the report, the possible exemption of, or an abbreviated report form for, companies having comparatively small volumes of reserves and the eventual use of ADP media to the extent feasible. It has become apparent, however, both from the comments filed herein and the conference held on January 6, 1967, that additional time is necessary for further conferences with industry representatives and our staff's consideration of the revisions or additions to the form which will be necessary and their relationship to the Second Phase and the use of ADP media even for the First Phase. We recognize that the changeover poses problems for all concerned and are persuaded that further conferences are not only desirable but necessary.

A minor clarifying change in Schedule No. 1 of Form No. 15 was proposed in the notice herein and we are adopting it in substance by adding a footnote to the schedule. In view of the action we are taking herein, the present text of paragraph (a) of § 260.7, though accurate, is now outdated so it is being revised to read as set out below. Form No. 15, as here revised, continues as the first-phase report referred to in the original text of paragraph (a).

No objections were directed to the new Form No. 15-A, but we are making one addition to the content of the form proposed in the notice. A new line 22 is being added to Schedule 3 to require the respondent to give the number of future years that its annual requirements can be met from the total system gas supply figure shown elsewhere on the form. Similar information can be derived from the data now furnished on Form No. 15 and is here necessary in order that such data will be furnished, as well, by the companies which do not file Form No. 15.

The Commission finds that in view of the foregoing and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions and other views presented in the comments received and during the course of the conference held on January 6, 1967, it is necessary and appropriate in the administration of the Natural Gas Act that the use of Form No. 15, as modified herein, be continued for the reporting year 1966; that Form No. 15-A be prescribed for the reporting year 1966 and thereafter; and that in all other respects the proceeding herein be continued.

The Commission, acting under the authority of the Natural Gas Act, as amended, particularly sections 7, 10(a), 14(a), and 16 thereof (52 Stat. 825, 826, 828, 830; 56 Stat. 83; 15 U.S.C. 717f, 717i (a), 717m(a), 717o), orders:

(A) Effective upon the issuance of this order, Part 260, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

1. In § 260.7 paragraphs (a) and (b) are revised to read as follows:

§ 260.7 Form No. 15, Annual report of gas supply and deliverability for certain natural gas companies.[1]

(a) A revised form of Annual Report of Total Gas Supply designated FPC Form No. 15, is prescribed for the reporting year 1966 and thereafter to be used by natural gas companies as provided by and in accordance with paragraph (b) of this section.

(b) Each natural gas company, as defined by the Natural Gas Act, as amended (52 Stat. 821), except (1) a company whose gas reserves, owned or controlled by producer contracts, at the end of any report-year are less than 50 billion cubic feet of gas, or (2) a company purchasing its entire supply of natural gas from other companies subject to the provisions of this section and/or foreign suppliers, or (3) a company which acts only as a transporter of gas for others, shall prepare and file with the Commission for the calendar year ending December 31, 1966, on or before May 1, 1967, and for subsequent years on or before each May 1, thereafter, an original and four conformed copies of FPC Form No. 15. Companies described in subparagraphs (1) and (2) of this paragraph shall file FPC Form No. 15-A,[2] prescribed by § 260.7a. A transporter of gas similarly exempt from this paragraph by subparagraph (3) of this paragraph, shall file, in lieu of the report, a statement giving the name(s) and address(es) of the company or companies for which it is transporting the gas. One copy of the report should be retained in its files. The con-

[1] Consolidated Gas Supply Corp.; El Paso Natural Gas Co.; Florida Gas Transmission Co.; Independent Natural Gas Association of America (INGAA); Natural Gas Pipeline Co. of America; Northern Natural Gas Co.; Panhandle Eastern Pipe Line Co.; Philadelphia Electric Co.; Public Service Electric and Gas Co.; Southern California Gas Co., Southern Counties Gas Co. of California, Pacific Lighting Service and Supply Co.; Southern Natural Gas Co.; Tennessee Gas Pipeline Co.; Texas Eastern Transmission Corp.; Texas Gas Transmission Corp.; Transcontinental Gas Pipe Line Corp.; United Gas Pipe Line Co.; Valley Gas Transmission, Inc.; Western Gas Service Co.

[1] As used herein, "natural gas company" does not include "independent producers," as defined in § 154.91(a) of this chapter.

[2] Form 15-A filed as part of original document.

formed copies may be carbon or reproduced by any means that provide clearly and accurately aligned impressions.

* * * * *

2. A new § 260.7a is added, as follows:

§ 260.7a Form No. 15–A, Annual report of gas supply for certain natural gas companies exempt from the requirements of paragraph (b) of § 260.7.[1]

(a) An Annual Report of Total Gas Supply, designated FPC Form No. 15–A,[2] is prescribed for natural gas companies otherwise subject to the provisions of § 260.7 but excepted from the requirements of paragraph (b) by virtue of subparagraphs (2) and (3) thereof.

(b) Each natural gas company, subject to the provisions of § 260.7, whose natural gas reserves at the end of any report-year are less than 50 billion cubic feet of gas, or which purchases its entire supply of natural gas from other companies subject to the provisions of § 260.7 and/or foreign suppliers, shall file an original and four conformed copies of FPC Form No. 15–A at the times prescribed in § 260.7(b).

(Secs. 7, 10, 14, 16, 52 Stat. 825, 826, 828, 830; 56 Stat. 83; 15 U.S.C. 717f, 717i, 717m, 717o)

(B) FPC Form No. 15, heretofore prescribed by the said § 260.7 is amended, effective for the reporting year 1966 and thereafter, by adding the following footnote to Schedule No. 1:

Footnote to Schedule No. 1:

On Line 28 enter the percents of the volume shown on Line 4, Purchased and/or Produced, under Columns 56 through 64, Total Pipeline System for each of the following:

1. Firm Gas Sales: Those sales made under schedules or contracts which anticipate no interruption.

2. Interruptible Gas Sales: Those sales made under schedules or contracts which provide for curtailment by the seller in order to protect service to firm customers.

3. Other Use Gas: That volume of gas classified as "Company Use and Unaccounted for Gas".

(C) FPC Form No. 15–A, set out in the attachment hereto,[2] is prescribed, effective for the reporting year 1966 and thereafter, for use in accordance with §§ 260.7 and 260.7a as revised and added, respectively, by ordering paragraph (A) hereof.

(D) In all other respects this proceeding is continued for such further conferences, notices and orders as may be appropriate.

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

By the Commission.

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

[F.R. Doc. 67-2120; Filed, Feb. 24, 1967; 8:46 a.m.]

[1] As used herein, "natural gas company" does not include "independent producers," as defined in § 154.91(a) of this chapter.

[2] Form 15–A filed as part of original document.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 548—AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY

Subpart B—Interpretations

MISCELLANEOUS AMENDMENTS

Pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201, et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR Part 548 as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretive rules. I do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

1. In § 548.301, the example in paragraph (b), and paragraph (c), are revised to read as follows:

§ 548.301 Salaried employees.

* * * * *

(b) * * *

Example. An employee is compensated at a semimonthly salary of $154 for a workweek of 5 days of 8 hours each, Monday through Friday. If a particular half-month begins on Tuesday and ends on the second Tuesday following, there are 11 working days in that half-month. The employee's basic rate would then be computed by dividing the $154 salary by 11 working days of 8 hours each, or 88 hours. The basic rate in this situation would therefore be $1.75 an hour. The basic rate would remain the same regardless of the fact that the employee did not actually work 11 days of 8 hours each because of the occurrence of a holiday, or because the employee took a day off, or because he worked longer than 8 hours on some days during the period, or because he worked fewer than 8 hours on some days, or because he worked more than 11 days. In any of these circumstances the employee's basic rate would still be $1.75 an hour. If in the next semimonthly period there are 10 working days the rate would be computed by dividing the salary of $154 by 80 working hours, or 10 days of 8 hours each. The basic rate would therefore be $1.925 an hour. The rate would remain $1.925 an hour even though the employee did not in fact work ten 8-hour days during the period for the reasons indicated above, or for any other reason.

(c) The overtime compensation for each workweek should be computed at not less than time and one-half the established basic rate applicable in the period during which the overtime is worked. Thus, in the example given above all overtime worked in the first half-month would be computed at not less than time and one-half the basic rate of $1.75 an hour; in the second half-month overtime would be paid for at not less than time and one-half the rate of $1.925 an hour. Where a workweek overlaps two semimonthly periods part of the overtime may be performed in one semimonthly period and part in another semimonthly period with a different basic rate. If it is desired to avoid computing overtime compensation in the same workweek at two different rates, the employment arrangement may provide that overtime compensation for each workweek should be computed at the established basic rate applicable in the half-monthly or monthly period during which the workweek ends.

2. In § 548.303, the example in paragraph (b) is revised to read as follows:

§ 548.303 Average earnings for each type of work.

* * * * *

(b) * * *

Example. An employee who is paid on a weekly basis with overtime after 40 hours works six 8-hour days in a workweek under an agreement or understanding reached pursuant to this subsection. He performs three different types of piecework, each at a different rate of pay. The basic rates to be used for computing overtime in this situation would be arrived at by dividing the earnings for each type of work by the number of hours during which that type of work was performed. There would thus be three different basic rates, one for each type of work. Since the overtime hours used in this illustration occur on the sixth day, the types of work performed on the sixth day would determine the basic rate or rates on which overtime would be computed that week. Thus, if the average hourly earnings for the three types of work are respectively $1.70 an hour in type A, $1.80 an hour in type B, and $2 an hour in type C, and on the sixth day the employee works on type B, his overtime premium for the sixth day would be one-half the basic rate of $1.80 an hour, multiplied by the 8 hours worked on that day.

3. In § 548.306, subparagraph (2) of paragraph (c) is revised to read as follows:

§ 548.306 Average earnings for year or quarter year preceding the current quarter.

* * * * *

(c) * * *

(2) However, an increase in the basic salary or other constant factor would not preclude the use of such a rate provided that accurate adjustments are made. For instance, assume that during the previous annual period an employee was compensated on the basis of a weekly salary of $70 plus a commission of 1 percent of sales. If his weekly salary is raised to $80 for the next annual period (assuming he still receives his commission of 1 percent of sales) the annual rate on which the established rate is to be computed must be adjusted by an increase of $520 ($10×52 weeks). For instance, assume the above employee earned a total of $4,244 and worked 2,318 hours during the previous annual period when his salary was $70 per week. Normally his established basic rate would be computed by dividing 2,318 hours into $4,244, thus arriving at a rate of $1.83. However, since the rate must reflect the increase in salary it must be computed by adding the anticipated increase to the pay received during the

previous annual period ($4.244+$520=$4.764). The established basic rate would then be $2.05.

* * * * *

4. In § 548.400, paragraph (b) is revised to read as follows:

§ 548.100 Procedures.

* * * * *

(b) Prior approval of the Administrator is also required if the employer desires to use a basic rate or basic rates which come within the scope of a combination of two or more of the paragraphs in § 548.3 unless the basic rate or rates sought to be adopted meet the requirements of a single paragraph in § 548.3. For instance, an employee may receive free lunches, the cost of which, by agreement or understanding, is not to be included in the rate used to compute overtime compensation.[17] In addition, the employee may receive an attendance bonus which, by agreement or understanding, is to be excluded from the rate used to compute overtime compensation.[18] Since these exclusions involve two paragraphs of § 548.3, prior approval of the Administrator would be necessary unless the exclusion of the cost of the free lunches together with the attendance bonus do not affect the employee's overtime compensation by more than 50 cents a week on the average, in which case the employer and the employee may treat the situation as one falling within a single paragraph, § 548.3(e).

(52 Stat. 1060, as amended, 29 U.S.C. 201, et seq.)

Signed at Washington, D.C., this 17th day of February 1967.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 67-2124; Filed, Feb. 24, 1967; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-65]

PART 1—GENERAL PROVISIONS

Ports of Entry; State of Washington

FEBRUARY 13, 1967.

Notice that it was proposed to revoke the designation of Northport, Wash., as a port of entry and to designate Frontier, Wash., and Boundary, Wash., as ports of entry in the customs district of Seattle, Wash., was published in the FEDERAL REGISTER on November 18, 1966 (31 F.R. 14685). No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the designation of Northport, Wash., as a customs port of entry in the Seattle, Wash., customs district (Region VIII), is revoked and Frontier, Wash., and Boundary, Wash., are designated as customs ports of entry in the Seattle, Wash., customs district (Region VIII), effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

The geographical limits of the customs port of entry of Frontier, Wash., shall include the following territory in the county of Stevens, State of Washington:

Sections 3, 10, 11, 14, 23, and 24 in T. 40 N., R. 39 E., W.M.; secs. 19, 30, and 31 in T. 40 N., R. 40 E., W.M.; sec. 4 in T. 39 N., R. 40 E., W.M.; sec. 5 in T. 39 N., R. 39 E., W.M.; and secs. 35 and 36 in T. 40 N., R. 39 E., W.M.

The geographical limits of the customs port of entry of boundary shall include sections 3 and 4 in T. 40 N., R. 41 E., W.M., in the county of Stevens, State of Washington.

Section 1.2(c) of the Customs Regulations is amended by deleting from the column headed "Ports of entry" in the Seattle, Wash., customs district (Region VIII) "Northport" and by inserting in that column in proper alphabetic order "Boundary (T.D. 67-65)" and "Frontier (T.D. 67-65)."

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

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

[F.R. Doc. 67-2151; Filed, Feb. 24, 1967; 8:49 a.m.]

[T.D. 67-63]

PART 6—AIR COMMERCE REGULATIONS

Designation of Houlton Municipal Airport, Houlton, Maine, as International Airport

Under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509(b)), Houlton Municipal Airport, Houlton, Maine, is hereby designated as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 101(35) of said Act as amended (49 U.S.C. 1301(35)), effective on date of publication of this Treasury decision in the FEDERAL REGISTER, and § 6.13 of the Customs Regulations is amended to include the location and name of this airport.

Notice of the proposed designation of the Houlton Municipal Airport, Houlton, Maine, as an international airport was published in the FEDERAL REGISTER on December 10, 1966 (31 F.R. 15587). No objections were received.

The designation of this airport is based upon a determination that a sufficient need exists to justify such action, and the designation is made for the purpose of providing for convenient compliance with customs requirements. It is, therefore, desirable to make the international airport available to the public as soon as possible and to dispense with the delayed effective date provision of 5 U.S.C. 553(d).

(80 Stat. 379, sec. 1109, 72 Stat. 799, as amended; 5 U.S.C. 301, 49 U.S.C. 1509)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 16, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-2152; Filed, Feb. 24, 1967; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 173—POSTAL SAVINGS

Discontinuance

The regulations of the Post Office Department are amended as follows:

In Part 173 make the following changes:

A. Section 173.1 is revised to cite the law under which the Postal Savings System was discontinued and describes the provisions thereof.

§ 173.1 System discontinued.

The Postal Savings System was discontinued by Public Law 89-377, approved March 28, 1966. The effective date for closing the System was April 27, 1966. Since that date no postal savings deposits have been accepted. The law provides that all funds remaining on deposit on July 1, 1967, will be transferred to the Treasury Department and held there subject to proper claims. Interest ceases to accrue on certificates on the interest anniversay dates of the individual certificates occurring before April 26, 1967. After that date no more interest will accrue on any certificate, but the face value of the certificate and the interest due to anniversary date will be paid whenever the certificate is surrendered. Depositors are not required to withdraw their deposits, but are encouraged to do so.

NOTE: The corresponding Postal Manual section is 173.1.

B. Section 173.2 is revised to prescribe maintaining card records, Form PS 600 as the official record of postal savings account.

§ 173.2 Records of accounts.

The card record, Form PS 600, "Record of Postal Savings Account," established when an account was opened, will be maintained as the official record of the account at the office where opened. The amount of each deposit, the amount of each withdrawal, and the balance on deposit are entered on the record.

NOTE: The corresponding Postal Manual section is 173.2.

[17] See § 548.304.
[18] See § 548.305.

C. In § 173.3, paragraph (a) is revised to show that the postmaster will await instructions from the Postal Data Center instead of the Post Office Department in Washington where a dispute as to ownership of a postal savings account arises.

§ 173.3 Ownership and privacy of accounts.

(a) *Claims.* When there is any dispute as to ownership, or a claim by other than the depositor is made for payment of a postal savings account, the postmaster will withhold payment of withdrawals from the account involved pending instructions from the Postal Data Center.

* * * * *

NOTE: The corresponding Postal Manual section is 173.31.

D. Section 173.4 is revised to explain that interest ceases to accrue on interest anniversary dates of certificates occurring between April 27, 1966, and April 26, 1967, and it also provides for payment of monthly interest on certificates due to liquidation of the system.

§ 173.4 Interest on deposits.

(a) *Rate.* Deposits earn interest at the rate of 2 percent per year from the first day of the month following the date of deposit.

(b) *Compound interest.* Interest is compounded annually on whole dollar amounts on certificates issued on or after September 1, 1954.

(c) *Simple interest.* Certificates surrendered between annual periods, or for periods of less than 1 year, earn simple interest computed quarterly. Deposits made before September 1, 1954, earn simple interest until paid or interest ceases.

(d) *Payment of interest.* Interest ceases to accrue on a certificate on the interest anniversary date occurring between April 27, 1966, and April 26, 1967. The interest that accrues during any quarter is payable on or after the first day of the next quarter. Subject to the limitation that interest ceases to accrue on the interest anniversary date of a certificate, monthly interest is payable for each full month beyond the end of an interest quarter.

(e) *Taxation.* Interest credited to postal savings accounts on moneys deposited on and after March 1, 1941, is not exempt from Federal income taxes, but interest credited to postal savings accounts on moneys deposited prior to March 1, 1941, is wholly exempt from Federal income tax.

NOTE: The corresponding Postal Manual section is 173.4.

§ 173.5 [Amended]

E. In § 173.5, *Making withdrawals,* make the following changes:

1. Paragraph (a) is revised to provide for giving a depositor a temporary receipt for his certificates if the postmaster does not have funds to make immediate payment.

(a) *On demand at office of issue.* All or any part of funds deposited at the office of issue may be withdrawn on demand. Immediate payment will be made, unless the amount is large and the postmaster has to obtain the necessary funds, in which case a temporary receipt for the certificates will be given. Depositors are not required to withdraw deposits, but any funds not withdrawn by July 1, 1967, will be turned over to the Treasury Department and claim for payment will have to be made to that office.

NOTE: The corresponding Postal Manual section is 173.51.

2. Paragraph (b) is revised for clarification.

(b) *In person.* (1) The certificates will be paid at the office of issue if the postmaster is satisfied as to the identity of the holder. The postmaster must identify the depositor with the information shown on his account Form PS 600. Compare fingerprints if equipment is available.

(2) Compute interest and enter the amount due on certificate. (Use monthly interest tables, Schedule 100–B for 1939 or earlier series, and Schedule 100–C for 1954 series.)

(3) Have the depositor sign the certificates in the postmaster's presence.

(4) Pay from postal funds, or use Treasury (symbol 9500) check where authorized.

(5) If any payment is questioned, give the depositor a receipt on Form PS 305, "Depositor's Receipt for Certificates Surrendered Without Payment" for the certificates, and send the account, certificates, and a statement to the postal data center.

NOTE: The corresponding Postal Manual section is 173.52.

3. In paragraph (d) the second sentence, "A postmaster must witness the signing of Form 315" is deleted as this requirement is no longer in effect.

4. Paragraph (f)(3) is revised for clarification to read:

(f) *By nonresident aliens.* * * *

(3) *Method of payment.* Instructions on Form 304 or 315 shall be followed. A Treasury check, drawn to the order of the Board of Trustees, Postal Savings System, for the full amount of principal and interest due, shall be sent to the Bureau of Finance and Administration (Postal Savings), together with a completed Form 320, "Letter Transmitting Postal Savings Payments by Mail," and name and address of depositor and of representative, if any. If no checking credit has been granted, the postal data center should be asked to draw a check in favor of the Board of Trustees, Postal Savings System, and to send it to the Bureau of Finance and Administration. The Bureau of Finance and Administration will deduct the tax and mail the payment to the depositor representative.

NOTE: The corresponding Postal Manual section is 173.563.

5. Paragraph (g) is revised to clarify instructions when a postmaster has been served with notice of levy for deficiency in Federal Income Tax, eliminating the issuance of duplicate certificates, and providing for payment by the postal data center.

(g) *By levy for deficiency in Federal income tax.* (1) A postmaster served with notice of levy by Internal Revenue agent shall—

(i) Put stop payment on account and notify depositor in writing of the levy served and request surrender of all or sufficient number of certificates to satisfy tax deficiency. Have depositor endorse certificates. Pay Internal Revenue Service and obtain receipt. File receipt with Form PS 600. Pay depositor any amount due on certificates above the amount of the levy.

(ii) If certificates are not surrendered as requested within 10 days from date notice was mailed, prepare Form PS 607, "Depositor's Application for New Postal Savings Certificates," in duplicate, for all certificates outstanding in the account. Describe the certificates in section A and enter an explanation in the space provided for depositor's signature. Enter the amount of the entire outstanding balance in the account in the space to the right of the words "Section B" (on both original and duplicate). Attach the notice of levy to the original Form PS 607 and send them and the Form PS 600 to the postal data center. Retain the duplicate Form PS 607 as a record of the amount to be shown in your postal savings records and Form 704 or 714 as transferred to postal data center. Include the amount with the total of all Forms PS 607 sent to the postal data center for payment of missing certificates during the reporting period under item 38. (See § 173.7(b).)

(2) The postal data center will draw a check in favor of the Internal Revenue Service for the amount due it and a check in favor of the depositor for any balance in the account due him. The checks will be mailed direct to the Internal Revenue Service and to the depositor. The postal data center will annotate Form PS 607 and Form PS 600 to fully explain the action taken and will enter on each the payee, number, date, and amount of each check drawn. The Form PS 600 will be placed in the postal data center's file of paid accounts. The notice of levy will be firmly attached to Form PS 607 and both will be retained by postal data center as permanent records.

NOTE: The corresponding Postal Manual section is 173.57.

6. In paragraph (h), the term "regional controller" is deleted and the term "postal data center" is inserted in lieu thereof in the second sentence of subparagraph (2)(ii) for clarification.

7. In paragraph (h), the term "regional controller" is deleted from the last sentence in subparagraph (3), and the term "postal data center" is inserted in lieu thereof for clarity.

F. Section 173.6 is revised to set forth current procedures for handling requests for payment when a depositor's inactive account has been transferred to the postal data center as unclaimed.

§ 173.6 Inactive accounts.

When a depositor whose inactive account has been transferred to the postal

data center as "unclaimed" requests payment, the postmaster will furnish him a Form 315 and instruct him to complete and send it, with the endorsed certificates, to the postal data center where the account is held. Payment will be made by the postal data center direct to the depositor. Partial payment of unclaimed accounts will not be made; they must be paid in full.

NOTE: The corresponding Postal Manual section is 173.6.

G. Revised § 173.7 prescribes proper steps to follow when a depositor reports any of his certificates lost, stolen, destroyed, or improperly withheld, and how application for payment is handled, providing for payment of missing certificates by postal data centers.

§ 173.7 Depositor's lost, stolen, or destroyed certificates.

(a) *Report to postmaster.* A depositor should advice the postmaster at the office where his account is held when any of his certificates are lost, stolen, destroyed, or improperly withheld. The postmaster will furnish the depositor with Form PS 607, "Depositor's Application for New Postal Savings Certificates," in duplicate. Replacement certificates will not be issued, but Form PS 607 will serve as the depositor's application for payment of missing certificates. Payment will not be made by postmasters, but by postal data centers. (See paragraph (b) of this section.) If a certificate is found after application for payment on Form PS 607 has been made, it must be given to the depository postmaster.

(b) *Application for payment.* (1) If a depositor has certificates for only a part of the balance in his account, the postmaster shall pay them in the regular manner and record the payment on the record of the account, Form PS 600. The postmaster will not pay any amount claimed for which the depositor does not have certificates. He shall follow instructions in subparagraphs (2) and (3) of this paragraph.

(2) Form PS 607 shall be prepared for missing certificates if depositor knows they cannot be recovered. If depositor is uncertain as to what happened to his certificates, he should be asked to search again and return in 10 days to fill out Form PS 607. (Exception may be made if delay will cause the depositor hardship.) Form PS 607 must be prepared in duplicate. The serial numbers of the missing certificates should be verified against those on Form PS 600. The application must not be certified in the postmaster's name until the identification data in section E, paragraph 4, has been verified with that on the Form PS 600 to identify the applicant as the true depositor. Any difference between item 39 of the postal savings records and the total of Form PS 600 should be shown on Form PS 607. The amount of the outstanding balance shown on Form PS 600 should be written in the space to the right of the words "Section B" (on both original and duplicate).

(3) Postmasters will forward the original Form PS 607 and the Form PS 600 to the postal data center for verification and payment of missing certificates direct to depositor. Postmasters will retain the duplicate of Form PS 607 as a record of the amount transferred to the postal data center. The total of all Forms PS 607 sent to the postal data center during the reporting period should be entered under item 39 on Form 704 or 714 with an explanation. Postmasters shall file duplicates of Form PS 607 with the account records of paid postal savings accounts and retain them for 6 years.

(4) Postal data centers will send a check for the total of the missing certificates and interest due direct to the depositor. They will retain the Form PS 600 and original Form PS 607 and will file the Form PS 607 in their permanent files so that if the certificates are presented for payment at any future date there will be evidence that the amount they represent was paid.

(c) *Disposition of recovered certificates.* The postmaster shall mark recovered certificates "Canceled," enter the date, and send them to the postal data center with an explanation.

NOTE: The corresponding Postal Manual section is 173.7.

H. Revised § 173.8 clarifies the manner in which the paying clerk will initial entries of withdrawals on depositor's account record.

§ 173.8 Office records and records of depositors' accounts.

(a) *Recording withdrawals.* Withdrawals shall be posted on Form PS 600, showing date of transaction, paid in "Certificate Numbers" column, total amount of principal in "Transaction Amount" column, and the balance in "New Balance" column, followed by the initials of the paying clerk in the "By" column, all on the same line. The transaction must be dated opposite original issue of certificate in "Date Paid" column. Certificates must be stamped *paid* with special paid date stamp and initialed. A report shall be made on Form 713 or Form 708 and the paid certificates shall be sent to postmaster daily. The postmaster must send the paid certificates with Form 704 or Form 714 to the postal data center each accounting period.

(b) *Verifying records of accounts.* The postmaster shall verify records of accounts as follows:

(1) *Daily verification.* Do not file Forms PS 600 which have been withdrawn in the day's business until the payments and extensions have been verified by adding separately the payments recorded for the day and the balance to the credit of depositors before and after entry of the day's business. Check the total of payments against the payments as recorded in Form 708 or Form 713.

(2) *Six months' verification.* Verify the balance in item 39 of Form 704 or 714 with the total of the balances on the depositors' Forms PS 600 every 6 months. If the totals do not agree, check addition or subtraction on depositor's cards. If no error is found, check the entries on the cards with the records of certificates paid. Place a dummy account card, Form PS 600, in the front of the file, on which enter the amount of the difference (circling the amount if the total of the balances of the Forms PS 600 is in excess of the amount in item 39 of the Form 704 or 714). Report to the postal data center for additional instructions only when an unusual situation arises.

(c) *Filing and closing accounts.* The postmaster shall file and close accounts as follows:

(1) *Filing.* File the Forms PS 600 numerically by account numbers. Maintain an alphabetical cross-index card file (if many accounts) showing the depositor's name and account number.

(2) *Closing.* Mark the depositor's Form PS 600 "Account Closed" when all certificates issued to a depositor have been paid. Place in a separate file with other closed accounts in numerical order.

(d) *Correcting errors on records.* The postmaster shall correct errors as follows:

(1) Draw a line through an erroneous entry and initial. (Do not make the original entry illegible.) Make the correct entry on the line below or by interlining immediately above the erroneous entry.

(2) Advise the postal data center if an error is discovered, after the accounting period report has been submitted, which in any way affects the accuracy of the report.

(e) *Reporting loss of records.* The postmaster shall report promptly to the postal data center that any loss or major damage of postal savings records by fire, burglary, or any other cause.

NOTE: The corresponding Postal Manual section is 173.8.

I. Section 173.9 is deleted as the regulations contained therein are now contained in § 173.8.

§ 173.9 Office records and records of depositors' accounts. [Deleted]

As the foregoing revisions to Part 173 are prescribed by law, public rule making procedures and a delayed effective date are unnecessary.

(Pub. Law 89-377, 5 U.S.C. 301, 39 U.S.C. 501, 5201-5224)

TIMOTHY J. MAY,
General Counsel.

FEBRUARY 21, 1967.

[F.R. Doc. 67-2129; Filed, Feb. 24, 1967; 8:46 a.m.]

PART 956—DEBARMENT AND SUSPENSION REGULATIONS

Correction

In F.R. Doc. 67-2016 appearing in the issue for Wednesday, February 22, 1967, at page 3143, the word "Department" appearing in the first line of § 956.2(e), should read "Debarment."

Title 43—PUBLIC LANDS: INTERIOR

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

GROUP 3100—PUBLIC DOMAIN LEASING

[Circular No. 2223]

LEASE BONDS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Mineral Leasing Act of February 25, 1920 (30 U.S.C. sec. 181 et seq.), and section 2470 of the Revised Statutes, 43 CFR 3132.3–1, 3143.2–2, 3153.2–2, and 3162.2 are each amended as set forth below.

These amendments are not published as a "Proposed Rule Making" because they are not of a controversial nature and would confer an elective benefit upon lessees and permittees of the enumerated minerals. The amendments will become effective at the beginning of the calendar day in which they are published in the FEDERAL REGISTER.

PART 3130—COAL LEASES, PERMITS AND LICENSES

1. Section 3132.3–1, including the heading is amended to read as follows:

§ 3132.3–1 Lease bond.

A compliance bond of not less than $1,000 will be required prior to the issuance of a lease. In lieu of such bond the lessee may furnish (a) a collective bond in an amount not less than the total minimum coverage required if separate bonds for each lease were furnished, (b) for each state in which the lessees hold leases or permits a statewide bond of not less than $25,000 which shall cover all leases and permits issued under this part in that State, or (c) a bond in the amount of $75,000 for full nationwide coverage of all leases and permits issued under this part pursuant to the Mineral Leasing Act, and also under Part 3210 of this chapter pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. sec. 351–359).

PART 3140—POTASSIUM PERMITS AND LEASES

2. Section 3143.2–2 is amended to read as follows:

§ 3143.2–2 Lease bond.

A compliance bond of not less than $5,000 will be required prior to the issuance of a lease. In lieu of such bond the lessee may furnish (a) a collective bond in an amount not less than the total minimum coverage required if separate bonds for each lease were furnished, or (b) for each State in which the lessees hold leases or permits a statewide bond of not less than $25,000 which shall cover all leases and permits issued under this part in that State, or (c) a bond in the amount of $75,000 for full nationwide coverage of all leases and permits issued under this part pursuant to the Mineral Leasing Act, and also under Part 3210 of this chapter pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. sec. 351–359).

PART 3150—SODIUM PERMITS AND LEASES: USE PERMITS

3. Section 3153.2–2 is amended to read as follows:

§ 3153.2–2 Lease bond.

A compliance bond of not less than $5,000 will be required prior to the issuance of a lease. In lieu of such bond the lessee may furnish (a) a collective bond in an amount not less than the total minimum coverage required if separate bonds for each lease were furnished, or (b) for each State in which the lessees hold leases or permits a statewide bond of not less than $25,000 which shall cover all leases and permits issued under this part in that State, or (c) a bond in the amount of $75,000 for full nationwide coverage of all leases and permits issued under this part pursuant to the Mineral Leasing Act, and also under Part 3210 of this chapter pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. sec. 351–359).

PART 3160—PHOSPHATE LEASES; PROSPECTING PERMITS AND USE PERMITS

4. Section 3162.2 is amended to read as follows:

§ 3162.2 Lease bond.

A compliance bond of not less than $5,000 will be required prior to the issuance of a lease. In lieu of such bond the lessee may furnish (a) a collective bond in an amount not less than the total minimum coverage required if separate bonds for each lease were furnished, or (b) for each State in which the lessees hold leases or permits a statewide bond of not less than $25,000 which shall cover all leases and permits issued under this part in that State, or (c) a bond in the amount of $75,000 for full nationwide coverage of all leases and permits issued under this part pursuant to the Mineral Leasing Act, and also under Part 3210 of this chapter pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. sec. 351–359).

CHARLES F. LUCE,
Under Secretary of the Interior.

FEBRUARY 20, 1967.

[F.R. Doc. 67-2123; Filed, Feb. 24, 1967; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4162]

[Nevada 054529]

NEVADA

Powersite Cancellation No. 219, Affecting Powersite Classification No. 285

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, Note), it is ordered as follows:

1. The departmental order of March 27, 1934, withdrawing the following described lands as Powersite Classification No. 285, is hereby canceled:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 64 E.,
Sec. 2, lots 2 and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 10, E½SE¼;
Sec. 11, W½ (except patented mineral entry survey No. 3723);
Sec. 14, W½NW¼;
Sec. 15, NE¼, E½SW¼, and SE¼;
Sec. 22 (except patented mineral entry survey No. 4045), W½NE¼, E½NW¼, E½SW¼, and W½SE¼.
T. 19 N., R. 64 E.,
Sec. 25, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 35, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼;
Sec. 36, NW¼ and NW¼SW¼.
T. 18 N., R. 65 E.,
Sec. 6, lot 3, SE¼NW¼, and SE¼NE¼.
T. 19 N., R. 65 E.,
Sec. 19, SE¼SE¼;
Sec. 20, S½NE¼, N½SW¼, and SE¼;
Sec. 29, S½N½;
Sec. 30, NW¼NE¼, S½NE¼, N½NW¼, SW¼, and SE¼;
Sec. 31, E½W½.

The areas described aggregate approximately 3,481 acres in White Pine County. The lands are grazing lands, located along the west base of the Duck Creek Mountains, near McGill.

2. At 10 a.m. on March 28, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 28, 1967, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The State of Nevada has waived its preference right of application provided by section 24 of the act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

4. The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 20, 1967.

[F.R. Doc. 67-2122; Filed, Feb. 24, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1032, 1050, 1062, 1067]

[Docket Nos. AO 313-A14 etc.]

MILK IN SOUTHERN ILLINOIS, CENTRAL ILLINOIS, ST. LOUIS AND OZARKS MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

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 Gateway Hotel, 822 Washington Boulevard, St. Louis, Mo., beginning at 9 a.m., local time, on March 2, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Southern Illinois, Central Illinois, St. Louis, and Ozarks marketing areas.

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 agreements and to the orders.

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

Proposed by Square Deal Milk Producers Association, Sanitary Milk Producers Association, Producers Creamery Co., Pure Milk Association, Paducah Graded Milk Producers Association, Peoria Producers Dairy, and Madison Milk Producers Association:

Proposal No. 1. Review the action of the "Louisville plan" in the Southern Illinois, Central Illinois, St. Louis, and Ozarks milk orders, by considering changes in both the amounts and months of take-off or deduction, and the amounts and months of pay-back.

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis, Mo. 63139, 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 February 23, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-2193; Filed, Feb. 24, 1967; 8:49 a.m.]

[7 CFR Part 1138]

[Docket No. AO 335-A9]

MILK IN RIO GRANDE VALLEY 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 Albuquerque, N. Mex., on January 19, 1967, pursuant to notice thereof issued December 30, 1967 (32 F.R. 91).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 9, 1967 (32 F.R. 2849; F.R. Doc. 67-1681) 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. 2849; F.R. Doc. 67-1681) are hereby approved, adopted and are set forth in full herein:

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

1. Pool plant standards for a plant operated by a cooperative.

2. Continuation of present Class I price provisions.

3. Extension of special Class II credits.

4. Increased rate of deduction for administrative expenses.

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. *Pool plant standards for a plant operated by a cooperative.* A market equalization plant or "cooperative standby pool plant" located within the marketing area that is operated by a cooperative association should be pooled if such association delivers half or more of its member producer milk to pool plants of other handlers.

The Dairy Farmers Association supplies a substantial portion of the milk which is pooled under the order. This cooperative recently constructed plant facilities with a view toward providing a standby supply of milk for Class I uses of regulated handlers, and minimizing the assembly and transportation costs of milk moved out of the market for manufacturing uses. Under normal circumstances this plant would not be likely to qualify by meeting either the shipment or distributing standards as a pool plant under the present order. Treatment of such plant in the same manner as any other unregulated milk plant would seriously limit its availability as a source of supply because milk moving from an unregulated milk plant to a pool plant is treated at the transferee plant as a receipt of other source milk and is thus treated differently from the producer milk which the association regularly furnishes to pool plants.

A cooperative association which is primarily engaged in supplying milk directly from farms of its member producers to pool plants it does not operate should be permitted to pool a plant it operates as an adjunct to this primary function. If the cooperative association delivers half or more of its total member producer milk to pool plants of other handlers, either directly or through its plant, the plant may be considered to be a component part of the cooperative's supply system for the market. The order should designate as a pool plant any plant which is located in the marketing area and which is operated by a cooperative association having 50 percent or more of its member producer milk received at pool plants of other handlers during the month.

The plant for which pool plant performance standards were proposed to apply is located within the marketing area at El Paso, Tex. Its construction was completed only recently for the purpose of better meeting the fluid market needs by providing a facility where milk may be received, cooled, and stored for fluctuations in daily fluid milk needs, or to serve as a collection point for excess milk which must be shipped to distant plants for use in manufactured products. Its capacity for receiving, cooling and storage of reserve milk will contribute to use of greater quantities of producer milk for Class I.

All the members of the association which operates the plant are engaged in the production of Grade A milk for sale to pool plants. All the milk of these dairy farmer members is available for fluid milk uses. Only if there is no need for such milk in fluid uses at a pool distributing plant is such milk received at the cooperative standby plant for storage and subsequent delivery to pool plants for fluid uses or to manufacturing plants for surplus uses.

The cooperative association performs valuable services for the market in that it attempts to maintain an adequate supply of milk for the market's needs and assumes the responsibility for marketing all milk produced by its member producers that is in excess of handlers' requirements. Permitting the cooperative association under these conditions to pool the returns from the sale of producer milk which moves directly to the association plant will contribute materially to orderly marketing in this market.

While there is now insufficient milk produced locally to meet the fluid needs of the market, substantial quantities of such milk must at times be moved to distant manufacturing plants because there are inadequate facilities for manufacturing excess milk into dairy products in the area. Efficient use of the plant will tend to maximize the use of available quantities of local producer milk in the higher-valued fluid uses. Effective utilization of the plant will also minimize costs for assembling, handling, and transporting excess milk from the area to the distant manufacturing plants now used for processing such milk into manufactured dairy products.

The Rio Grande Valley milk order is unique in that its marketing area encompasses the largest geographic area of any of the Federal milk orders. The 22 handlers operate plants at widely dispersed points throughout the area. Approximately 90 percent of all producer milk for the Rio Grande Valley market is produced within the extensive marketing area of the order. In these circumstances, a plant located within the extensive marketing area can best serve the dual needs of supplementing direct shipped supplies to pool plants and assembly of milk for economical movement to distant manufacturing plants.

Two cooperative associations now represent producers whose farms are not located in or near the marketing area. These associations raised no objection to the proposal that a cooperative association plant should be located in the marketing area if it was to be designated as a pool plant on the basis of the overall market performance of the association operating it. These associations presently operate standby plants pooled under the provisions of other orders in which they operate. The in-area location requirement of the Rio Grande Valley order may avoid conflict of regulation with respect to such plants.

It was suggested that a corollary change be made in the order to provide for diversion of producer milk to nonpool plants from a cooperative standby pool plant. No evidence was offered as to why this was more necessary than for supply pool plants with respect to which no provision is presently made for such diversion. The record does not show need for diversion provision with respect to standby plants at this time.

2. *Continuation of present Class I pricing provisions.* Present Class I pricing provisions, which are due to expire on February 28, should be continued without a definite expiration date. These provide for addition of Class I differentials of $2.25 (July–February) and $1.95 (March–June) to a basic formula price (Minnesota-Wisconsin manufacturing milk price), modified by the average of the supply-demand adjustments effective for the Wichita, Oklahoma Metropolitan, North Texas, Central Arizona, Great Basin, and Eastern Colorado orders. On the basis of an amendment effective December 1, 1966, certain minimums or "floors" are effective through July 1967 with respect to the basic formula price to be used in computing the Class I price.

The present Class I differentials and supply-demand adjustment factor were made effective July 1, 1965 at which time the relationship of prices at various locations within the marketing area were also changed. The general effect of these changes was to reduce the price level at Albuquerque and Santa Fe by 10 cents and at El Paso and nearby points by 20 cents without material change at other locations.

No opposition was presented to the proposal of the local cooperative associations, Dairy Producers Association and New Mexico Milk Producers Association, to continue present Class I pricing provisions by deleting the expiration date now in the order.

During each of the past 3-year periods more than 80 percent of total producer receipts have been classified in Class I each year, 82.4 percent in 1964, 81.3 percent in 1965, and 80.4 percent in 1966. While market data show that producer receipts in 1966 were about 4.6 percent less than those in 1964, this comparison is substantially influenced by the fact that certain milk reported as producer milk in 1964 was reported as producer-handler production in 1966. After making allowance for this factor, it appears that 1966 producer receipts were less than those of 1964 by only an insignificant amount. Locally produced milk, however, declined by about 2 percent, slightly over 5.3 million pounds. Producer milk from other areas increased almost 5.2 million pounds, or about 16.5 percent.

The principal source of milk supply for the Rio Grande marketing area is farms located in the marketing area itself. This supply of locally produced milk is somewhat less on an annual basis than the total Class I utilization of the market. In 1964 total deliveries of locally produced milk were 97.4 percent of the total sales of the market and exceeded such sales in 4 months. In 1965 local producer deliveries were 98.7 percent of total sales, and exceeded sales in 5 months. In 1966 local deliveries dropped to 92.3 percent of sales and were greater than sales in only 1 month.

In addition to this locally produced supply, producer milk under the Rio Grande order is received from producers in other areas, principally Kansas and Arizona at present. This supply was 9.75 percent of all producer milk in 1964, 9.1 percent in 1965, and 11.9 percent in 1966. When this producer milk is considered, the ratio of producer milk to total Class I sales was 105.3 percent in 1964, 108.6 percent in 1965, and 104.7 percent in 1966. Total producer receipts were less than sales in 1 month of 1964 and 3 months of 1966, but exceeded sales each month in 1965.

Milk priced under other orders supplements these supplies of producer milk and is a regular source of supply for at least one plant. Of the 291 million pounds of total Class I sales in 1966, 45.7 million pounds or 15.7 percent were allocated to other source milk, almost all of which was priced under other orders.

Since there are few surplus disposal facilities in the Rio Grande area, maximum Class I use of locally produced supplies is desirable if costly surplus removal operations are to be avoided. While the record does not show that optimum Class I use of locally produced milk has been achieved, there is now less of such milk relative to Class I needs and there has been less milk moved out of the area for surplus disposal. Some sources of outside producer milk have been discontinued. The plant which formerly received all of its milk as other order milk from Iowa now takes substantial quantities from local producer sources.

Under these circumstances, it is concluded that the present provisions (including the floors to be the basic formula price) should continue and that no new termination date need be established. Should the relationship of producer receipts to Class I needs for such milk change substantially appropriate pricing changes can be considered at a hearing when the situation develops.

3. *Extension of special Class II credits.* Temporary order provisions which reduce costs to handlers with respect to certain uses of Class II milk should be continued through August 1968.

Since April 1966 the Rio Grande Valley order has included provisions reducing costs to handlers for Class II milk used or handled in certain ways. For Class II skim milk in producer milk disposed of for livestock feed or dumped, this reduction results in no charge to the handler for such skim milk; for skim milk in producer milk used to produce condensed skim milk, or milk or skim milk transferred from pool plants or diverted from farms in the marketing area to nonpool plants outside the marketing area, the reduction results in a charge of approximately 15 cents per hundredweight of skim milk.

The only facilities in the Rio Grande Valley marketing area for manufacture of dairy products are for production of cottage cheese and ice cream. Handlers have need for cream for their ice cream operations but no means of securing an economic return from the resulting skim milk that is in excess of their needs for cottage cheese if producer milk is separated as a source of cream. Movement of milk and skim milk to manufacturing plants outside the marketing area is very costly so that much of the economic value of the skim milk so transported is spent

for transportation. Before the provisions were included, handlers were refusing to accept any substantial quantities of milk for which they had no means of recovering an economic value for the skim milk portion. Local cooperative associations were moving milk to distant nonpool plants at substantial cost to their membership. Producers not members of such associations were not sharing the costs of surplus removal necessary for orderly marketing in this area.

The temporary provisions adopted April 1, 1966, were designed to alleviate these problems by encouraging handlers to use local producer milk surplus to Class I needs of the market as a source of cream for ice cream and to reflect in the blend price of all producers the incentive to handlers for this purpose and all or a substantial part of the cost involved in the movement of surplus milk to distant manufacturing plants.

Producers and handlers testified that in their opinion the provisions have been helpful in meeting the problems for which they were designed. Substantially more cream from locally separated milk was used in ice cream. One handler testified that his increased use of local cream represented 64,000 pounds of butterfat during the period of May–December 1966. In the last 9 months of 1966 handlers accepted about 4 million more pounds of milk for which they could use only the cream portions than in the same period of 1965. The quantity of milk transported to nonpool plants in this period of 1966 was 8.3 million pounds less than in the same period of 1965, 13.3 million pounds as compared with 21.6 million pounds. The 13 cents per hundredweight which the principal local cooperative association had deducted from its member's payments for costs of this transportation were reduced to an average of less than 5 cents for the last 9 months of 1966.

The association has taken steps which should further alleviate the problem by installation of the plant facilities discussed elsewhere in this decision. Such facilities should aid in better allocation of local supplies to Class I needs so that less milk will need be disposed of in Class II uses. It is evident, however, that there will be need for the present provisions to insure orderly marketing through 1967 and the flush production season of 1968. The provisions should therefore be extended through August 31, 1968. They should not, however, be made permanent as suggested by a handler. The order cannot indefinitely contemplate the production of milk for which no economic use can be found for the skim milk component.

4. *Increased rate of deduction for administrative expenses.* Proponent cooperatives proposed that the maximum rate of deduction for administrative expenses should be increased from 4 cents to 5 cents per hundredweight.

It may reasonably be estimated that a maximum deduction of 5 cents per hundredweight of milk will be necessary to provide sufficient funds to continue administrative service of the order, and provide reserves for contingencies. However, if experience shows that a lesser rate will provide adequate revenue to administer the order properly, provision is made that the Secretary may set a rate of less than 5 cents without amending the order.

The maximum rate of 4 cents provided under the present order has been effective since the inception of the order on June 1, 1962.

It is a policy of the Department that the market administrator maintain a 6-month reserve of funds to provide for the necessary liquidation of operations of the office including audits of handler's reports for previous periods if the order should be suspended or terminated. At no time since issuance of the order has an adequate reserve been achieved under the administrative fund. Once this reserve is established it is not expected that any substantial further accumulation for this purpose will be required. Currently, a deficit of $16,000 is projected for the 1967 annual budget for the administrative fund. To allow this deficit to continue in the reserves would seriously interfere with the accrual of a 6-month reserve of operating funds to provide for liquidation contingencies.

As indicated above, the Rio Grande Valley milk order is unique in that its marketing area encompasses the largest geographic area of any of the Federal milk orders. The 22 handlers operate plants at widely dispersed points throughout the area. Therefore, there is significant cost in carrying out administration of this order.

In view of the number of small handlers expected to continue to be regulated by the amended order, the distances involved, and the cost of administering orders with comparable milk volumes, a maximum assessment rate of 5 cents per hundredweight is reasonable to meet the expenses of administration of the proposed amended order. If experience shows at any time in the future that a lesser rate will provide adequate revenue to administer the order, provision is made that the administrative assessment may be reduced at such time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, 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 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 Rio Grande Valley Marketing area", and "order amending the order regulating the handling of milk in the Rio Grande Valley 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 December 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 Rio Grande Valley 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 February 21, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area*

§ 1138.0 **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 practices 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 Rio Grande Valley 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;

(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; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk including such handler's own production, (ii) other source milk allocated to Class I pursuant to § 1138.46(a) (2) (i), (3), and (7) and the corresponding steps of § 1138.46(b), and (iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided*, That if such handler elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by 2 or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Rio Grande Valley 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:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 9, 1967, and published in the FEDERAL REGISTER on February 14, 1967 (32 F.R. 2849; F.R. Doc. 67-1681), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. The introductory text of § 1138.10 is revised and a new paragraph (c) is added to read as follows:

§ 1138.10 **Pool plant.**

"Pool plant" means any plant meeting the conditions of paragraph (a), (b), or (c) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61;

* * * * *

(c) Any plant, hereinafter referred to as a "cooperative standby pool plant", which is operated by a cooperative association, and is located within the marketing area, if 50 percent or more of the milk delivered during the month by producers who are members of such association is delivered directly or is transferred by the association to pool plants of other handlers.

§ 1138.51 [Amended]

2. In paragraph (a) of § 1138.51 *Class prices*, the phrase which reads "During the period from the effective date of this order until March 1, 1967," is revoked and the word "the" immediately following such phrase is revised to read "The".

3. The introductory text of § 1138.55 is revised to read as follows:

§ 1138.55 **Credit for specified Class II uses.**

From the effective date hereof through August 1968, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

§ 1138.88 [Amended]

4. In § 1138.88 *Expense of administration* the word "four" is revised to read "five".

[F.R. Doc. 67-2157; Filed, Feb. 24, 1967; 8:49 a.m.]

[1] 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.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91]

[Docket No. 17228; FCC 67-228]

SIGNALING DEVICES

Expanded Use on Regular Basis

In the matter of amendment of Parts 2, 89, and 91 of the Commission's rules to provide for the expanded use of signaling devices on a regular basis, Docket No. 17228: Petition filed by the Central Committee on Communication Facilities of the American Petroleum Institute to permit use of frequencies listed under § 91.8(j) of the rules for remote control and telemetering in the operational fixed service, RM-390; petition filed by the National Committee for Utilities Radio to permit use of five frequencies listed under § 91.8(j) of the rules for remote control and telemetering in the operational fixed and mobile services, RM-458; petition of Forest Industries Communications for amendment of § 91.354 of the rules to add the frequency 154.60 Mc/s for remote control purposes, RM-906.

1. Notice is hereby given of proposed rule making in the above-entitled matters.

2. One of the relatively new and highly specialized uses of radio, finding increasing application in recent years, relates to the transmission of tone signals for, among other things, telemetering, for controlling remote objects (such as pipelines and locomotives), for police, fire, and highway call boxes, and for electric utility peak load shaving.[1] The stations which we have licensed on a developmental basis to accomplish these various purposes all utilize nonvoice devices, employ low-frequency audio tones, occupy rather narrow channels (5-7.5 kc/s), and most operate with relatively low power. In this proceeding, we propose to adopt rules to govern the use of such devices in the Public Safety and Industrial Radio Services, and to assign frequencies for that use. While the proposal involves three channels in the mobile service band 150.8-162 Mc/s, the Commission is proposing a departure from its traditional position that these bands are reserved for exclusive mobile service use because only small segments not suitable for two-way mobile voice use are involved. The Commission has had numerous requests to permit fixed operation for specialized purposes on these narrow channels and while we are proposing fixed service use, it will be incumbent on those desiring such use to fully justify this departure. Persons foreseeing additional mobile tone service requirements not contained herein also should offer their comments.

[1] A technique involving the temporary removal of interruptable loads for short intervals during peak power demand periods.

3. A number of narrow channels are available for assignment in the 150–160 and 173 Mc/s regions on a developmental basis under the rules governing the Public Safety and Industrial Radio Services. It is proposed that all of the Industrial frequencies, one of the Public Safety frequencies, and one similar frequency be made available for limited power point-to-point telemetry, emergency alarm, and control functions, and for similar low-power mobile station use. Paging systems will not be given access to these frequencies and voice emission will not be authorized. One frequency would be made available for multiple address fixed use with a higher power limit to permit radio control transmission primarily for peakload shaving in the electric utility industry. Since only one frequency is proposed for this use, it is anticipated that some method of sharing, such as a multiple access tone system, will be developed to meet the needs of the electric utilities in large metropolitan areas.

4. Tone signaling devices will be required to meet stringent frequency tolerances; transmitted deviation or swing will be restricted and the transmission of audio tones above 1,000 c/s will not be permitted in order to insure that the emissions will be confined to the narrow channels provided.

5. Three petitions for rule making pertaining to expanded use of tone signaling devices in the Industrial Radio Services have been filed. RM–390 was filed by the Central Committee on Communication Facilities of the American Petroleum Institute (API) on December 4, 1962; RM–458 was filed by the National Committee for Utilities Radio (NCUR) on June 14, 1963, and amended on April 12, 1966; and RM–906 was filed by Forest Industries Radio Communications (FIRC) on January 21, 1966. The Special Industrial Radio Service Association (SIRSA) supports the petitions of NCUR and API and indicates its members also have a similar requirement and requests that access to these frequencies continue for the Special Industrial Radio Service.

6. API requests that splinter frequencies listed for developmental purposes under § 91.8(j) of the Industrial Radio Services Rules be made available on a regular basis for point-to-point remote control purposes and for telemetering. API claims there is a need for this type of service by the petroleum industry, and that a part of such need can be satisfied by permitting regular use of these frequencies.

7. NCUR also requests that the frequencies available under § 91.8(j) be made available on a regular basis for point-to-point operations and for low-power mobile station use for remote control purposes. NCUR claims that there has been a growing requirement in the Power Radio Service for additional frequencies to permit the transmission of coded tones, and that the need is for both fixed point-to-point and low-power mobile use. In an amendment to its petition, NCUR claims that there are additional uses for which narrow channels are suitable such as to divert loads to assist in stabilization of electrical transmission systems and for load interruption (peak shaving) during peak demand periods. This contemplates multiple-address fixed use of the frequencies.

8. FIRC requests that the business radio low-power frequency 154.60 Mc/s be made available for remote control purposes under the Forest Products Service rules in the same manner and subject to the same limitations as the presently available frequency 154.57 Mc/s. FIRC claims that extensive use of the low-power frequency 154.57 Mc/s is causing problems, and that provision should be made for use of another low-power frequency to permit a choice in selecting frequencies in order to control undesired triggering of remotely controlled devices such as log hauling machinery. Such undesired triggering can and apparently has resulted in serious safety problems.

9. Of primary consideration has been the determination of how the limited number of available frequencies should be divided and to what services they should be allocated. For the most part, the petroleum industry requirement appears to be in remote parts of the country where wireline facilities are not readily available and for off-shore use in the Gulf of Mexico. On the other hand, the power utility requirement appears to be in or near centers of population. If stations are limited to reasonable power levels and directional antenna systems are employed for most of the fixed point-to-point installations, it appears that some sharing can be accomplished, and it is here proposed. The power industry requirement for multiple-address fixed facilities cannot be met with directional antennas and moderate power levels because of the location of their customers. Further, such systems will employ rather inexpensive receivers and simple antenna installations, resulting in relatively poor overall sensitivity. A separate frequency is proposed for this use.

10. A number of narrow channels also have been available on a developmental basis in the Public Safety Radio Services pursuant to § 89.101(f) and (l), and in the Land Transportation Radio Services pursuant to § 93.204(b). A petition, RM–1101, was filed by the Association of American Railroads (AAR) on January 17, 1967, which seeks assignment of some of these frequencies to the Railroad Radio Service. Therefore, the disposition of the narrow channels available to the Land Transportation Radio Services and one of the narrow channels available to the Public Safety Radio Services will be considered at a later date. The remaining narrow channels listed under the Industrial and Public Safety rules are proposed to be used on a regular basis as follows:

(a) The two 7.5 kc/s bands 173.2000–173.2075 Mc/s and 173.3925–173.4000 Mc/s and the two 5.0 kc/s bands 173.2075–173.2125 Mc/s and 173.3875–173.3925 Mc/s are proposed to be made available on a shared basis to the Power, Petroleum, Forest Products, and Special Industrial Radio Services for Fixed and Mobile station tone use, and to the Business Radio Service for low-power mobile station tone use.

(b) The 7.5 kc/s band 154.460–154.4675 Mc/s is proposed to be made available to the Power Radio Service for multiple-address fixed station use.

(c) The 7.5 kc/s band 154.4675–154.4750 Mc/s is proposed to be made available to the Petroleum Radio Service and the Special Industrial Radio Service for limited power fixed station use.

(d) The 7.5 kc/s channel 154.4525–154.4600 Mc/s is proposed to be made available to public safety activities in the Local Government Radio Service for limited power fixed station (emergency callbox only) use.

11. We also are proposing to permit access to one low-power Business Radio frequency by the Forest Products Radio Service. The logging industry has a requirement for both voice and tone transmission utilizing a single hand held unit. Since this requirement cannot be met in the narrow channels proposed for mobile remote control purposes, we are proposing to make available the frequency 154.60 Mc/s under § 91.354 of the rules. The maximum authorized bandwidth will be 20 kc/s, and the provision for tone use will be in accordance with the provisions of note 10 appended to § 91.354.

12. Because of the narrowness of the channels, deviation will be limited to plus and minus 1 kc/s for FM systems, and the highest audiofrequency tone permitted is to be 1,000 cps. Higher audiofrequency tones may be permitted for AM systems and for SSB systems where it can be shown that all emission will be confined to the bands specified. The plate input power would not exceed 600 watts for the Power Radio Service multiple address fixed frequency, and would not exceed 200 watts for fixed stations in all of the services. Fixed stations other than those authorized for multiple address purposes will be required to use directional antennas having a front-to-back ratio of at least 20 db. Mobile station transmitters would be limited to a maximum power input of 1 watt. Frequency tolerances proposed are 0.0005 percent for all stations whether fixed or mobile. Transmitters will be limited to on-off carrier or audio tone modulation for remote control and telemetering functions. Continuous carrier radiation will not be authorized except for low-power mobile stations having a requirement for such operation in order to provide fail-safe operation for locomotive control and for similar remote machinery control functions that involve safety of life. The safety aspects of low-power remote control operation warrant a deviation from the general rule prohibition against continuous carrier. Comments are sought concerning the feasibility of developing equipment that can provide the fail-safe function by other means. It is hoped that random access systems will be developed as a means of frequency sharing.

13. In view of the foregoing, the petitions described in paragraph 5 above are, to the extent that they are compatible

with the proposals contained herein, granted and in all other respects denied.

14. Authority for the proposed amendment to the appropriate rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

15. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein may file with the Commission on or before March 24, 1967, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before April 10, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with § 1.419 of the Commission's rules, an original and 14 copies of all statements, views, or comments filed shall be furnished the Commission.

Adopted: February 17, 1967.

Released: February 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 67-2145; Filed, Feb. 24, 1967; 8:48 a.m.]

[1] Commissioner Lee concurring; joint concurring statement of Commissioners Cox, Loevinger, and Johnson filed as part of original document; Commissioner Wadsworth absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Order No. 147-1]

UNDER SECRETARY OF THE TREASURY

Delegation of Authority

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, the Under Secretary is designated, effective immediately, to perform the functions of the Special Assistant to the Secretary (for Enforcement), until a new Special Assistant to the Secretary (for Enforcement) has been appointed and assumes the duties of the office.

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

FEBRUARY 18, 1967.

[F.R. Doc. 67-2154; Filed, Feb. 24, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

GRAZING LEASES

Rentals

Notice is hereby given pursuant to the provisions of 43 CFR 4122.3-3, that rentals for grazing leases issued under section 15 of the Taylor Grazing Act shall be computed in all cases for the grazing fee year beginning March 1, 1967, and ending February 29, 1968, on the same rate as for the 1966 fee year.

JOHN O. CROW,
Associate Director.

FEBRUARY 20, 1967.

[F.R. Doc. 67-2130; Filed, Feb. 24, 1967; 8:47 a.m.]

[Montana 498 (ND)]

MONTANA

Notice of Classification of Public Lands

FEBRUARY 16, 1967.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

There were no comments received following publication of the Notice of Proposed Classification (31 F.R. 14788). Because of the relatively small acreage involved, and because very little interest had been evidenced, no public hearing was scheduled for this classification.

The public lands affected by this classification are described below and are shown on maps on file in the office of the State Outdoor Recreation Agency, 107 South Fifth Street, Bismarck, N. Dak., and on the plats located in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

DIVIDE COUNTY

T. 163 N., R. 95 W.,
Sec. 25, SW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 27, SW¼SE¼.
T. 160 N., R. 99 W.,
Sec. 5, SW¼SE¼.
T. 160 N., R. 100 W.,
Sec. 22, SW¼NE¼, and NW¼SE¼.
T. 162 N., R. 102 W.,
Sec. 8, SW¼NW¼, and N½SW¼;
Sec. 17, NE¼NW¼;
Sec. 20, SW¼NE¼, S½NW¼, and SW¼;
Sec. 29, NW¼;
Sec. 30, SE¼NE¼, and NE¼SE¼.
T. 163 N., R. 102 W.,
Sec. 26, SE¼NE¼, and SW¼NW¼.
T. 160 N., R. 103 W.,
Sec. 15, W½NW¼, and NW¼SW¼;
Sec. 21, NE¼NW¼;
Sec. 33, Lot 1.
T. 161 N., R. 103 W.,
Sec. 23, NE¼NE¼, and SE¼SE¼;
Sec. 24, SW¼SW¼.
T. 162 N., R. 103 W.,
Sec. 3, Lots 1, 2, 3, and 4, and S½NE¼.
T. 163 N., R. 103 W.,
Sec. 11, SE¼SE¼;
Sec. 14, S½SE¼.

M'HENRY COUNTY

T. 153 N., R. 75 W.,
Sec. 3, Lot 6;
Sec. 25, NE¼SW¼;
Sec. 31, Lots 2 and 4.
T. 155 N., R. 75 W.,
Sec. 6, SE¼NE¼;
Sec. 19, Lot 3;
Sec. 23, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 29, N½SW¼.
T. 155 N., R. 76 W.,
Sec. 23, N½NW¼, and NW¼SE¼.
T. 152 N., R. 77 W.,
Sec. 23, SW¼NE¼.
T. 153 N., R. 77 W.,
Sec. 23, SW¼SE¼;
Sec. 25, E½SW¼.
T. 156 N., R. 77 W.,
Sec. 10, NW¼SW¼.
T. 151 N., R. 78 W.,
Sec. 23, NE½SE¼;
Sec. 24, NW¼NW¼.
T. 152 N., R. 78 W.,
Sec. 15, SE¼SW¼, and SW¼SE¼;
Sec. 22, N½, and N½SE¼.

M'LEAN COUNTY

T. 149 N., R. 84 W.,
Sec. 11, E½SW¼.
T. 150 N., R. 84 W.,
Sec. 27, NW¼SE¼.
T. 150 N., R. 86 W.,
Sec. 21, NE¼SE¼;
Sec. 22, S½NW¼, and NW¼SW¼.

MOUNTRAIL COUNTY

T. 155 N., R. 88 W.,
Sec. 20, Lot 4.
T. 156 N., R. 88 W.,
Sec. 17, SW¼NE¼.
T. 156 N., R. 89 W.,
Sec. 3, SE¼NW¼;
Sec. 7, Lots 1 and 2.
T. 157 N., R. 89 W.,
Sec. 29, Lot 1.
T. 156 N., R. 90 W.,
Sec. 20, SE¼SW¼, and SW¼SE¼.
T. 158 N., R. 90 W.,
Sec. 18, SE¼NE¼.
T. 156 N., R. 91 W.,
Sec. 5, Lot 4;
Sec. 13, W½NE¼.
T. 157 N., R. 91 W.,
Sec. 34, Lot 2.

SHERIDAN COUNTY

T. 145 N., R. 74 W.,
Sec. 26, SE¼NE¼, and NE¼SE¼.
T. 150 N., R. 75 W.,
Sec. 14, S½NW¼.
T. 149 N., R. 77 W.,
Sec. 2, Lot 7.
T. 150 N., R. 77 W.,
Sec. 13, Lot 1;
Sec. 17, SW¼SW¼;
Sec. 20, Lots 1 and 2;
Sec. 28, Lot 2;
Sec. 35, Lot 2.

WARD COUNTY

T. 151 N., R. 84 W.,
Sec. 29, NE¼SW¼.
T. 153 N., R. 86 W.,
Sec. 5, Lots 1 and 5.
T. 152 N., R. 87 W.,
Sec. 1, Lot 6;
Sec. 4, SE¼SW¼;
Sec. 9, NE¼NW¼.
T. 155 N., R. 87 W.,
Sec. 8, NW¼SW¼.

WILLIAMS COUNTY

T. 159 N., R. 100 W.,
Sec. 22, SE¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼.

PIERCE COUNTY

T. 157 N., R. 72 W.,
Sec. 23, Lot 5.
T. 152 N., R. 73 W.,
Sec. 5, Lot 10.
T. 152 N., R. 74 W.,
Sec. 8, Lots 1, 5, and 6.
T. 154 N., R. 74 W.,
Sec. 30, NE¼SW¼.

BARNES COUNTY

T. 143 N., R. 60 W.,
Sec. 12, Lots 1 and 2.

BURLEIGH COUNTY

T. 142 N., R. 75 W.,
Sec. 12, S½SW¼;
Sec. 14, S½SW¼, and E½SE¼;
Sec. 22, N½NE¼;
Sec. 26, NW¼NE¼, and NE¼NW¼.
T. 144 N., R. 77 W.,
Sec. 22, NE¼.

EMMONS COUNTY

T. 135 N., R. 74 W.,
Sec. 6, Lot 1.

T. 136 N., R. 74 W.,
Sec. 32, S½N½, and S½.

KIDDER COUNTY

T. 137 N., R. 71 W.,
Sec. 24, Lot 5.
T. 140 N., R. 71 W.,
Sec. 6, SE¼NE¼, and SE¼.
T. 144 N., R. 71 W.,
Sec. 28, Lot 3.
T. 138 N., R. 72 W.,
Sec. 4, NE¼, S½NW¼, and SW¼;
Sec. 8, NE¼NE¼;
Sec. 18, NW¼.
T. 140 N., R. 72 W.,
Sec. 14, Lots 1 and 2;
Sec. 22, SE¼NE¼, and SE¼.
T. 141 N., R. 72 W.,
Sec. 22, Lot 1.
T. 142 N., R. 72 W.,
Sec. 34, NE¼SE¼.
T. 143 N., R. 72 W.,
Sec. 6, Lot 3.
T. 138 N., R. 73 W.,
Sec. 12, NW¼NE¼, and SE¼SE¼;
Sec. 14, S½N½.
T. 143 N., R. 74 W.,
Sec. 4, Lots 1 and 2.

LOGAN COUNTY

T. 136 N., R. 68 W.,
Sec. 30, NW¼NE¼.
T. 134 N., R. 69 W.,
Sec. 14, NW¼NW¼, and W½SW¼;
Sec. 34, NW¼NE¼, and NE¼NW¼.
T. 135 N., R. 69 W.,
Sec. 28, N½NE¼;
Sec. 32, NE¼.
T. 136 N., R. 69 W.,
Sec. 8, SW¼NE¼.

M'INTOSH COUNTY

T. 129 N., R. 68 W.,
Sec. 12, NW¼NE¼.
T. 130 N., R. 68 W.,
Sec. 24, Lot 6, SW¼NE¼, and NW¼SE¼.
T. 132 N., R. 68 W.,
Sec. 20, NE¼NE¼.

STUTSMAN COUNTY

T. 138 N., R. 67 W.,
Sec. 8, NE¼NW¼.
T. 138 N., R. 68 W.,
Sec. 10, SW¼SE¼.

The public lands in the areas described aggregate approximately 7,914.09 acres.

For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2411.2c.

HAROLD TYSK,
State Director.

[F.R. Doc. 67-2121; Filed, Feb. 24, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14817; FCC 67M-300]

RADIO STATION KQXI (KQXI)

Order Continuing 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.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 20th day of February 1967, that the hearing in this proceeding previously scheduled for March 21, 1967, is continued to April 12, 1967, at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: February 21, 1967.

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

[F.R. Doc. 67-2142; Filed, Feb. 24, 1967; 8:48 a.m.]

[Docket Nos. 17209-17219; FCC 67M-299]

SALTER BROADCASTING CO. (WBEL) ET AL.

Order Scheduling Hearing

In re applications of Salter Broadcasting Co. (WBEL), South Beloit, Ill., Docket No. 17209, File No. BMP-11646; Great River Broadcasting, Inc., St. Louis, Mo., Docket No. 17210, File No. BP-16749; Prudential Broadcasting Co., St. Louis, Mo., Docket No. 17211, File No. BP-16752; Six-Eighty-Eight Broadcasting Co., St. Louis, Mo., Docket No. 17212, File No. BP-16753; St. Louis Broadcasting Co., St. Louis, Mo., Docket No. 17213, File No. BP-16755; Victory Broadcasting Co., Inc., St. Louis, Mo., Docket No. 17214, File No. BP-16758; Home State Broadcasting Corp., St. Louis, Mo., Docket No. 17215, File No. BP-16759; KWK Broadcasting Corp., St. Louis, Mo., Docket No. 17216, File No. BP-16760; Archway Broadcasting Corp., St. Louis, Mo., Docket No. 17217, File No. BP-16761; Clermont Broadcasting Co., St. Louis, Mo., Docket No. 17218, File No. BP-16762; Missouri Broadcasting, Inc., St. Louis, Mo., Docket No. 17219, File No. BP-16763; for construction permits.

It is ordered, This 20th day of February 1967, that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 17, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 16, 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: February 21, 1967.

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

[F.R. Doc. 67-2143; Filed, Feb. 24, 1967; 8:48 a.m.]

[Docket Nos. 17209-17219; FCC 67-225]

SALTER BROADCASTING CO. (WBEL) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Salter Broadcasting Co. (WBEL), South Beloit, Ill., Docket No. 17209, File No. BMP-11646; Has: 1380 kc, 5 kw, DA-N, U, Requests: Change night radiation pattern; Great River Broadcasting, Inc., St. Louis, Mo., Docket No. 17210, File No. BP-16749; Requests: 1380 kc, 1 kw, 5 kw-LS, DA-N, U; Prudential Broadcasting Co., St. Louis, Mo., Docket No. 17211, File No. BP-16752; Requests: 1380 kc, 5 kw, DA-N, U; Six-Eighty-Eight Broadcasting Co., St. Louis, Mo., Docket No. 17212, File No. BP-16753; Requests: 1380 kc, 5 kw, DA-N, U; St. Louis Broadcasting Co., St. Louis, Mo., Docket No. 17213, File No. BP-16755; Requests: 1380 kc, 5 kw, DA-N, U; Victory Broadcasting Co., Inc., St. Louis, Mo., Docket No. 17214, File No. BP-16758; Requests: 1380 kc, 5 kw, DA-2, U; Home State Broadcasting Corp., St. Louis, Mo., Docket No. 17215, File No. BP-16759; Requests: 1380 kc, 5 kw, DA-N, U; KWK Broadcasting Corp., St. Louis, Mo., Docket No. 17216, File No. BP-16760; Requests: 1380 kc, 5 kw, DA-N, U; Archway Broadcasting Corp., St. Louis, Mo., Docket No. 17217, File No. BP-16761; Requests: 1380 kc, 5 kw, DA-N, U; Clermont Broadcasting Co., St. Louis, Mo., Docket No. 17218, File No. BP-16762; Requests: 1380 kc, 500 w, 1 kw-LS, U, Class III-B; Missouri Broadcasting, Inc., St. Louis, Mo., Docket No. 17219, File No. BP-16763; Requests: 1380 kc, 1 kw, 5 kw-LS, DA-N, U; for construction permits.[1]

1. The Commission has before it for consideration (a) the above-captioned application of Station WBEL, South Beloit, Ill., for improvement in its facilities; (b) the remaining 10 above-captioned applications specifying 1380 kc in St. Louis, Mo.; (c) "Request that Application not be Accepted for Filing" by KWK Broadcasting Corp., filed on July 2, 1965, objecting to the application submitted by Clermont Broadcasting Co.; (d) "Request that Application not be Accepted for Filing" by KWK Broadcasting Corp., filed on July 2, 1965, objecting to the application of Great River Broadcasting, Inc.; (e) "Request that Application be Returned as unacceptable for Filing", a joint petition filed by Archway Broadcasting Corp., Home State Broadcasting Corp., Prudential Broadcasting Co., St. Louis Broadcasting Co., and 688 Broadcasting Co. on July 9, 1965, objecting to the acceptance of the application of KWK Broadcasting Corp.; (f) a petition to deny filed on December 29, 1965, by Roy H. Park Broadcasting of Virginia, Inc., licensee of Station WTVR, Richmond, Va.; (g) a petition to deny and a related pleading filed on May 9, 1966, and May 13, 1966, respectively, by WKJG, Inc., licensee of Station WKJG, Fort Wayne, Ind.; (h) a letter dated August 2, 1965, from Prairie Radio Corp., licensee of Station WPRC, Lincoln, Ill., objecting to a grant of any application for 1380 kc, in St. Louis, Mo.; (i) a petition filed on July 1, 1965, by "The St.

[1] In the body of the opinion, the applications will hereafter be referred to as WBEL, Great River, Prudential, 688 Broadcasting, St. Louis Broadcasting, Victory, Home State, KWK Broadcasting, Archway, Clermont, and Missouri, respectively.

Louis Local, American Federation of Television and Radio Artists, AFL–CIO"; (j) a petition filed by "Local No. 4, International Brotherhood of Electrical Workers, AFL–CIO"; and (k) various pleadings in opposition and reply to the above-described pleadings.

2. A review of the events leading to this stage of the proceeding appears in order. The license for Station KWK, held by KWK Radio, Inc., was revoked by Commission decision, released May 29, 1963, 34 FCC 1039, 25 RR 577, because of matters arising from a fraudulent radio contest conducted by KWK. Reconsideration was denied by order released November 1, 1963, 35 FCC 561, 1 RR 2d 457. This decision was subsequently affirmed by the U.S. Court of Appeals.[1] The Supreme Court denied certiorari on March 1, 1965.[2] On April 1, 1965, the Commission issued a Public Notice (FCC 65–260) inviting applications for the frequency. The notice also invited applications for interim authority to operate the facilities. After oral argument the Review Board, on September 14, 1965, denied all seven applications for interim authority.[3] On December 22, 1965, the Commission reversed the Review Board and granted the application (BPI–11) of Radio Thirteen-Eighty, Inc.,[4] a joint "open-ended" proposal participated in by seven of the applicants for permanent authority. This action was affirmed by the U.S. Court of Appeals on July 27, 1966.[5] In the meantime, the Commission, by memorandum opinion and order adopted November 17, 1965,[6] accepted for filing (without prejudice to the Commission's right to consider the merits of the petitions against them at a later date) 14 applications for permanent authority. Since that date three applicants, Bi-State Radio, Inc., Gateway Broadcasting Co., and Pike-Mo Broadcasting Co., have dismissed their applications.

3. We will first deal with the three petitions directed against the acceptance for filing of three applications. KWK Broadcasting has opposed the acceptance of the Clermont and Great River applications. In objecting to the acceptance of Clermont's proposal, KWK Broadcasting asserts that it has failed to comply with the Commission's Public Notice (FCC 65–260, released Apr. 1, 1965) requiring the submission of complete applications. According to KWK Broadcasting, Clermont failed to include certain engineering and programing data prior to the May 31, 1965 deadline. KWK Broadcasting also asserts that Clermont's inclusion of an alternative transmitter-antenna site (one was the old KWK site, the "alternative" site was about 300 yards away) was contra to the "thrust of §§ 1.516, 1.518, 1.519, and 1.520 barring the simultaneous prosecution of multiple or inconsistent applications. By letter received July 12, 1965, Clermont stated that it wished to amend its application by deleting all reference to the two sites originally proposed and designating the site (at the KCFM tower) specified originally in its application for interim authority, while at the same time incorporating by reference any engineering data pertaining to the KCFM site set out in the application for interim authority. Previously, by letter dated June 17, 1965, Clermont had submitted programing data which it claimed had been inadvertently omitted.

4. The Commission finds that although the amendment was untimely, it does make it clear that Clermont intends to prosecute its proposal on a one-site basis.[7] With respect to the programing information, we will accept Clermont's statement that its omission was inadvertent. Since in both instances the late filings have not delayed this proceeding or resulted in undue administrative convenience, we will accept the Clermont application for filing.

5. In opposing acceptance of the Great River application, KWK Broadcasting alleges that Great River also proposed operation from alternative sites contra to the "thrust" of §§ 1.516, 1.518, 1.519, and 1.520. In addition, KWK Broadcasting claims that, from its alternative site, Great River's operation would cause additional interference to several existing stations, namely, Stations WPRC, Lincoln, Ill., KCIL, Washington, Iowa, and WWCM, Brazil, Ind.

6. The Commission finds that none of the above-cited rules bar acceptance of the Great River proposal under the circumstances presented here. The only site specified in the proposal was the former KWK location. The second site was described not as a present alternative, but rather as a site which would be available in the event that Great River, after obtaining a grant, was unable to consummate a purchase. Thus, the designation of a second site, in this instance, was merely surplusage and in no way constituted an inconsistent or multiple engineering proposal. As far as the alleged additional interference is concerned, we need not explore the matter, because the allegation is relevant only to the second site. For these reasons, we will deny the KWK Broadcasting petition.

7. In their joint petition, Archway, Home State, Prudential, St. Louis Broadcasting, and 688 Broadcasting ask that the KWK Broadcasting application be returned as unacceptable for filing. The petitioners allege that the KWK Broadcasting proposal is violative of § 1.519(a) of the rules. That section, in pertinent part, reads as follows:

> (a) Where the Commission has denied an application for a new station or for any modification of services or facilities, or dismissed such application with prejudice, no like application involving service of the same kind to substantially the same area, by substantially the same applicant, or his successor or assignee, or on behalf or for the benefit of the original parties in interest, may be filed within 12 months from the effective date of the Commission's action * * *

8. The petitioners contend that § 1.519 (a) is applicable to the present KWK Broadcasting proposal, in that (a) the Commission, within 1 year of the filing of the KWK Broadcasting application, denied or dismissed with prejudice the applications (i.e., the renewal application, BR–636, and a modification of license [a site change] application, BP–15834) of KWK Radio, Inc., the former licensee of Station KWK; (b) KWK Broadcasting proposes to serve substantially the same area as the KWK renewal and modification applications; and (c) KWK Broadcasting is "substantially the same applicant" as Radio KWK, Inc., because it is controlled by the same parties who controlled Radio KWK, Inc., when the latter's license was revoked and the renewal and modification applications dismissed. The petitioners further contend that, apart from the requirements of § 1.519 (a) barring repetitious applications, the serious nature of a revocation calls for rejection of the KWK Broadcasting application as a matter of good administrative practice.

9. In opposition, KWK Broadcasting denies that it is controlled by the same parties who controlled KWK Radio, Inc., and argues that § 1.519(a) is inapplicable to either a license revocation or the dismissal of a renewal or modification application, pointing out that the renewal and modification applications were dismissed as moot on April 6, 1965, following revocation of KWK's license. KWK Broadcasting claims that none of its principals were affiliated with KWK Radio, Inc., at the time of the events which resulted in revocation and that they are not forever barred from becoming licensees. In this regard, KWK Broadcasting points out that those principals who control KWK Radio, Inc., also control its (KWK Radio's) parent, Milwaukee Broadcasting Co., the licensee of Stations WEMP and WEMP–FM, and that the Commission found that they were qualified to own and operate broadcast stations when the licenses of WEMP (AM and FM) were renewed on November 24, 1964, a year after the Commission denied reconsideration of its revocation order. In conclusion, although maintaining its position that § 1.519(a) is not applicable, KWK Broadcasting requests a waiver of the rule.

10. Assuming arguendo that KWK Radio, Inc. and KWK Broadcasting are "substantially the same applicant" or that the KWK Broadcasting application was filed "on behalf or for the benefit of the original parties" in KWK Radio, Inc., the questions raised are:

(a) Was dismissal of the KWK renewal tantamount to denial or dismissal of an application for a new station?

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[1] KWK Radio, Inc., v. Federal Communications Commission, 119 U.S. App. D.C., 144, 337 F. 2d 540 (1964), 2 RR 2d 2071.

[2] Ibid, 380 U.S. 910 (1965).

[3] Pike-Mo Broadcasting Co. et al., 1 FCC 2d 790, 6 RR 2d 69.

[4] Pike-Mo Broadcasting Co. et al., 2 FCC 2d 207, 6 RR 2d 581.

[5] Sub nom. Beloit Broadcasters, Inc. v. Federal Communications Commission, 365 F. 2d 902, 7 RR 2d 2155.

[6] Archway Broadcasting Corp. et al., 1 FCC 2d 1362.

[7] Clermont's specification of more than one site was doubtlessly occasioned by the fact that there was no certainty that an agreement for sale of the KWK site could be reached with the former licensee.

(b) Did dismissal of the KWK modification application for a site change act as a bar to the present application of KWK Broadcasting?

(c) Assuming that § 1.519(a) is applicable, should a waiver be granted?

The Commission finds the answer to all three questions to be in the affirmative. The rule was adopted to aid the Commission in achieving sound administrative process by barring applicants from continuously relitigating matters already decided. This end could be too easily circumvented if a party, whose renewal or modification application had been dismissed or whose license had been revoked, was free to refile immediately for substantially the same facilities. For this reason we find that rule is applicable.[9] See Central Connecticut Broadcasting Co., 4 FCC 2d 650 and Lorain Community Broadcasting Co., FCC 66–837, adopted September 21, 1966, 5 FCC 2d 55, 8 RR 2d 769. The dismissal on April 6, 1965, of the renewal and modification applications of KWK Radio, Inc. was a direct consequence of the revocation. However, the principals of KWK Broadcasting[10] who controlled KWK Radio, Inc., when the license was revoked were not affiliated with KWK at the time of the events which led to the revocation. Although the rule was primarily intended to be an administrative rather than a punitive device, we nonetheless find that under the present circumstances a waiver is warranted. Accordingly, a waiver will be granted and the petitions directed against the application denied.

11. Petitions by Stations WTVR and WKJG and a letter objection by Station WPRC have been filed requesting that the St. Louis applications be designated for hearing on interference issues and that they be made parties to the proceeding. The petitioners allege that their respective operations would receive objectionable interference from all of the St. Louis proposals and that this interference would operate as a modification of license within the meaning of section 316 of the Act and FCC v. National Broadcasting Co., Inc. (KOA).[11]

12. The above requests will be dismissed for lack of standing. Former Station KWK was originally licensed in 1927. It was first assigned the 1380 kilocycle frequency in 1941. At that time, the authorized power was 5 kilowatts day and 1 kilowatt at night. In 1948, KWK was permitted to operate with 5 kilowatts, both day and night. Prior to the revocation of its license, this operation involved interference, either day or night, with approximately 20 other stations. All of these stations were licensed or renewed subject to the limitations imposed by the KWK authorization and the limitations became part of the implied terms of their licenses. Since these stations will not be required to accept any more interference from the new St. Louis proposals than they were required to accept from the formerly authorized operation of KWK,[12] we believe that they cannot be heard to complain that their licenses would be modified. We reached the same conclusion recently in Lorain Community Broadcasting Co.[13] finding that the Beloit [14] case stood for the proposition that "a licensee whose operation previously received interference from a now defunct station is not entitled to a hearing as a matter of law under section 316 * * * where a new applicant seeks authority to restore the preexisting broadcast service." We can find no reason to rule otherwise in this instance. To do so would force the Commission to reexamine old interference matters long since decided solely because we revoked the KWK license—a decision which turned on matters totally unrelated to technical or frequency allocation considerations.

13. As a result of our dismissal of the petitions, those petitioners, as well as all other stations whose licenses required them to accept interference from KWK, will be required to accept similar interference if an applicant for St. Louis prevails. In so ruling, however, we wish to emphasize the fact that we are not here deciding that those applicants seeking to reestablish KWK's operation are entitled, by virtue thereof, to any 307(b) advantages. The question before the Commission is still whether the frequency, 1380 kc, should be used in St. Louis, South Beloit, or not at all.[15]

14. On July 1, 1965, a petition was filed by the St. Louis Local, American Federation of Television and Radio Artists, AFL–CIO (AFTRA) and on September 15, 1965, a petition was filed by Local Union No. 4, International Brotherhood of Electrical Workers, AFL–CIO (IBEW). Both labor union petitioners aver that they had collective bargaining agreements with KWK Radio, Inc., the operator of Station KWK during the period of the revocation proceeding. The petitions, with minor differences, are identical both as to substance and form. They allege that the union member employees will suffer "tangible, substantial, and particular injury" if the Commission grants a new license on Station KWK's frequency without obtaining assurances from the successful applicant that it will recognize the labor union petitioners, positions as the collective bargaining agents. In view of the claimed potential injury, the unions request that they be permitted to intervene as parties. The petitioners rely on Gordon Broadcasting of San Francisco, Inc., FCC 62–115, 22 RR 236 (1962). To the extent that the labor unions request intervention as parties respondent, the petitions are granted. To the extent that the unions request protection of their status as the "collective bargaining" agents, the requests will be dismissed for lack of jurisdiction.

15. Having examined the above applications, we find that the following deficiencies must be explored in the forthcoming hearing. With respect to the WBEL proposal (BMP–11646) we find that:

(a) WBEL has not submitted any data regarding the population residing within the 1,000 mv/m contour.

(b) The parameters of the proposed directional antenna system do not accurately depict the proposed radiation pattern.

(c) WBEL has not submitted interference data regarding the proposed nighttime operation of its station. Due to conflicting data, it has not been determined whether the proposed operation would enter into the nighttime RSS limitation of Stations KLIZ, Brainerd, Minn., KOTA, Rapid City, S. Dak., KUDL, Fairway, Kans., and WKJG, Fort Wayne, Ind. Therefore, an interference issue is specified and the licensees of the aforementioned stations will be made parties to this proceeding.

(d) WBEL has not demonstrated that adequate nighttime protection would be afforded Canadian Station CKPC, Brantford, Ontario. Therefore, an issue will be included to determine if the proposed operation will afford adequate nighttime protection to CKPC, and, if not, if it would be in violation of the North American Regional Broadcasting Agreement (NARBA).

With respect to the Clermont proposal (BP–16762) we find that:

(a) The proposed operation cannot be expected to provide satisfactory service, either day or night, to the city of St. Louis. Based on conductivities from Figure M–3, the daytime 25 mv/m contour would not encompass the primary business area and the nighttime 25 mv/m contour would not encompass any of the primary business area.

(b) The theoretical vertical radiation pattern submitted by the applicant does not appear to be in agreement with that which would be determined from calculations based on the antenna tower height proposed. In addition, it is proposed to shunt excit (unipole) the proposed antenna tower but no information has been submited regarding the placement or number of wires to be utilized in

[9] Assuming, of course, that KWK Radio, Inc. and KWK Broadcasting are under common control.

[10] Messrs. Arthur M. Wirtz and James E. Coston, directors and 25 and 23 percent stockholders, respectively, of KWK Broadcasting.

[11] 319 U.S. 239 (1943).

[12] Actually, WKJG and WTVR complain that all of the St. Louis proposals (if they were to operate with full theoretical values of radiation) would impose greater nighttime limitations than KWK did because KWK emitted less radiation than authorized. However, WKJG and WTVR have failed to recognize that the directional radiation pattern previously authorized for use by KWK incorporates maximum expected operating values of radiation in directions towards WKJG and WTVR which are essentially the same as proposed by the St. Louis applicants herein. Since the Commission once approved these values of radiations towards other stations on the channel, it is reasonable and equitable to use these same values of radiation for any operation which may be authorized for the deleted KWK facilities. Consequently, it must be concluded that WKJG and WTVR will not be subjected to any greater interference than obtained from the previously authorized operation of KWK.

[13] FCC 66–839, adopted Sept. 21, 1966, 8 RR 2d 985.

[14] Note 6, supra.

[15] Pike-Mo Broadcasting Co. et al., 2 FCC 207, at 209.

the unipole system. As a result, applicant has failed to establish what effect, if any, the proposed method of excitation would have on the horizontal and vertical plane radiation patterns.

With respect to the Great River, Victory, and Missouri applications, we find that:

(a) The antenna tower heights and locations have not received clearance from the Federal Aviation Agency. Accordingly, an issue to determine whether the proposed towers would constitute a menace to air navigation will be included and the Federal Aviation Agency named a party to the proceeding.

16. We also note that the bylaws of Victory Broadcasting Co., Inc. were filed under the certification of Victory's secretary, Dr. Wendell Cox, but it was signed by Dr. Haley Bell, a vice president of the corporation. This matter should be corrected by an amendment to the application.

17. Certain parties in several applications have ownership interests in or are employed by other standard broadcast stations. In cases where overlap of service areas exists, divestiture and/or severance conditions have been specified in the event of a grant.

18. With respect to the financial portions of the above proposals, we note that five of the St. Louis applicants (Prudential, 688 Broadcasting, St. Louis Broadcasting, Home State, and Archway, the stockholder participants in Radio Thirteen-Eighty, Inc., the interim operator) specify the site presently utilized by RTEI. One applicant, KWK Broadcasting, proposes to use the site and facilities formerly occupied by KWK Radio, Inc., while the other four (Great River, Victory, Clermont, and Missouri) specify new sites. The five applicants specifying the RTEI site have an agreement among themselves filed in Docket No. 16097 to:

> * * * purchase from Radio Thirteen-Eighty, Inc. all the assets used and useful in the interim operation at the book value of such assets, excluding goodwill if any, and in addition will assume and accept the assignment of all outstanding liabilities contracts, leases, and obligations of any nature whatsoever of Radio Thirteen-Eighty, Inc. Book value as used herein shall mean the cost of the assets less depreciation * * *

The Commission, however, in its decision granting the interim operation expressly conditioned the grant so as not to require the successful grantee to purchase the interim facilities. In view of this condition, the Commission believes that each applicant participating in the RTEI interim operation should indicate specifically (if it has not already done so) whether or not it intends, if successful, to avail itself of the option to purchase the facilities presently in use. In the event they intend to exercise such right, applications should be updated through amendment to reflect such acquisition costs. The Hearing Examiner will be authorized to accept such amendments without the usual "good cause" showing requirements of § 1.522(b) of the rules.

19. Ordinarily, in order to be financially qualified, applicants for new stations must show that they have sufficient funds available to construct the proposed station and to operate it for 1 year. Where advertising revenues are needed to meet operating expenses, applicants are required to support their estimate of those revenues.[36] In the present case, however, we are faced with a situation in which all but one of the applicants seek to replace a station that has an established record of advertising revenues stretching over a long period of time. For this reason, we do not find it necessary to hold the St. Louis applicants strictly accountable under the Ultravision test.[37] Instead, we will revert to our former standard which required an applicant to show that he had sufficient funds to construct the station and operate it for 3 months without revenues. Under this standard, we find all applicants financially qualified except those listed below:

(a) *Great River Broadcasting, Inc.* Based on Great River's financial proposal, costs of construction ($824,245) and estimated 3 months operating expense ($150,000) amount to $974,245. To defray these proposed expenditures, Great River has paid-in capital of $50,000, debentures purchased by stockholders in the amount of $150,000 and a bank loan of $400,000, which total $600,000. In addition, Great River claims deferred credit of $490,000. However, this credit has not been documented. Therefore, Great River has a deficiency of $374,245 ($974,245—$600,000), based on the estimated cost of construction and cost of operation for the first 3 months.

(b) *Six Eighty-Eight Broadcasting Co.* 688 Broadcasting estimates that construction costs ($281,600) and 3 months operating expenses ($125,000) will total $406,600. 688 is allowed credit for cash on hand of $1,000 and deferred credit of $72,450. The applicant's financial showing includes a $299,000 stock purchase commitment; however, the commitment is not backed by sufficient liquid assets. Thus, the commitment will not be accorded credit. Additionally, 688 offers a bank loan commitment letter purporting to make available funds of up to $1 million. This letter, however, is incomplete in that it does not contain terms of repayment or security for the loan. Thus, the applicant will be given credit for only $73,450, leaving a deficiency of $333,150 ($406,600—$73,450).

(c) *Victory Broadcasting Co., Inc.* Victory estimates the cost of construction to be $158,300. Added operating expenses for the 3 months of $50,000 will total $208,300. Victory claims to have funds available from stock purchase commitments of $100,000 and deferred credit of $35,884 (no supporting data has been submitted as to the deferred credit) and a bank loan of $60,000. Victory is short of demonstrated funds available in the amount of $48,300 ($208,300—$160,000) to defray costs of construction and initial operating expenses. Also, E. Kenneth Nealy has not demonstrated assets available to meet his commitment of $7,000.

(d) *Missouri Broadcasting, Inc.* Missouri estimates construction costs of $824,197 and 3 months operating expenses to be $137,500 requiring assets or commitments in the amount of $1,061,697 to be financially qualified. Missouri will have stock and stock purchase commitments of $495,000 and a bank loan commitment of $530,000, totaling only $1,025,000. Therefore, an additional $36,697 ($1,061,697—$1,025,000) is needed to cover construction costs and initial operating expenses.

20. Except as indicated by the issues specified below, the applicants are qualified to construct, own and operate as proposed. However, since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the St. Louis proposals, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBEL, and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of Station WBEL is in compliance with § 73.24(g) of the Commission's rules concerning population within the 1,000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the proposed directional antenna parameters accurately depict the proposed radiation pattern of Station WBEL.

5. To determine whether the proposal of Station WBEL would cause objectionable nighttime interference to Stations KLIZ, Brainerd, Minn., KOTA, Rapid City, S. Dak., KUDL, Fairway, Kans., and WKJG, Fort Wayne, Ind., or any other existing standard broadcast stations and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

6. To determine whether the proposal of Station WBEL will afford adequate nighttime protection to Canadian Station CKPC, Brantford, Ontario, and, if not, whether it would be in contravention of the North American Regional Broadcasting Agreement.

7. To determine whether the proposal of Clermont Broadcasting Co. would provide coverage day or night to the city sought to be served, as required by § 73.188(b)(1) of the Commission's rules, and, if not, whether circumstances exist

[36] Ultravision Broadcasting Co., FCC 65-581, 5 RR 2d 343.

[37] Nor will we apply the Ultravision criteria to the WBEL proposal.

which would warrant a waiver of said section.

8. To determine whether the vertical radiation pattern proposed by Clermont Broadcasting Co. is in agreement with that which would be determined for an antenna tower of the height proposed.

9. To determine what effect, if any, the method of antenna tower excitation proposed by Clermont Broadcasting Co. would have on the proposed horizontal and vertical plane radiation patterns.

10. To determine whether there is a reasonable possibility that the tower height and location proposed by Great River Broadcasting, Inc., Victory Broadcasting Co., Inc., and Missouri Broadcasting, Inc., would constitute a menace to air navigation.

11. To determine, with respect to the application of Great River Broadcasting, Inc.:

(a) Whether the deferred credit of $490,000 is available to the applicant.

(b) Whether, in the light of the evidence adduced pursuant to the above subissue, the applicant is financially qualified.

12. To determine, with respect to the application of Six-Eighty-Eight Broadcasting Co.:

(a) The amount, terms, and conditions upon which a loan will be available from Tower Grove Bank and Trust Co., St. Louis, Mo., and whether such terms and conditions can be met by the applicant.

(b) Whether, in the light of the evidence adduced pursuant to the above subissue, the applicant is financially qualified.

13. To determine, with respect to the application of Victory Broadcasting Co., Inc.:

(a) Whether the deferred credit of $35,884 is available to the applicant.

(b) Whether E. Kenneth Nealy has sufficient cash and/or liquid assets to meet his $7,000 commitment.

(c) Assuming that all the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to construct and operate the proposed station for 3 months.

(d) Whether, in the light of the evidence adduced pursuant to the above subissues, the applicant is financially qualified.

14. To determine, with respect to the application of Missouri Broadcasting, Inc.:

(a) The manner in which the applicant will obtain additional funds to construct and operate the proposed station for 3 months.

(b) Whether, in the light of the evidence adduced pursuant to the above subissue, the applicant is financially qualified.

15. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

16. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b) which of the operations proposed in the above-captioned applications would best serve the public interest.

17. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the following licensees are made parties to the proceeding with respect to the application of Station WBEL:

(a) Brainerd Broadcasting Co., Station KLIZ, Brainerd, Minn.

(b) Duhamel Broadcasting Enterprices, Station KOTA, Rapid City, S. Dak.

(c) KUDL Co., a joint venture, Station KUDL, Fairway, Kans.

(d) WKJG, Inc., Station WKJG, Fort Wayne, Ind.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That the pleadings filed by various parties against the acceptance of the applications of Great River Broadcasting, Inc., KWK Broadcasting Corp., and Clermont Broadcasting Co. are hereby denied.

It is further ordered, That the requests of Roy H. Park Broadcasting of Virginia, Inc., Prairie Radio Corp., and WKJG, Inc., are hereby dismissed.

It is further ordered, That the request for waiver of § 1.519 of the rules filed by KWK Broadcasting Corp., is granted.

It is further ordered, That the petitions filed by St. Louis Local, American Federation of Television and Radio Artists, AFL–CIO, and by Local Union No. 4, International Brotherhood of Electrical Workers, AFL–CIO, are granted to the extent that they are made parties to the proceeding, and their requests that there be assurance that Station KWK's successor recognize them as the collective bargaining agents is dismissed.

It is further ordered, That the information by Great River Broadcasting, Inc., Missouri Broadcasting, Inc., Clermont Broadcasting Co., and Victory Broadcasting Co., Inc., that is contained in Docket Nos. 16095, 16096, 16099, and 16100, respectively, which is applicable to and necessary for consideration of their respective applications for construction permits (BP–16749, BP–16763, BP–16758, and BP–16762) in this proceeding is consolidated into docket numbers assigned to the respective applications by this order.

It is further ordered, That Prudential Broadcasting Co., Six-Eighty-Eight Broadcasting Co., St. Louis Broadcasting Co., and Archway Broadcasting Corp. shall, on or before the date specified for the prehearing conference or such further time as the Examiner shall allow, amend their respective proposals to reflect the financial information outlined above and the Examiner is hereby authorized to accept the amendment permitted by this order without requiring compliance with § 1.522(b) of the rules.

It is further ordered, That Victory Broadcasting Co., Inc., shall, on or before the date specified for the prehearing conference or such further time as the Examiner shall allow, amend its application to correct the certificate supporting the bylaws; and the Examiner is hereby authorized to accept the amendment permitted by this order without requiring compliance with § 1.522(b) of the Commission's rules.

It is further ordered, That, in the event of a grant of the application of Clermont Broadcasting Co., the construction permit shall contain the following condition:

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data to establish that the day and night radiation has been adjusted to 184 mv/m and 130 mv/m, respectively, as proposed.

It is further ordered, That, in the event of a grant of any of the applications, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of Clermont Broadcasting Co., the construction permit shall contain a condition that program tests will not be authorized until the permittee has submitted satisfactory evidence that Gordon Bruce Hayward has severed all connections with The Pulitzer Publishing Co., the licensee of Station KSD, St. Louis, Mo.

It is further ordered, That, in the event of a grant of the application of Archway Broadcasting Corp., the construction permit shall contain a condition that program tests will not be authorized until the permittee has submitted satisfactory evidence that Alvin W. Pistorius has divested himself of all interest in and has severed all connection with WTAX, Inc., the licensee of Station WTAX, Springfield, Ill.

It is further ordered, That, in the event of a grant of the application of Prudential Broadcasting Co., the construction permit shall contain a condition that program tests will not be authorized until the permittee has submitted satisfactory evidence that William C. O'Donnell and Charles O. Rick have severed all connections with any affiliates of the Columbia Broadcasting System, Inc., licensee of Station KMOX, St. Louis, Mo., and KXOK Radio, Inc., licensee of Station KXOK, St. Louis, Mo., respectively.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section

311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 15, 1967.

Released: February 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[18]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2144; Filed, Feb. 24, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. AND GENERAL MARITIME 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. Ronald A. Capone, Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 9620, between Central Gulf Steamship Corp. and General Maritime Corp. provides for the establishment of a joint service—rate making arrangement to operate in the trade between the Great Lakes, Atlantic, Gulf and West Coast ports of the United States and ports in the Mediterranean, Red Sea, Persian Gulf, India, Pakistan, Ceylon, Burma, and the Far East including South East Asia, Australia, Hong Kong, Formosa, Korea, and Japan, in accordance with the terms and conditions set forth therein.

Dated: February 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2149; Filed, Feb. 24, 1967; 8:48 a.m.]

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

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. D. I. Knowles, Chairman/Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y. 10004.

Agreement 120-86, between the members of the Trans-Atlantic Steamship Conference, modifies the basic agreement (1) to conform to the requirements of General Order 9, (2) to provide for a new format for Article C thereof, and (3) to establish a new category of membership, namely, Allied Membership. Such members within any calendar year must operate one or more sailings (but an insufficient number to qualify as a Member Line) of a ship or ships whose normal passenger capacity is more than twelve.

Dated: February 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2150; Filed, Feb. 24, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order No. E-24769]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1967.

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

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 19, 1967,[1] names a rate under an existing commodity description as set forth below. The new rate reflects a reduction of 44.4 percent and is consistent with the present level of specific commodity rates within the applicable area.

Commodity Item 0006—Foodstuffs, Spices and Beverages, N.E.S. 25 cents per kg., minimum weight 500 kgs. Bogota to New York.

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

Accordingly, it is ordered:

That Agreement CAB 19054, R-17, be approved: *Provided,* That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2139; Filed, Feb. 24, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition

[18] Commissioner Bartley's concurring statement filed as part of the original document; Commissioner Wadsworth absent.

[1] Received in the Board Jan. 23, 1967.

(FAP 7B2145) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of olefin-modified polyvinyl alcohol as a component of food-packaging adhesives.

Dated: February 16, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2140; Filed, Feb. 24, 1967; 8:48 a.m.]

S. E. MASSENGILL CO.

Notice of Withdrawal of Petition for Food Additives Neomycin and Polymyxin B Sulfate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The S. E. Massengill Co., Bristol, Tenn. 37620, has withdrawn its petition (FAP 5D1588), notice of which was published in the FEDERAL REGISTER of December 24, 1964 (29 F.R. 18397), proposing an amendment to § 121.249 of the food additive regulations to provide for the safe use for the treatment of bovine mastitis of a formulation containing specified amounts of neomycin (as neomycin sulfate) and polymyxin B sulfate.

Dated: February 16, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-2141; Filed, Feb. 24, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI67-297 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order Permitting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 15, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

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

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in Effect Subject To Refund in Docket Nos.
									Rate in Effect	Proposed Increased Rate	
RI67-297	Amerada Petroleum Corp. (Operator) et al., Post Office Box 2040, Tulsa, Okla. 74102.	13	[2] 11	Texas Gas Transmission Corp. (South Lewisburg Field, Acadia, and St. Landry Parishes, La.) (Southern Louisiana).	86,736	1-23-67	[3] 2-23-67	7-23-67	[4] 20.625	[5] [6] 23.10	RI65-553.
RI67-298	E. Cockrell, Jr. (Operator) et al., 999 The Main Bldg., Houston, Tex. 77002.	2	3	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Patterson Field, St. Mary Parish, La.) (Southern Louisiana).	359,306	1-27-67	[3] 2-27-67	7-27-67	[4] 21.25	[4] [7] 23.55	
RI67-299	Maynard Oil Co. (Operator) et al., 2715 Mercantile Bank Bldg., Dallas, Tex. 75201.	1	15	Natural Gas Pipeline Co. of America (Wise County Area, Jack County, Tex.) (RR. District No. 9).	297	1-24-67	[3] 2-24-67	7-24-67	[8] 16.15	[5] [9] 17.338	RI67-17.
	do	3	3	Natural Gas Pipeline Co. of America (Wise County Area, Wise County, Tex.) (RR. District No. 9).	297	1-24-67	[3] 2-24-67	7-24-67	[8] 16.15	[5] [9] 17.338	RI66-10.
	do	4	2	do	1,884	1-24-67	[3] 2-24-67	7-24-67	[8] 15.355	[5] [9] 17.338	
RI67-300	Maynard Oil Co.	2	6	do	594	1-24-67	[3] 2-24-67	7-24-67	[8] 16.15	[5] [9] 17.338	
RI67-301	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	152	5	Northern Natural Gas Co. (Farnsworth Field, Ochiltree County, Tex.) (RR. District No. 10).	1,392	1-25-67	[10] 4-1-67	9-1-67	[8] 16.5	[5] [10] 17.5	RI67-18, RI65-475.

[2] Includes letter agreement with buyer dated Dec. 22, 1966, providing for the redetermined rate proposed herein.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Redetermined rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Inclusive of tax reimbursement.
[7] "Fractured" rate increase. Seller contractually due 24.675 cents per Mcf, but Opinion No. 436 imposed a moratorium on filing increases above 23.55 cents pending outcome of AR61-2 proceeding, or July 1, 1967, whichever is earlier.
[8] Initial service rate as conditioned in temporary certificate issued Oct. 9, 1962, in Docket No. CI63-326.
[9] Periodic rate increase.
[10] Pressure base is 14.65 p.s.i.a.
[11] Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents after increase. Base rate subject to upward and downward B.t.u. adjustment from 1,000 B.t.u.'s. Rates include upward B.t.u. adjustment of 0.90 cent (1,000 B.t.u. gas) before increase and 1.068 cents (1,068 B.t.u. gas) after increase. Rates also include 0.25 cent for dehydration paid by buyer.
[12] Includes base rate of 14.25 cents before increase and 16.0 cents after increase. Base rate subject to upward and downward B.t.u. adjustment from 1,000 B.t.u.'s. Rates include 0.8550 cent (1,000 B.t.u. gas) before increase and 1.068 cents (1,068 B.t.u. gas) after increase. Rates also include 0.25 cent for dehydration paid by buyer.
[13] The stated effective date is the effective date proposed by Respondent.
[14] Subject to a downward B.t.u. adjustment.

Amerada Petroleum Corp. (Operator) et al., request an effective date of January 20, 1967, and E. Cockrell, Jr. (Operator) et al. (Cockrell), request an effective date of January 27, 1967, for their proposed rate increases. Maynard Oil Co. (Operator) et al., request a retroactive effective date of December 1, 1966, for Supplement No. 15 to their FPC Gas Rate Schedule No. 1, and a retroactive effective date of December 27, 1966, for Supplement Nos. 3 and 2 to their FPC Gas Rate Schedule Nos. 3 and 4, respectively. Maynard Oil Co. requests that Supplement No. 6 to its FPC Gas Rate Schedule No. 2 be permitted to become effective as of December 27, 1966. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Cockrell proposes a "fractured" rate increase for gas being sold pursuant to a rate schedule included in Opinion No. 436 (South Louisiana and adjacent offshore initial "in-line" price certificate proceeding).[15] This sale was initially made under a temporary certificate conditioned to an initial rate of 21.25 cents and contained a Condition (2) provision prohibiting changes in the initial rate unless ordered by the Commission in the related certificate proceeding, Docket No. CI63-326. Opinion No. 436 granted a permanent certificate to Cockrell conditioned to an initial rate of 20.0 cents but the reduction in price was stayed pursuant to Opinion No. 436-A. Consistent therewith, Cockrell has continued to sell the gas at the 21.25-cent conditioned rate authorized in the temporary certificate. Although not requested, we believe that it would be in the public interest that the Condition (2) provision be waived to permit Cockrell's notice of change in rate to be filed since service was com-

[15] Opinion No. 436, currently involved in judicial review proceedings, provides for a moratorium on filing rate increases above a 23.55-cent rate pending the outcome of the AR61-2 proceeding, or, July 1, 1967, whichever is earlier. Consistent therewith, Cockrell, although contractually entitled to a 24.675 cents per Mcf rate, is limiting its increase so as not to be in conflict with the moratorium provision contained in Opinion No. 436.

menced more than 3 years ago (date of initial delivery is Feb. 1, 1963).

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

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

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. CI63–326 with respect to Cockrell's notice of change, designated as Supplement No. 3 to Cockrell's FPC Gas Rate Schedule No. 2, and that such notice of change be permitted to be filed as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Condition (2) in the temporary certificate issued in Docket No. CI63–326 is hereby waived with respect to Cockrell's notice of change, designated as Supplement No. 3 to Cockrell's FPC Gas Rate Schedule No. 2, and such rate change is permitted to be filed.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 11, 1967.

By the Commission.

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

[F.R. Doc. 67-2067; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket Nos. G-6548, etc.]

FINANCE & SERVICE CO. ET AL.

Findings and Order After Statutory Hearing

FEBRUARY 15, 1967.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, dismissing applications, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of surety bond, requiring filing of agreement and undertaking and accepting related rate schedules and supplements for filing.

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

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468–A.

Houston Royalty Co. (Operator) et al, Applicant in Docket No. CI64–1391, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Southwest Petroleum Management Corp., agent, et al., FPC Gas Rate Schedule No. 4. Said rate schedule will be redesignated as that of Houston. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65–137 and Houston has filed a motion to be made a party respondent in said proceeding. Therefore, Houston will be made a co-respondent, the proceeding will be redesignated accordingly, and Houston will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI65–137.

American Petrofina Company of Texas (Operator) et al., Applicant in Docket No. CI65–28, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Humble Oil & Refining Co. (Operator) et al., FPC Gas Rate Schedule No. 354. Said rate schedule will be redesignated as that of American Petrofina. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65–273. American Petrofina has requested to be made a party respondent in said proceeding and has agreed to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, American Petrofina will be made co-respondent in said proceeding, the proceeding will be redesignated and American Petrofina will be required to file an agreement and undertaking.

After due notice, a petition to intervene by Long Island Lighting Co. was filed in Docket No. CI67–543, in the matter of the application filed October 21, 1966, in said docket. The petition to intervene has been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on February 9, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

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

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

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

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

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI67–314 and CI67–543 should be canceled and that the applications filed therein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. CI66–635 and G–18369, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the applications to amend filed in Docket No. G–6740 on June 30, 1966, and July 1, 1966, and the application to amend filed in Docket No. CI64–457 on December 22, 1966, should be dismissed as moot.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–6548, G–15810, G–18369, G–19191, CI63–234, CI63–489, CI64–847, CI64–869, CI64–1391, CI65–28, CI65–574, CI65–1174, CI66–635, CI66–721, and CI67–35 should be amended as hereinafter ordered and conditioned.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–3894	CI65–574
G–6740	CI67–766
G–6740	CI67–767
G–15714	CI63–603
CS66–38	CI67–538
CS66–39	CI67–537
CS66–54	CI67–189

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued in Docket No. CI60–72 authorizing sales of natural gas herein authorized to be continued pursuant to certificates issued in Docket Nos. CI67–766 and CI67–767 should be terminated.

(10) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

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

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Houston Royalty Co. (Operator) et al., should be a co-respondent in the proceeding pending in Docket No. RI65–137, that said proceeding should be redesignated accordingly, and that Houston should be required to file a surety bond.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American Petrofina Company of Texas (Operator) et al., should be co-respondent in the proceeding pending in Docket No. RI65–273, that said proceeding should be redesignated accordingly, and that American Petrofina should be required to file an agreement and undertaking.

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

The Commission orders:

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

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

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

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 6 and 18 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. CI67–189, CI67–537, and CI67–538 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. CI67–189, CI67–537, and CI67–538 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 45 days from the date of this order Applicants in Docket Nos. CI67–189, CI67–537, and CI67–538 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(H) A certificate is issued herein in Docket No. CI67–774, authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization.

(I) A certificate is issued herein in Docket No. CI67–779, subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(J) The applications to amend filed in Docket No. G–6740 on June 30, 1966, and July 1, 1966, and the application to amend filed in Docket No. CI64–457 on December 22, 1966, are dismissed as moot.

(K) The certificate heretofore issued in Docket No. G–6548 is amended to include the interest of the "et al." party and the related rate schedule is redesignated as Finance & Service Co., et al.

(L) The certificates heretofore issued in Docket Nos. G–15810, CI63–234, CI65–574, and CI67–35 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The certificate heretofore issued in Docket No. CI63–489 is amended to include the sale of natural gas from the additional acreage, subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificate shall not be subject to the Commission's ultimate determination in Docket No. R–200.

(N) Docket Nos. CI67–314 and CI67–543 are canceled.

(O) The certificate heretofore issued in Docket No. CI65–1174 is amended by authorizing the sale of natural gas from additional acreage from which the sale of natural gas was heretofore authorized in Docket No. CI66–635, and the certificate heretofore issued in Docket No. CI66–635 is amended by deleting therefrom authorization to sell natural gas hereafter to be sold pursuant to the certificate issued in Docket No. CI65–1174.

(P) The certificates heretofore issued in Docket Nos. CI65–1174 and CI66–721 are amended by deleting therefrom authorization to sell natural gas hereafter to be sold pursuant to the certificate issued herein in Docket No. CI67–460.

(Q) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–3894	CI65–574
G–6740	CI67–766
G–6740	CI67–767
G–15714	CI63–603
CS66–38	CI67–538
CS66–39	CI67–537
CS66–54	CI67–189

(R) The certificate heretofore issued in Docket No. CI60–72 authorizing sales of natural gas herein authorized to be continued pursuant to certificates issued herein in Docket Nos. CI67–766 and CI67–767 is terminated.

(S) The certificate heretofore issued in Docket No. G–18369 is amended to reflect the change in operator from Zapata Off-Shore Co. (Operator) et al., to Felmont Oil Corp. (Operator) et al.

(T) The certificates heretofore issued in Docket Nos. G–19191, CI64–847, CI64–869, CI64–1391, and CI65–28 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(U) The acceptance of the related rate filings in Docket Nos. CI64–847, CI64–869, and CI64–1391, are contingent upon Applicant filing three copies of a billing statement for each rate schedule.

(V) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(W) The abandonment of service herein permitted and approved in Docket No. CI67–775 does not relieve Applicant of any obligations to make such refunds as may be ordered in the rate suspension proceeding pending in Docket No. RI63–281.

(X) The certificates heretofore issued in Docket Nos. G–3061, G–7175, CI61–517, and CI62–496 are terminated.

(Y) Houston Royalty Co. (Operator) et al., shall be a co-respondent in the proceeding pending in Docket No. RI65–137 and said proceeding is redesignated accordingly.[1]

(Z) Within 30 days from the issuance of this order Houston Royalty Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission in Docket No. RI65–137 an acceptable surety bond in the amount of $1,300 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Said bond shall be accompanied by a certificate to the effect that no other obligation has been assumed in connection therewith in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(AA) Houston Royalty Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by Houston in Docket No. RI65–137 shall remain in full force and effect until discharged by the Commission.

(BB) American Petrofina Company of Texas (Operator) et al., shall be co-respondent in the proceeding pending in Docket No. RI65–273 and said proceeding is redesignated accordingly.[2]

(CC) Within 30 days from the issuance of this order American Petrofina Company of Texas shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–273 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(DD) American Petrofina Company of Texas (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and the agreement and undertaking filed by American Petrofina in Docket No. RI 65–273 shall remain in full force and effect until discharged by the Commission.

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

By the Commission.

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

[1] Southwest Petroleum Management Corp., agent, et al., and Houston Royalty Co. (Operator) et al.

[2] Humble Oil & Refining Co. (Operator) et al., and American Petrofina Company of Texas (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–6548 11–18–66 [3]	Finance & Service Co. et al.	United Fuel Gas Co., Union District, Wayne County, W. Va.	(3)	1	.....
G–15810 D 11–22–66	Union Oil Co. of California.	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	Letter agreement 9–21–66 [4] [5]	48	3
G–19191 E 12–8–66	American Petrofina Co. of Texas (Operator) et al. (successor to Humble Oil & Refining Co. (Operator) et al.).	United Fuel Gas Co., Killens Ferry Field, Franklin and Tensas Parishes, La.	Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 324.	67	.....
			Supplement Nos. 1–7	67	1–7
			Notice of succession 12–5–66.	.....	.....
			Conveyance 9–14–66 [4]	67	8
			Effective date: 9–1–66	.....	.....
CI63–234 C 12–12–66 [4]	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Field, Pittsburg County, Okla.	Amendatory agreement 10–19–66 [7]	333	9
CI63–489 C 12–9–66 [4]	Ashland Oil & Refining Co. [8]	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Amendatory agreement 11–14–66 [7]	81	6

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65-607 A 11-6-62 C 2-13-63 (G-15714) [2] C 9-30-63 C 10-14-63 C 4-1-64 C 11-29-66 [3]	Pioneer Production Corp. (Operator) et al.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Ratified 9-6-62	15	
			Contract 7-7-58	15	1
			Letter agreement 10-8-59	15	2
			Letter agreement 3-11-63	15	3
			Amendatory agreement 12-5-62 [3]	15	4
			Amendatory agreement 6-24-63	15	5
			Amendatory agreement 9-4-63	15	6
			Compliance 11-29-63	15	7
			Compliance 12-2-63	15	8
			Amendatory agreement 2-28-64	15	9
			Letter agreement 9-2-66 [3]	15	10
			Letter agreement 11-21-66 [3a]	15	11
CI64-457 [10] D 12-22-66	Creek Oil Co., Inc.	Cumberland Natural Gas Co., Inc., White Plains Field, Hopkins County, Ky.	Assignment 4-9-66 [11]	2	1
			Effective date: 1-22-67		
CI64-847 E 12-2-66	Houston Royalty Co. (Operator), et al. (successor to Southwest Petroleum Management Corp. (Operator), et al.	Texas Eastern Transmission Corp., East Melrose and West Weesatche Fields, Goliad County, Tex.	Southwest Petroleum Management Corp. (Operator), et al., FPC GRS No. 2.	5	
			Supplement No. 1	5	1
			Notice of succession 12-2-66.		
			Assignment 9-1-65 [12]	5	2
			Assignment 10-1-65 [12]	5	3
			Effective dates: 9-1-65 and 10-1-65.		
CI-64-869 E 12-5-66	do	Texas Eastern Transmission Corp., West Weesatche Field, Goliad County, Tex.	Southwest Petroleum Management Corp. (Operator), et al., FPC GRS No. 3.	6	
			Notice of succession 12-5-66.		
			Assignment 9-1-65 [12]	6	1
			Assignment 10-1-65 [12]	6	2
			Effective dates: 9-1-65 and 10-1-65.		
CI64-1391 E 11-28-66	Houston Royalty Co. (Operator) et al. (successor to Southwest Petroleum Management Corp., agent, et al.).	do	Southwest Petroleum Management Corp., agent, et al., FPC GRS No. 4.	4	
			Supplement Nos. 1-16	4	1-16
			Notice of succession 11-28-66.		
			Assignment 9-1-65 [12]	4	17
			Assignment 10-1-65 [12]	4	18
			Effective dates: 9-1-65 and 10-1-65.		
CI65-28 E 12-8-66	American Petrofina Co. of Texas (Operator) et al. (successor to Humble Oil & Refining Co. (Operator) et al.).	United Fuel Gas Co., Killens Ferry Field, Franklin and Tensas Parishes, La.	Humble Oil & Refining Co. (Operator) et al., FPC GRS No. 354.	68	
			Supplement Nos. 1-4	68	1-4
			Notice of succession 12-5-66.		
			Conveyance 9-14-66 [4]	68	5
			Effective date: 9-1-66.		
F CI65-574 (G-3894) C 12-9-66 [13]	Frank J. Hall (Operator) et al.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Assignment 5-9-66 [14]	3	18
			Effective date: 4-1-66.		
CI65-1174 C 9-13-66 [9]	Sinclair Oil & Gas Co. (Operator) et al.	Lone Star Gas Co., Nellie District North Field, Stephens County, Okla.	Amendment 3-3-66 [4] [15]	337	1
CI66-721 D 10-11-66	Coastal States Gas Producing Co.	do	Amendment 3-3-66 [4] [17]	59	2
CI67-35 C 12-6-66 [18]	Douglas E. Florance	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	Supplemental agreement 12-1-66. [3]	1	1
A CI67-189 (CS66-54) F 8-16-66	Tenneco Oil Co. (successor to Cactus Drilling Co.).	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	Contract 7-10-62 [19]	208	
			Assignment 6-28-66 [20]	208	1
			Effective date: 7-1-66.		
CI67-314 [21] (CI66-635) D 9-13-66	Sinclair Oil & Gas Co. (Operator) et al.	Lone Star Gas Co., Nellie District North Field, Stephens County, Okla.	Notice of partial cancellation (undated). [4] [22]	343	1
CI67-460 [23] A 10-11-66 [4]	Coastal States Gas Producing Co.	do	Contract 1-20-65 [24]	65	
			Assignment 9-2-65 [20]	65	1
			Amendment 3-3-66 [4] [25]	65	2
A CI67-537 (CS66-39) F 10-20-66	Union Oil Co. of California (successor to Edward H. Leede).	Northern Natural Gas Co., Coyanosa Field, Pecos County, Tex.	Contract 12-4-64 [26]	173	
			Supplemental agreement 12-8-65.	173	1
			Supplemental agreement 12-8-65.	173	2
			Assignment 9-15-66 [20]	173	3
			Effective date: 10-1-66.		
A CI67-538 (CS66-38) F 10-20-66	Union Oil Co. of California (successor to Victor H. Zoller).	do	Contract 12-4-64 [26]	174	
			Supplemental agreement 12-8-65.	174	1
			Supplemental agreement 12-8-65.	174	2
			Assignment 9-15-66 [20]	174	3
			Effective date: 10-1-66.		
CI67-543 [27] (G-18369) E 10-21-66 [28]	Felmont Oil Corp. (Operator) et al. (successor to Zapata Off-Shore Co. (Operator) et al.).	Transcontinental Gas Pipe Line Corp., Block 86 Field, Vermilion Parish, La.	Zapata Off-Shore Co. (Operator) et al., FPC GRS No. 1.	11	
			Supplement No. 1	11	
			Notice of succession (undated).		
			Assignment 9-21-66 [20]	11	2
			Effective date: 6-1-66.		
CI67-663 A 11-18-66 [9]	An-Son Corp., et al.	Northern Natural Gas Co., Ezra Evans Unit, Mocane Area, Beaver County, Okla.	Contract 8-15-66 [7]	22	
CI67-761 A 12-7-66 [9]	Great Yellowstone Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	Contract 10-24-66 [7]	2	
CI67-783 A 12-5-66 [29]	C. F. Raymond et al.	Kansas-Nebraska Natural Gas Co., Inc., Bonanza Field, Logan County, Colo.	Contract 4-30-66	6	
A CI67-766 (G-6740) (CI60-72) F 12-7-66	Houston Royalty Co. (successor to George R. Brown et al. and Southeastern Drilling Corp. et al. [30]).	United Gas Pipe Line Co. Cabeza Creek Area, Goliad County, Tex.	Southeastern Drilling Corp. et al., FPC GRS No. 1.	7	
			Supplement Nos. 1-17	7	1-17
			Notice of succession 12-7-66.		
			Assignment 2-26-66 [20]	7	18
			Assignment 2-26-66 [20]	7	19
			Assignment 2-26-66 [20]	7	20
			Effective date: 3-1-66.		
G-6740 [31] D 6-30-66	George R. Brown et al.	do	Assignment 2-26-66 [20]	2	11
			Assignment 2-26-66 [20]	2	12
			Assignment 2-26-66 [4] [20]	2	13
A CI67-767 (G-6740) (CI60-72) F 12-7-66	Houston Royalty Co. (successor to George R. Brown et al. and Southeastern Drilling Corp. et al. [30]).	United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex.	Contract 11-9-50 [32]	8	
			Amendment 11-13-53 [33]	8	1
			Letter agreement 8-31-54. [34]	8	2
			Amendment 10-15-54 [35]	8	3
			Amendment 6-14-55 [36]	8	4
			Amendment 9-10-59 [37]	8	5
			Assignment 2-26-66 [20]	8	6
			Effective date: 3-1-66.		
G-6740 [31] D 7-1-66	George R. Brown et al.	do	Assignment 2-26-66 [4] [20]	1	10
CI67-709 (CI60-517) B 11-17-66	J. E. Hillier	Valley Gas Transmission, Inc., Maetze Field, Goliad County, Tex.	Notice of cancellation 11-15-66. [4] [38]	1	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-770 (G-7175) B 12-12-66	Gulf Oil Corp.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Notice of cancellation 12-9-66 [1] [2]	81	8
CI67-771 A 12-12-66 [3]	Petroleum, Inc. (Operator) et al.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Pool, Beaver County, Okla.	Contract 10-21-66 [4]	41	
CI67-772 A 12-12-66 [5]	Spicknall Enterprises	El Paso Natural Gas Co., acreage in Wheeler County, Tex.	Contract 12-16-57 [4]	1	
CI67-774 A 12-6-66 [5] [6]	James A. Hughes et al.	Cumberland and Allegheny Gas Co., Washington District, Upshur County, W. Va.	Contract 1-27-58 [4]	5	
CI67-775 (CI62-496) B 12-5-66	William E. McCommons d.b.a. McCommons Exploration Co. et al.	United Gas Pipe Line Co., Baxterville Field, Lamar County, Miss.	Notice of cancellation 9-6-66 [1] [7]	[8] 1	3
CI67-776 A 12-13-66 [9]	Jake L. Hamon	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	Ratified 11-25-66 [9] Contract 8-16-66 [4]	50 50	1
CI67-788 A 12-14-66 [10]	Joseph S. Gruss	United Fuel Gas Co., Walton District, Roane County, W. Va.	Contract 10-4-66 [4]	12	
CI67-779 A 12-14-66 [4]	Falcon Seaboard Drilling Co. [11]	Panhandle Eastern Pipe Line Co., Northeast Waynoka Field, Woods County, Okla.	Contract 10-19-66 [4]	24	
CI67-781 (G-3061) B 12-9-66	R. E. Beamon	Natural Gas Pipeline Co. of America, Fairbanks Area, Harris County, Tex.	Notice of cancellation 12-7-66 [1] [12]	1	3
CI67-816 A 12-28-66 [13]	E. C. Wedell et al.	Northern Natural Gas Co., acreage in Barton County, Kans.	Contract 12-16-66 [4]	1	

[1] Amendment to the certificate filed to include the interest of "et al." party.
[2] No related rate filing; letter of Nov. 17, 1966, requesting inclusion of "et al." party placed in interest statement section of Finance & Service Co. et al., FPC GRS No. 1.
[3] Deletes certain expired leases. Union states that these leases were undeveloped, no sales were made therefrom and that Union no longer owns an interest in these leases.
[4] Effective date: Date of this order.
[5] Assignment from Humble Oil & Refining Co. to American Petrofina Co. of Texas, Southwest Charitable Corp. and First National Bank in Dallas.
[6] July 1, 1967, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[7] Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).
[8] Applicant has agreed to accept authorization for the additional acreage subject to the conditions imposed in Opinion No. 338.
[9] Acreage was previously covered by a Humble Oil & Refining Co. contract (FPC GRS No. 239) and certificate granted in Docket No. G-15714.
[10] Deletes impermissible pricing provisions with respect to Supplement No. 9.
[11] By order issued Dec. 23, 1966, in Docket Nos. G-3942 et al., said certificate was amended to reflect deletion of subject acreage concurrently with the issuance of the certificate to the successor in Docket No. CI67-491; therefore, only the supplement to the rate schedule is being accepted for filing by this order and the application to amend filed Dec. 22, 1966, will be dismissed as moot.
[12] Transfers Tar Springs Formation only from Creek Oil Co., Inc., to Tartan Oil Co.
[13] Conveys acreage from Lamar W. Davis, Jr. to Houston Royalty Co.
[14] Conveys acreage from W. F. Bowman to Houston Royalty Co.
[15] Adds acreage acquired from Atlantic Richfield Company in Docket No. G-2894.
[16] Assignment from Atlantic Richfield Company to Frank J. Hall, C. B. Sentell and John D. Whitaker.
[17] Adds 160 acres previously covered under its FPC GRS No. 343, from which the acreage is being deleted. The State Commission increased the acre spacing in the "Ford Unit" covered under FPC GRS No. 337 and to comply with this spacing, Applicant included this 160 acres in the unit and is transferring this acreage to its FPC GRS No. 337 so all the acreage in the unit would be covered under the same rate schedule.
[18] Deletes acreage transferred to FPC GRS No. 65 (Docket No. CI67-468).
[19] Jan. 1, 1968, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[20] Between Cactus Drilling Co. and El Paso Natural Gas Co.
[21] From Cactus Drilling Co. to Tenneco Oil Co.
[22] Application in Docket No. CI67-314 will be treated as a petition to amend the certificate heretofore issued in Docket No. CI66-635 and Docket No. CI67-314 will be canceled.
[23] Deletes the 160 acres previously covered under its FPC GRS No. 343; attached thereto is agreement with buyer deleting acreage.
[24] Application covers Applicant's own interest which was previously covered by Sinclair Oil & Gas Co.'s certificate in Docket No. CI65-1174 and a portion of the acreage previously covered by Applicant's certificate in Docket No. CI66-721 in order to put all of the acreage in the same unit under one certificate and rate schedule.
[25] Between Sinclair Oil & Gas Co., Peake Petroleum Co. and Woods Petroleum Corp. and buyer.
[26] Assignment from Peake Petroleum Co. to Coastal States Gas Producing Co.
[27] Adds acreage previously covered by Applicant's FPC GRS No. 39.
[28] Between Edward H. Leede and Northern Natural Gas Co.
[29] From Edward H. Leede and Victor H. Zoller to Union Oil Co. of California.
[30] Between Victor H. Zoller and Northern Natural Gas Co.
[31] Application in Docket No. CI67-543 will be treated as a petition to amend the certificate in Docket No. G-18369 and Docket No. CI67-543 will be canceled.
[32] Applicant as signatory seller is filing to operate the properties in lieu of Zapata Off-Shore who assigned its interest in the sale to Colgrado Oil & Gas Corp. in Docket No. CI67-339.
[33] Conveys interest from G. H. Walker, Jr., to Felmont Oil Corp.
[34] Now Southeastern Drilling, Inc.
[35] Conveys a portion of George R. Brown's interest and remaining portion of Southeastern's interest to Houston Royalty Co. at various depths (acreage presently dedicated to George R. Brown, et al., FPC GRS No. 2 and Southeastern Drilling Corp., et al., FPC GRS No. 1.)
[36] Only the supplements to the rate schedules are being accepted for filing by this order and the applications to amend filed on June 30, 1966 and July 1, 1966, will be dismissed as moot.
[37] Transfers properties from George R. Brown, et al. to Houston Royalty Co. in Docket Nos. CI67-766 and CI67-767 (Supp. No. 10 to FPC GRS No. 1, provides for a depth limitation of 8,657 ft.).
[38] Basic contract between Sun Oil Co., as seller and United Gas Pipe Line Co., as buyer; on file as George R. Brown et al., FPC GRS No. 1.
[39] Provides for sale of oil well gas by George R. Brown et al.
[40] Provides for tax reimbursement.
[41] Adds acreage.
[42] Provides for a 1 cent per Mcf increase every 5 years until a price of 9.5 cents is attained.
[43] Provides for a 1 cent per Mcf increase every 5 years until a price of 16.0 cents is attained.
[44] Conveys George R. Brown's and Southeastern's interests to Houston Royalty Co. to depth of 8,657 feet.
[45] Source of gas depleted.
[46] Sale being rendered without prior Commission authorization.
[47] Rate of 22.8829 cents effective subject to refund in Docket No. RI63-281.
[48] Ratifies contract dated Aug. 16, 1966 between Monsanto Co. and buyer; on file as Monsanto Co. FPC GRS No. 85.
[49] Applicant states its willingness to accept a permanent certificate subject to the conditions imposed in Opinion No. 330, excluding "R-200" condition.

[F.R. Doc. 67-2068; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket No. RI67-302]

LAMAR HUNT TRUST ESTATE

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 15, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations

thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 11, 1967.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-302	Lamar Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202, Attn: Donald K. Young, Esq.	7	4	West Lake Natural Gasoline Co.[1] [2] (Vena Madre Field, Nolan County, Tex.) (R.R. District No. 7-b).	$45	1-25-67	[3] 2-25-67	[4] 2-26-67	8.5	[5] [6] 9.0	RI60-382.

[1] For resale to El Paso Natural Gas Co. under West Lake Natural Gasoline Co. (Operator) et al., FPC Gas Rate Schedule No. 1.
[2] Buyer's resale rate is in effect subject to refund.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Revenue-sharing rate increase.
[6] Pressure base is 14.65 p.s.i.a.

Lamar Hunt Trust Estate (Hunt) requests a retroactive effective date of January 1, 1965, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Hunt's rate filing and such request is denied.

Hunt proposes a revenue-sharing increase involving a sale of natural gas to West Lake Natural Gasoline Co. (West Lake) which gathers and processes the gas and resells the the residue to El Paso Natural Gas Co. Hunt's proposed increased rate of 9.0 cents is for 50 percent of West Lake's resale rate of 18.0 cents per Mcf which is in effect subject to refund. Although Hunt's proposed rate increase does not exceed the area increased rate ceiling of 11.50 cents per Mcf for Texas Railroad District No. 7-b as announced in the Commission's statement of general policy No. 61-1, as amended, such area rate ceiling is applicable to the buyer's, West Lake, resale rate which is in effect subject to refund. We conclude that Hunt's proposed rate increase should be suspended for 1 day from February 25, 1967, the date of expiration of the statutory notice.

[F.R. Doc. 67-2069; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket No. CP61-163]

ARKANSAS LOUISIANA GAS CO.

Notice of Petition To Amend

FEBRUARY 16, 1967.

Take notice that on February 8, 1967, Arkansas Louisiana Gas Co. (Petitioner), Post Office Box 1126, Shreveport, La. 71102, filed in Docket No. CP61-163 a petition to amend the order issued by the Commission in Docket No. CP61-143 et al. on January 3, 1963, and amended on December 30, 1963, June 2, 1964, May 25, 1965, and September 12, 1966, by extending Petitioner's authorization to purchase natural gas from Colorado Interstate Gas Co. (Colorado) from 12:01 a.m., May 1, 1967, until 12:01 a.m., May 1, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner states that the contracts between it, Colorado and Natural Gas Pipeline Company of America (Natural) have been extended for a period of 1 year until May 1, 1968, and Petitioner states that due to the present shortage of its own long-term supply and the needs of its customers, it is necessary for Petitioner to purchase this additional gas for 1 more year. The gas is sold under a three-party transaction wherein Colorado delivers the gas to Natural who in turn delivers equal quantities to Petitioner. On this basis Petitioner requests that its authorization be extended until 12:01 a.m., May 1, 1968.

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 March 15, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2111; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket No. G-13279, etc.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Findings and Order; Correction

FEBRUARY 2, 1967.

Coastal States Gas Producing Co. et al., Docket Nos. G-13279 et al.; Cities Service Oil Co. (Operator), Docket No. CI65-561.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, dismissing application, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued December 6, 1966, and published in the FEDERAL REGISTER December 16, 1966 (F.R. Doc. 66-13360, 31 F.R. 16165), in the chart after Docket No. CI65-561, Cities Service Oil Co. (Operator), change the filing date from "8-19-66" to read "9-19-66".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67-2112; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket No. CP67-222]

HOME GAS CO.

Notice of Application

FEBRUARY 16, 1967.

Take notice that on February 6, 1967, Home Gas Co., 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP67-222 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities and the permission and approval for the abandonment of certain other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon its 680-horsepower Wellsville Compressor Station in the town of Wellsville, in Allegheny County, N.Y., and authorization to replace with 12-inch pipeline two segments of its parallel 6-inch transmission pipelines A-1, A-2, A-3, and A-4 which transverse, in total, approximately 8.2 miles and which aggregate about 33.0 miles of pipe, in the towns of Greenwood and Jasper, in Steuben County, N.Y.

Applicant estimates the cost of the proposed construction at approximately $385,000, said cost to be financed through the issuance and sale of promissory notes and/or common stock to its parent company, The Columbia Gas System, Inc. Applicant estimates that the net salvage from the retirements will be $2,000.

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

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 March 13, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2113; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket No. CP67-226]

TOWN OF KEOSAUQUA, IOWA, AND MICHIGAN WISCONSIN PIPELINE CO.

Notice of Application

FEBRUARY 16, 1967.

Take notice that on February 9, 1967, the town of Keosauqua, Iowa (Applicant), filed in Docket No. CP67-226 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipeline Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the town of Keosauqua, all in the county of Van Buren, in the State of Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 9.75 miles of 2⅜ inch O.D. transmission lateral in a southerly direction from a point of connection with the 2.75 miles of transmission lateral proposed to be constructed by Respondent, from its main transmission facilities to the abovementioned point of connection, to Applicant's proposed distribution system. Rural customers will be served by short line taps from Applicant's transmission lateral.

Applicant estimates the peak day and annual volumes required as follows:

Year:	1st	2d	3d
Peak day requirements	401	557	779
Peak annual requirements	45,107	60,359	82,300

Applicant estimates the total cost of the proposed construction at approximately $270,000, said cost to be financed through the issuance of 30 Year Gas Revenue Bonds.

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 March 14, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2114; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket No. RI67-127 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JANUARY 25, 1967.

Sinclair Oil & Gas Co. et al., Docket Nos. RI67-127 et al.; Huval & Dunigan (Operator) et al., Docket No. RI67-128.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 1, 1966, and published in the FEDERAL REGISTER November 10, 1966 (F.R. Doc. 66-12210, 31 F.R. 14468), in the chart after Docket No. RI67-128, Huval & Dunigan (Operator) et al., correct the respondent's name to read "Huval & Dunigan" in lieu of "Auval & Dunigan".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2115; Filed, Feb. 24, 1967; 8:45 a.m.]

[Docket No. DA-201-Wash.; Power Site Reserve No. 158]

BUREAU OF LAND MANAGEMENT, SPOKANE, WASH.

Determination Regarding Lands Withdrawn in Power Site Reserve

FEBRUARY 16, 1967.

Application has been filed by the Bureau of Land Management, Spokane, Wash. (Applicant), under the Act of September 19, 1964 (78 Stat. 988) for a determination under section 24 of the Federal Power Act affecting the following described lands of the United States withdrawn for power purposes:

WILLAMETTE MERIDIAN, WASHINGTON

T. 32 N., R. 9 E.,
Sec. 24, part of lots 9 and 12, and all of lots 15, 16, 17, 18, and 19 (approximately 25.86 acres).

The subject lands lie on or near the right bank of the Sauk River, a tributary to the Skagit River, and are withdrawn in Power Site Reserve No. 158, dated October 29, 1910. The portions of lots 9 and 12 included in the power withdrawal are those portions lying in the tract originally surveyed as the W½NE¼.

The Applicant proposes to sell lot 18 of the subject lands to a prospective purchaser for the latter's access to the Sauk River from lands already acquired by the prospective purchaser. The prospective purchaser has also indicated that he wishes to acquire lot 18 to eliminate undesirable conditions such as raids thereon for wood and trees and its use as a trash dump.

The Bureau of Land Management also proposes to dispose of odd-shaped lots ranging from 0.05 acre to 17.75 acres, which were the result of the desegregation of tracts to be used for mineral purposes. Should the Commission act favorably on the subject application, the Bureau proposes to offer lots 15 and 18 for public sale, lots 16 and 17 to the State of Washington for recreational development, and lots 9, 12, and 19 to the State for sustained timber yield.

The subject lands lie at elevations ranging from approximately 520 feet along the Sauk River to approximately 900 feet. The U.S. Corps of Engineers has studied development of several damsites in the Skagit River Basin, the latest being in 1952, which included a plan for a high single dam (Faber) on the Skagit downstream from the Sauk River with a pool elevation of approximately 500 feet and having an installation of 781,000 kw., and an alternate plan for a low Faber dam in conjunction with a dam to be located on the Sauk River about 1 mile above its mouth. However, it was determined by the Corps that the ratio of benefits to costs of either plan of development was not favorable.

In a 1933 Corps report on potential development of the Skagit River (House Doc. 187, 73d Cong. 2d sess.) it was pointed out that the pool elevation of the single high dam (Faber) on the Skagit River would be limited by a ridge between the Sauk and Stillaguamish River basins, taken by the Corps to be at an altitude of 505 feet at the lowest point. However, subsequent mapping in 1936 by the U.S. Geological Survey established the limiting height by the ridge to be at an altitude of about 520 feet, and the subject lands may have potential value for flowage. In the circumstances, while the subject lands may have value for flowage purposes, it does not appear that any power development which would affect the subject lands is imminent.

The Commission determines:

The power value of the subject lands will not be injured or destroyed by restoration to location, entry, or selection under appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act.

The above-described lands are not restored to entry, location, or selection under the conditions of this determination until the Secretary of the Interior issues a formal order of restoration, and no

preference right to the lands is acquired by the filing of the application for restoration or by this action taken by the Commission with respect to the lands.

By the Commission.

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

[F.R. Doc. 67-2116; Filed, Feb. 24, 1967; 8:46 a.m.]

[Project No. 878]

FOREST SERVICE

Order Further Vacating Withdrawal of Lands

FEBRUARY 16, 1967.

Application has been filed by the U.S. Forest Service (Applicant) for vacation of the power withdrawal pertaining to the following described lands of the United States within Eldorado National Forest in El Dorado County, Calif.:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All portions of the following described lands lying at or below elevation 6,379 feet U.S. Geological Survey datum:

T. 12 N., R. 17 E.,
Sec. 11, lots 2, 5, 6;
Sec. 14, lots 6, 7, 8 (approximately 7.36 acres).

The lands are the remaining lands still withdrawn pursuant to the filing on February 8, 1928, of an application for license for Project No. 878 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated May 1, 1928. By its order issued February 24, 1950, the Commission accepted surrender of the license for Project No. 878 (which had an installed capacity of not more than 100 hp.), pursuant to appplication therefor, which order stated that the project powerplant and pipeline had become obsolete and that since electric service had become available from another source, it was no longer practical or economically feasible to continue the development of power.

Applicant has advised that in 1951 it acquired much of the land privately owned by the former licensees (individuals) for Project No. 878 and the former licensees' water rights in connection with the project, and that Applicant presently owns the former project dam across Taylor Creek and controls the water level at Fallen Leaf Lake (formerly the project reservoir) for recreation and management of fish life in Taylor Creek below the dam.

The Commission finds: The subject lands no longer have power value and the power withdrawal pertaining thereto serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 878 is hereby vacated insofar as it pertains to the subject lands.

By the Commission.

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

[F.R. Doc. 67-2117; Filed, Feb. 24, 1967; 8:46 a.m.]

[Docket No. DA-1077-Calif.; Project No. 2426]

FOREST SERVICE

Order Partially Vacating Withdrawal of Lands

FEBRUARY 16, 1967.

Pursuant to application by the U.S. Forest Service in Docket No. DA-1057-Calif., the Commission on May 26, 1965 issued a finding that it had no objection to the cancellation or revocation by the Secretary of the Interior of Power Site Classification No. 80 insofar as it affected the following described tract of lands of the United States:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 7 N., R. 18 W.,
Sec. 21, SW¼NE¼ (40 acres).

The Commission's action was to enable the Forest Service to effect an exchange of the above-described 40-acre tract together with 240 acres of other National Forest lands for 292.15 acres of privately owned lands. Following the Commission's action, the Secretary of the Interior issued Public Land Order 3877, dated November 23, 1965, which canceled Power Site Classification No. 80 insofar as it affected the 40-acre tract and opened the tract to such forms of disposition as may by law be made of National Forest lands effective as of December 29, 1965. Upon issuance of Order 3877, an individual and his wife, conveyed to the Forest their privately owned lands which were to be exchanged for the aforesaid National Forest lands. The executed deed was recorded and a policy of title insurance thereon to the United States was furnished to the Forest Service.

On December 20, 1965, the State of California Department of Water Resources filed an application for license under the Federal Power Act for proposed Project No. 2426, known as the California Aqueduct Project, which includes, among other lands, the abovementioned 40-acre tract involved in the proposed exchange. The filing date of the application for license having preceded the effective date of the Secretary of the Interior's Public Land Order 3877, the 40-acre tract was still in U.S. ownership and again became withdrawn for power purposes under section 24 of the Federal Power Act.

The Forest Service, by letter dated November 15, 1966, requests the Commission to vacate the further power withdrawal insofar as it affects the 40-acre tract to enable the exchange to be consummated.

The flood channel adjacent to the proposed Pyramid powerhouse of Project No. 2426 would occupy the NE portion of the SW¼NE¼ of sec. 21, T. 7 N., R. 18 W., comprising about 3 acres. Applicant for Project No. 2426 by letter dated December 29, 1966, advises that it has no objection to the request of the Forest Service as a step to completion of the proposed land exchange. By letter dated January 19, 1967, Applicant advises that if the exchange is consummated and it is licensed to construct Project No. 2426 it proposes to acquire any interest in the 40-acre tract needed for project purposes through eminent domain procedures.

The Commission finds: In these circumstances, it is necessary and appropriate for the purposes of the Federal Power Act that the request by the Forest Service for a vacation of the withdrawal for Project No. 2426 insofar as it applies to the subject lands be granted.

The Commission orders: The power withdrawal pertaining to the subject 40-acre tract of lands pursuant to the application for Project No. 2426 is hereby vacated.

By the Commission.

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

[F.R. Doc. 67-2118; Filed, Feb. 24, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2636—7-2641]

AVON PRODUCTS, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 20, 1967.

In the matter of applications of the Midwest Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Avon Products, Inc	7-2636
Babcock & Wilcox Co	7-2637
The Borden Co	7-2638
Columbia Broadcasting System, Inc	7-2639
Delta Air Lines, Inc	7-2640
Douglas Aircraft Co	7-2641

Upon receipt of a request, on or before March 7, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-2134; Filed, Feb. 24, 1967; 8:47 a.m.]

[File Nos. 7-2648—7-2652]

GENERAL CABLE CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 20, 1967.

In the matter of applications of the Boston Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
General Cable Corp.	7-2648
Lear Siegler, Inc.	7-2649
Smith Kline & French Laboratories	7-2650
UMC Industries, Inc.	7-2651
Western Air Lines, Inc.	7-2652

Upon receipt of a request, on or before March 7, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-2135; Filed, Feb. 24, 1967; 8:47 a.m.]

[File Nos. 7-2642—7-2647]

GEORGIA PACIFIC CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 20, 1967.

In the matter of applications of the Midwest Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder ,for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Georgia Pacific Corp.	7-2642
Massey-Ferguson, Ltd.	7-2643
Occidental Petroleum Corp.	7-2644
SCM Corp.	7-2645
Scott Paper Co.	7-2646
Varian Associates	7-2647

Upon receipt of a request, on or before March 7, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-2136; Filed, Feb. 24, 1967; 8:47 a.m.]

[70-4447]

MILLSTONE POINT CO. AND NORTHEAST UTILITIES

Notice of Proposed Performance of Plant Operating Agreement for Associate Companies and Issue and Sale of Promissory Notes to Holding Company by Subsidiary Company

FEBRUARY 20, 1967.

Notice is hereby given that Northeast Utilities ("Northeast"), 70 Federal Street, Boston, Mass. 02110, a registered holding company, and its wholly owned subsidiary company, the Millstone Point Co. ("Millstone"), P.O. Box 270, Hartford, Conn. 06101, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating, to the extent applicable, sections 2(a)(19), 6, 7, 9, 10, 12(b), (c), and (f), and 13(b) of the Act and Rules 43, 45(b)(2), 50(a)(3), 86, 87(a)(2), and (a)(3), and 88 promulgated thereunder regarding the proposed transactions. All interested persons are referred to the said joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Connecticut Light and Power Co. ("CL&P"), The Hartford Electric Light Co. ("HELCO"), and Western Massachusetts Electric Co. ("WMECO"), all of which are electric-utility subsidiary companies of Northeast, have engaged the General Electric Co. ("GE"), by contract dated September 15, 1965, to design and construct a nuclear electric generating unit with initial net electric capability of 550,000 kilowatts ("Plant") on a 500-acre site in Waterford, Conn. ("Site"). CL&P, HELCO, and WMECO (the "Owners") will own the plant and site as tenants in common with undivided interests therein of 53 percent, 28 percent, and 19 percent, respectively ("ownership percentages"). The Owners are negotiating another contract with GE to supply initial fuel cores for the Plant and, after the Plant becomes operative, they will own and have available to them amounts of the net electric capability of the Plant which correspond to their respective ownership percentages.

Pursuant to the terms of an operating agreement dated June 30, 1966, the Owners have appointed Millstone as their agent with authority to (1) act for them in all matters respecting the design and construction of the Plant and the procurement of fuel, materials, and supplies and services for the Plant, (2) operate and maintain the Plant, (3) effect necessary renewals, replacements, additions, retirements, and modifications to the Plant within certain specified limits, and (4) manage the Plant site. Millstone will have sole authority to determine the time and manner of operation of the Plant, but will use its best efforts to operate the Plant in accordance with good utility operating practices and such policies as may be established from time to time by the Owners. The Plant will be operated by employees of Millstone, and all corporate, general, and other expenses of Millstone as a separate corporate entity, together with other costs incurred by Millstone for the accounts of the Owners in connection with the design, construction and operation of the Plant, will be reimbursed by the Owners in proportion to their respective ownership percentages.

The capitalization of Millstone presently consists of capital stock in the stated amount of $15,000 and a promissory note in the principal amount of $25,000, all of which securities are owned by Northeast. In order to meet its anticipated capital requirements, Millstone proposes to issue and sell from time to time to Northeast for cash at the principal amount thereof, and Northeast proposes to acquire, additional notes not exceeding $125,000 principal amount. All of the aforesaid notes will bear interest at a rate one-fourth of 1 percent above the commercial bank prime rate

for short-term loans (currently 5¾ percent) in effect from time to time in Hartford, Conn. (adjusted as of the date of announcement of any change in such prime rate) and mature on June 30, 2006. The notes may be repaid at any time without premium. Millstone proposes to maintain its total capital at an amount equal approximately to 2-months payroll and other related expenses, but in no event more than $165,000. Since its capital requirements may vary from time to time within the aforesaid limits, Millstone may reacquire notes theretofore issued to Northeast, and thereafter reissue and sell such notes to Northeast at the principal amount thereof, as may be required.

It is estimated that the fees, commissions, and expenses which will be incurred in connection with the proposed transactions will total approximately $2,500. It is further stated that no consent or approval of any State commission or any Federal commission, other than this Commission, is required in respect of the proposed transactions. However, Millstone expects to request the enactment by the Connecticut General Assembly during 1967 of legislation authorizing Millstone to exercise certain powers as an electric utility. If such legislation is enacted, the approval of the Connecticut Public Utilities Commission may be required thereafter for the issue of additional notes.

Notice is further given that any interested person may, not later than March 10, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed and amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-2137; Filed, Feb. 24, 1967; 8:47 a.m.]

[70-4453]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds at Competitive Bidding and Proposed Issue and Sale of Notes to Banks

FEBRUARY 16, 1967.

Notice is hereby given that Western Massachusetts Electric Co. ("WMECO"), 174 Brush Hill Avenue, West Springfield, Mass., an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), and 7 of the Act and Rule 50 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.

WMECO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $15 million principal amount of First Mortgage Bonds, Series F, ------ percent, due March 1, 1997. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to WMECO (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the First Mortgage Indenture dated as of August 1, 1954, between WMECO and Old Colony Trust Co., Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of March 1, 1967.

WMECO also proposes to issue and sell to two banks, from time to time prior to June 30, 1968, its unsecured promissory notes in an aggregate maximum amount to be outstanding at any one time of $24,500,000, as follows: The First National Bank of Boston, $21 million, and New England Merchants National Bank of Boston, $3,500,000. Included within said aggregate amount of notes are those notes which WMECO may issue pursuant to the 5 percent exemptive provision of section 6(b) of the Act. Each note will be dated on the date of issue, will bear interest at the prime rate in effect at the lending bank on such date and thereafter, will mature not more than 9 months after such date but in no event later than June 30, 1968, and will be prepayable at any time without penalty.

WMECO will apply the net proceeds from any permanent financing effected before June 30, 1968, other than the proposed Series F Bonds, in full or partial payment of the proposed notes, and the maximum amount of indebtedness which it may incur pursuant to this filing after any such permanent financing will be reduced by the amount of the net proceeds thereof.

The filing states that WMECO intends to use the proceeds from the sale of the Series F Bonds to pay bank loans, estimated to be outstanding in the aggregate amount of $14,600,000, and to reimburse its treasury for construction expenditures. The proceeds from the sale of the proposed notes are to be used for WMECO's construction program, estimated at $26,634,000 from January 1, 1967, to June 30, 1968, and for other corporate purposes.

The application-declaration states that the issue and sale of the Series F Bonds is subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no fees will be paid in connection with the proposed issue and sale of notes and that expenses, if any, will be nominal. A statement of fees and expenses incident to the issue and sale of the new bonds is to be filed by amendment.

Notice is further given that any interested person may, not later than March 6, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-2138; Filed, Feb. 24, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 599]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of December 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Riverside County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on December 1, through December 6, 1966.

OFFICE

Small Business Administration Regional Office, 312 West Fifth Street, Los Angeles, Calif. 90013.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1967.

Dated: February 16, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-2125; Filed, Feb. 24, 1967; 8:46 a.m.]

[Declaration of Disaster Area 600]

PENNSYLVANIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the town of Lansford, Carbon County, Pa.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the town affected:

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from fire occurring on February 11, 1967.

OFFICE

Small Business Administration Regional Office, 1015 Chestnut Street, Philadelphia, Pa. 19107.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1967.

Dated: February 20, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-2126; Filed, Feb. 24, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 21, 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. 40904—*Beet or cane sugar from Houston and Sugar Land, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8859), for interested rail carriers. Rates on beet or cane sugar, dry, in bulk, in covered hopper cars, in carloads, from Houston and Sugar Land, Tex., to Chicago, Ill., and points grouped therewith.

Grounds for relief—Market competition.

Tariff—Supplement 66 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 40905—*Coke and coke products to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8953), for interested rail carriers. Rates on coke and coke products, as described in the application, in carloads, from St. Paul, Minn., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 77 to Southwestern Freight Bureau, agent, tariff ICC 4449.

By the Commission.

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

[F.R. Doc. 67-2146; Filed, Feb. 24, 1967; 8:48 a.m.]

[Notice 342]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 21, 1967.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 33298 (Sub-No. 1 TA), filed February 17, 1967. Applicant: SCHOCK TRANSFER CO., INC., 655 Industrial Boulevard, Kansas City, Kans. 66115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Bottles*, plastic, in boxes, unitized, from Grain Valley, Mo., to Kansas City, Kans., for 150 days. Supporting shipper: Industrial Plastic Corp., Post Office Box 205, Blue Springs, Mo. 64015. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125533 (Sub-No. 4 TA), filed February 17, 1967. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Post Office Box 6064, Ellet Station, Akron, Ohio. 44312. Applicant's representative: John P. McMahon, Columbus Center, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Conduit and pipe attachments and parts and fittings therefor*, from Rootstown Township, Portage County, Ohio, to points in North Carolina, and South

Carolina, for 180 days. Supporting shipper: Orangeburg Manufacturing Co., Division of The Flintkote Co., Ravenna, Ohio. 44266. Send protests to: District Supervisor G. J. Baccei, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio. 44114.

No. MC 128881 TA, filed February 17, 1967. Applicant: KYLE STREET AND KALE STREET, a partnership, doing business as STREET TRANSPORTATION COMPANY, Unicoi, Tenn. 37692. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Cinder blocks, clay and clay products, shale and shale products, concrete and concrete products, and mortar mixes*, (1) from Kingsport, Tenn., to points in Alleghany, Bedford, Botetourt, Buchanan, Bland, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va.; (2) from Kingsport and Johnson City, Tenn., and Groseclose, Va., to points in Bell, Breathitt, Clay, Floyd, Harlan, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, and Whitley Counties, Ky., and points in Fayette, Logan, McDowell, Mercer, Mingo, Raleigh, Summers, and Wyoming Counties, W. Va.; (3) between Kingsport and Johnson City, Tenn., on the one hand, and, on the other, Richmond, Va.; (4) from Kingsport and Johnson City, Tenn., to Louisville, Ky.; (5) between Kingsport, Tenn., on the one hand, and, on the other, points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawaba, Cherokee, Clay, Davidson, Davie, Forsyth, Guilford, Haywood, Henderson, Iredell, Jackson, McDowell, Macon, Stokes, Surry, Transylvania, Watauga, Wilkes, Yadkin, and Yancey Counties, N.C. The proposed operations are to be limited to a transportation service to be performed under a continuing contract, or contracts, with General Shale Products Corp., Johnson City, Tenn., for 180 days. Supporting shipper: General Shale Products Corp., Johnson City, Tenn. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

By the Commission.

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

[F.R. Doc. 67-2147; Filed, Feb. 24, 1967; 8:48 a.m.]

[Notice 1481]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 21, 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-69317. By order of February 16, 1967, the Transfer Board approved the transfer to John W. Washington, doing business as J. D. Trucking, Mase Avenue, Dover, N.J., of certificate Nos. MC-1366, MC-1366 (Sub-No. 1), and MC-1366 (Sub-No. 2), issued March 29, 1956, September 12, 1956, and March 21, 1958, respectively, to Herman Condit, doing business as Condit Trucking Co., Dover, N.J., authorizing the transportation of: Pumps and pump supplies, from and to, or between, Rockaway, N.J., and points in Connecticut, Delaware, Massachusetts, New York, Pennsylvania, Rhode Island, Maryland, Virginia, Ohio, and West Virginia; box machines, between Rockaway, N.J., and points in the New York, N.Y., commercial zone; steel products, between Rockaway, N.J., and points in the New York, N.Y., commercial zone, those on Long Island, N.Y., and Bethlehem, Pa.; and household goods, between Rockaway, N.J., and points within 6 miles thereof, and points in Connecticut, New York, and Pennsylvania.

No. MC-FC-69382. By order of February 10, 1967, the Transfer Board approved the transfer to Deward R. Pugmire, doing business as Elko Transfer and Storage, Elko, Nev., of certificate of registration No. MC-120707 (Sub-No. 1), issued November 29, 1963, to Delbert E. Paul, doing business as Elko Transfer and Storage, Elko, Nev., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the service authorized by the certificate of public convenience and necessity CPC A-833, dated September 12, 1960, issued by the Public Service Commission of Nevada. Ross P. Eardley, 469 Idaho Street, Elko, Nev., attorney for applicants.

No. MC-FC-69422. By order of February 16, 1967, the Transfer Board approved the transfer to Raymond D. McNaughton and Clifford R. Carnahan, a partnership, doing business as McNaughton Transfer Co., Blairsville, Pa., of certificate No. MC-125454, issued February 24, 1964, to Raymond D. McNaughton and Twila S. McNaughton, a partnership, doing business as McNaughton Transfer Co., Blairsville, Pa., and authorizing the transportation of toilet preparations, soap, and cosmetics, and related advertising material, from Blairsville, Pa., to points in Armstrong, Blair, Cambria, Clarion, Clearfield, Fayette, Huntingdon, Indiana, Jefferson, Somerset, and Westmoreland Counties, Pa. Earl R. Handler, Handler, Malcolm and Earley, Indiana Theater Building, Indiana, Pa. 15701, attorney for applicants.

No. MC-FC-69423. By order of February 16, 1967, the Transfer Board approved the transfer to Floyd C. Houghton, doing business as Floyd Houghton & Son, Amsterdam, N.Y., of certificate No. MC-71188, issued February 27, 1942, to Floyd B. Houghton and Floyd C. Houghton, a partnership, doing business as Floyd Houghton & Son, Amsterdam, N.Y., and authorizing the transportation, over regular routes, of fresh meat, and packinghouse and dairy products, between Amsterdam, N.Y., and Gloversville, N.Y., and, over irregular routes, household goods, between Amsterdam, N.Y., and points and places within 15 miles thereof, on the one hand, and, on the other, points and places in Vermont, Massachusetts, Connecticut, New Jersey, and Pennsylvania, traversing Rhode Island for operating convenience only. Floyd C. Houghton, Rural Delivery No. 5, Upper Church Street, Amsterdam, N.Y. 12010, representative for applicants.

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

[F.R. Doc. 67-2148; Filed, Feb. 24, 1967; 8:48 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Information Committee

[Docket No. 67-1]

RENEGOTIATION OF VENEZUELAN TARIFF CONCESSIONS IN UNITED STATES-VENEZUELAN TRADE AGREEMENT

Notice of Public Hearing

Timetable. A. Requests to present oral testimony must be received by Friday, March 17, 1967.

B. Written briefs must be received by Friday, March 24, 1967.

C. Hearing begins Wednesday, March 29, 1967.

1. *Notice of public hearing.* Pursuant to section 3(b)(3) of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (48 CFR 202.3 (b)(3)) and upon its own motion pursuant to section 2(d) of its Regulations (48 CFR 211.2(d)), the Trade Information Committee (hereinafter referred to as the Committee) has ordered a public hearing to be held concerning the proposed renegotiation of the schedule of Venezuelan tariff concessions annexed to the definitive trade agreement between the United States of America and Venezuela of November 6, 1939 (54 Stat. 2376), as amended by the agreement of August 28, 1952 (3 U.S.T. (Pt. 3) 4198) (hereinafter referred to as the Agreement).

2. *Subject matter of public hearing.* The Government of Venezuela has requested the renegotiation of Schedule I annexed to the Agreement, which contains the concessions which were granted

by Venezuela to U.S. products identified therein. In recent years many of these concessions have become inoperative, in whole or in part. It is therefore appropriate to undertake the renegotiation of Schedule I with a view to improving the present set of concessions, or replacing them with a new set of concessions which will give greater recognition to changes in United States export interests and developments in the Venezuelan economy since the Schedule was revised in 1952.

In preparation for this renegotiation, it would be helpful to obtain views and information on possible trade concessions that the United States might seek from Venezuela. Such concessions may be those which would either assist present U.S. exports to that country, including exports already subject to Schedule I concessions, or which might be of value in developing future U.S. exports to that country.

The present provisions of Schedule I, including a description of the articles covered by that Schedule, are reproduced as an attachment to this notice. It should be noted that the present Venezuelan tariff now largely uses both different tariff numbers and different descriptions for these articles.

It is pointed out that the proposed renegotiation would involve only Schedule I annexed to the Agreement and would not concern Schedule II, which contains the tariff concessions granted by the United States to Venezuela.

3. *Time and place of public hearing.* The public hearing will begin on Wednesday, March 29, 1967. Information concerning the place of the hearing may be obtained from the Chairman of the Committee.

4. *Requests to present oral testimony.* All requests to present oral testimony must be received by the Chairman of the Committee not later than Friday, March 17, 1967.

Requests to present oral testimony must conform with the Regulations of the Committee (48 CFR Part 211). Requests shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Each party submitting a request will be notified of the Committee's disposition thereof. Each party whose request is granted will also be notified of the date on which he is scheduled to appear, the amount of time allotted for his presentation, and the place of the hearing. The Committee reserves the right to restrict the time allotted for the presentation of oral testimony. Any party whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of the public hearing. Each party presenting oral testimony must submit a brief. All briefs must be submitted not later than Friday, March 24, 1967.

Briefs must conform with the Regulations of the Committee (48 CFR Part 211).

6. *Information exempt from public inspection.* Parties are referred to sections 7 and 8 of the Regulations of the Committee (48 CFR 211.7 and 211.8) for the provisions concerning information exempt from public inspection.

In particular, it should be noted that requests to present oral testimony should contain no confidential information, and that any requests marked "For Official Use Only" will not be accepted. In addition, every written brief must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

7. *Public inspection of written materials.* Subject to the Regulations of the Committee, and in particular sections 7 and 8 (48 CFR 211.7 and 211.8), all written materials filed with the Committee in connection with the hearing will be open to public inspection, by appointment, at the office of the Chairman, 1800 G Street NW., Washington, D.C. 20506. Transcripts of the hearing will also be available for inspection, but not for reproduction. Transcripts may be purchased from the official reporter.

8. *Communications.* All communications with regard to the hearing should be addressed to: Chairman, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 723, 1800 G Street NW., Washington, D.C. 20506.

LOUIS C. KRAUTHOFF II,
Chairman.

DEFINITIVE TRADE AGREEMENT BETWEEN THE UNITED STATES AND VENEZUELA OF NOVEMBER 6, 1939, AS AMENDED BY AGREEMENT OF AUGUST 28, 1952

SCHEDULE I [1]

NOTE: The provisions of this schedule will be interpreted as though they had been included in the current Venezuelan tariff law by an amendment to that law.

Venezuelan customs tariff No.	Description of article	Rate of import duty per gross kilogram
3-F	Shellfish, canned	Bs. 2.00.
7	Bacon	Bs. 1.20.
9-A	Prepared milk (including evaporated, condensed, dried skimmed and dried whole milk).	Bs. 0.50.
11	Cheese, Cheddar Type	Bs. 1.00.
12-C	Chick-peas, peas, lentils and lima beans	Bs. 0.30.
13-B	Apples, pears, grapes, and plums (fresh, frozen, or refrigerated). NOTE: This concession will be maintained for 3 years. Thereafter, the duty may be raised to 0.40.	Bs. 0.10.
14	Dried or desiccated fruits and nuts	Bs. 0.40.
15-A	Fruits, canned or bottled (except tropical fruits, pineapples and citrus fruits) in light syrups with 20% to 50% sucrose or dextrose.	Bs. 0.90.
15-B	Fruits, canned or bottled, in syrup (except tropical fruits, pineapples and citrus fruits) with more than 50% sucrose or dextrose. NOTE: The descriptions given for items 15-A and 15-B do not exclude those fruit mixtures in which tropical fruits, pineapples, and citrus fruits cannot be considered as the principal element in relation to the other ingredients.	Bs. 1.60.
22	Oats, including rolled oats	Bs. 0.01.
23-A	Barley, in kernels	Bs. 0.10.
23-B	Barley, Pearled	Bs. 1.10.
23-C	Barley, malt	Bs. 0.16.
27-A	Wheat flour. NOTE: This concession will be maintained for 3 years. Thereafter, the duty may be raised to 0.15.	Bs. 0.04.
27-E	Oat flour	Bs. 0.15.
29	Semolina	Bs. 0.15.
36-A	Hams	Bs. 1.20.
36-C	Preserves and preparations, canned or bottled: Podded vegetables, except kidney and black beans; asparagus, bean, lentil, celery and mushroom soups; sauces and relishes, except those made of tomatoes or those which contain tomatoes as the principal element in relation to the other ingredients; and the following vegetables: artichokes, sauerkraut, asparagus, Brussels sprouts and celery.	Bs. 0.80.
37-A	Special foods for children and those for dietetic use, which do not contain cacao.	Bs. 0.10.
39-A	Candy and candied fruits (glacéed, frosted or crystallized)	Bs. 4.50.
53-C	Whiskey (Rye or Bourbon types)	Bs. 3.00.
57	Sterilized fruit juices and those frozen or concentrated (except those made from tropical fruits, pineapples and citrus fruits).	Bs. 0.40.
66-A	Sewing thread	Bs. 1.00.
99-B -3	Corsets, girdles, suspenders, garters, and sanitary elastic belts (of cotton).	Bs. 15.00.
143-B -1	Hosiery of pure silk or mixtures	Bs. 40.00.
143-B -2	Corsets, girdles, suspenders, garters, and sanitary elastic belts (of pure silk or mixtures).	Bs. 15.00.
159	Canvas tarpaulins (with or without eyelets)	Bs. 1.20.
188	Furs and fur manufactures	Bs. 20.00+10% ad valorem.
208-A	Hops	Bs. 1.20.
221	Unmanufactured rubber (except "camel back")	Bs. 0.62.
224-F	Rubber patches for repairing tires and tubes and emergency repair kits consisting of patches, cement and buffer.	Bs. 0.75.

[1] It should be noted that the present Venezuelan tariff now largely uses both different tariff numbers and different descriptions for these articles.

SCHEDULE 1 *—Continued

Venezuelan customs tariff No.	Description of article	Rate of import duty per gross kilogram
229	Cigarettes	Bs. 12.00.
230–B	Sawn timber and rough lumber, measuring 25 centimeters or less in thickness at both ends, including pitch pine, Ponderosa pine, sugar pine, Douglas fir, spruce, hemlock, redwood (Sequoia), cedar and Southern cypress.	Bs. 0.15.
237–I	Ordinary wood manufactured in sheets of pressed fibers, for revetments or paneling and insulation.	Bs. 0.16.
243	Writing paper, not lined	Bs. 0.90.
244–D	Paper for packing and wrapping: Waterproofed (transparent, opaque, white or colored). NOTE: The term "waterproofed paper" includes such papers as: glassine, greaseproof, waterproof, cellophane, paraffin, waxed and varnished papers.	Bs. 0.28.
263	Manufactured glass:	
–A	Laboratory utensils and apparatus (except large and small ampoules and tubes for tablets).	Bs. 0.05.
–B	Nursing bottles	Bs. 0.10.
–L	Refractory	Bs. 0.15.
265–D	Spectacles	Bs. 1.00.
296	Copper. Bronze. Brass:	
–E	Wire, cable or cord, uncovered	Bs. 0.002.
–F	Wire, cable or cord, covered	Bs. 0.002.
–G	Pipes. Joints. Valves. Unions. (polished or unpolished)	Bs. 0.10.
–K	Unspecified manufactures	Bs. 0.75.
298	Iron and steel, semimanufactured:	
–H	Galvanized sheets	Bs. 0.05.
–J	Tinplate in sheets	Bs. 0.003.
303	Iron and steel manufactures, porcelain coated (except large and small tiles).	Bs. 0.005.
305	Iron and steel manufactures, except ornamental, unpolished (galvanized, tinplated or painted):	
–G	Screws and bolts. Nuts. Rivets. Washers	Bs. 0.005.
317	Miscellaneous manufactures:	
–B	Locksmithing (locks with or without knobs or handles; padlocks; door latches; bolts; hinges).	Bs. 1.00.
–F	Table flatware (in sets or separate pieces, of any ordinary metal or alloy, with or without handles of other material).	Bs. 0.005.
319	Furniture of ordinary metals (except that of aluminum):	
–D	Filing cabinets	Bs. 1.80.
–E	Unspecified	Bs. 1.80.
–I	Beds of ordinary metals (with or without springs mounted in the same plane).	Bs. 1.80.
320	Automotive vehicles:	
–A	Automobile truck and bus chassis, without bodies, but including chassis with cabs.	Bs. 0.09.
–C	Automobile truck chassis with bodies for freight, assembled NOTE: The duties established for 320–A and 320–C do not cover tires or tubes.	Bs. 0.10.
–E	Equipped as fire engines	Bs. 0.001.
–G	Special types for passengers and for passengers and freight, except buses:	
–1	Weighing not over 1400 kilograms	Bs. 0.15.
–2	Weighing over 1400 kilograms but not over 1600 kilograms	Bs. 0.25.
–3	Weighing over 1600 kilograms but not over 1700 kilograms	Bs. 0.50.
–4	Weighing over 1700 kilograms NOTE: There are included under 320–G vehicles called "station wagons", "station sedans" and similar vehicles. NOTE: The duties established for 320–G–1, –2, –3, and –4 do not cover tires or tubes.	Bs. 1.00.
–H	Completely unassembled, unpainted (except tires and tubes) NOTE: This item does not include unassembled passenger automobiles, which are specified under 321–G.	Bs. 0.001.

SCHEDULE 1 *—Continued

Venezuelan customs tariff No.	Description of article	Rate of import duty per gross kilogram
321	Passenger automobiles with bodies:	
–A	Weighing not over 800 kilograms	Bs. 0.55.
–B	Weighing over 800 kilograms but not over 1400 kilograms	Bs. 0.60.
–C	Weighing over 1400 kilograms but not over 1600 kilograms	Bs. 0.80.
–D	Weighing over 1600 kilograms but not over 1700 kilograms	Bs. 1.00.
–E	Weighing over 1700 kilograms but not over 2000 kilograms	Bs. 1.40.
–F	Weighing over 2000 kilograms NOTE: When automobiles entering under this number (321–A, –B, –C, –D, –E, and –F) are imported packed in the usual reinforced wooden cases, they will be dutiable under the weight group which corresponds to the net weight of the automobile, with a deduction of 20% from the duty calculated on the gross weight of the package. NOTE: The duties established for 321–A, –B, –C, –D, –E, and –F do not cover tires or tubes.	Bs. 1.60.
–G	Completely unassembled, unpainted:	
–1	Weighing assembled not over 1800 kilograms	Bs. 0.001.
–2	Weighing assembled over 1800 kilograms but not over 2000 kilograms.	Bs. 0.05.
–3	Weighing assembled over 2000 kilograms NOTE: This description does not include tires or tubes; radios or other unessential accessories. The material used for upholstery which is imported at the same time must correspond exactly to the number of vehicles making up each import shipment.	Bs. 0.10.
322	Accessories for vehicles:	
–A	Wheels for rubber tires	Bs. 1.00.
–I	Spring seats	Bs. 1.00.
–O	Automobile trunks	Bs. 1.00.
–P	Automobile tops	Bs. 1.00.
–Q	Fenders	Bs. 0.10.
–R	Spare tire holders	Bs. 0.05.
–U	Liquid for hydraulic brakes	Bs. 0.25.
323	Motorcycles	Bs. 0.10.
324	Airplanes. Parts and accessories for airplanes. (among the parts and accessories for airplanes are included: wings, steering gear, landing gear, propellers and precision instruments for use aboard the airplane).	Bs. 0.001.
327	Miscellaneous vehicles:	
–A	Velocipedes	Bs. 0.40.
–E	Pulled by mechanical traction:	
–1	With body suitable for freight	Bs. 0.10.
–2	Without body (with or without platform)	Bs. 0.005.
–3	Suitable for living quarters NOTE: The duties established for 327–E–1, –2 and –3 do not cover tires or tubes.	Bs. 0.10.
330	Radio receiving apparatus. Phonographs:	
–A	Up to 10 kilograms net each	Bs. 1.00.
–B	More than 10 kilograms net each up to 25 kilograms	Bs. 2.00.
–C	More than 25 kilograms net each up to 50 kilograms	Bs. 3.50.
–D	Over 50 kilograms	Bs. 5.00.
–E	Accessories for radio receivers	Bs. 0.10.
–F	Accessories for phonographs	Bs. 1.00.
330 bis	Television receiving apparatus:	
–A	Up to 50 kilograms net each	Bs. 1.00.
–B	Over 50 kilograms net each up to 75 kilograms	Bs. 1.50.
–C	Over 75 kilograms net each up to 100 kilograms	Bs. 2.00.
–D	Over 100 kilograms net each	Bs. 2.50.
–E	Accessories and parts, unspecified	Bs. 0.10.
332	Motion picture film:	
–A	Unprinted	Bs. 0.50.
–B	Printed	Bs. 2.60.
333	Refrigerators:	
–A	Up to 100 kilograms net each	Bs. 0.20.
–B	Over 100 kilograms up to 250 kilograms net each	Bs. 0.30.
–C	Over 250 kilograms up to 500 kilograms net each	Bs. 0.50.
–D	Over 500 kilograms net each	Bs. 0.40.

SCHEDULE I [1]—Continued

Venezuelan customs tariff No.	Description of article	Rate of import duty per gross kilogram
336	Machines, instruments and scientific apparatus:	
-A	For engineering, for medical and laboratory use, unspecified	Bs. 0.25.
337	Instruments for the arts and crafts, unspecified	Bs. 0.001.
338	Sewing machines	Bs. 0.001.
341	Photographic articles:	
-A	Plates, film, sensitized paper and cardboard	Bs. 1.00.
-C	Photographic apparatus. Photographic utensils, unspecified	Bs. 4.00.
342	Lamps. Lanterns:	
-A	Electric	Bs. 1.50.
-B	Wick and pressure types	Bs. 0.40.
344	Typewriters. Accessories for typewriters, unspecified	Bs. 0.10.
345	Calculating machines	Bs. 0.30.
345 bis	Multigraphs and other duplicating apparatus	Bs. 0.15.
345 ter	Parts and accessories for multigraphs and other duplicating apparatus	Bs. 0.05.
346	Cash registers	Bs. 1.50.
347	Weighing apparatus (except precision balances included under laboratory apparatus):	
-A	With maximum capacity not exceeding 1 kilogram	Bs. 1.00.
-B	With maximum capacity not exceeding 30 kilograms	Bs. 0.30.
-C	With maximum capacity not exceeding 100 kilograms	Bs. 0.20.
-D	With maximum capacity not exceeding 1000 kilograms	Bs. 0.14.
-E	With maximum capacity exceeding 1000 kilograms	Bs. 0.08.
348	Motors and engines	Bs. 0.001.
349	Sparkplugs	Bs. 0.001.
350	Steam boilers	Bs. 0.001.
351	Hydraulic pumps. Cylinders for hydraulic pumps	Bs. 0.001.
353	Machine packing	Bs. 0.001.
356	Machines and apparatus, unspecified:	
-A	Machines weighing not over 15 kilograms	Bs. 0.50.
-B	Machines weighing over 15 kilograms	Bs. 0.01.
-C	Apparatus, unspecified, weighing not over 15 kilograms	Bs. 0.50.
-D	Apparatus, unspecified, weighing over 15 kilograms	Bs. 0.01.
-E	Spare parts and accessories unspecified for machines and apparatus	Bs. 0.05.
-F	Machines, apparatus and tools for drillings wells. Parts and accessories for the same.	Bs. 0.001.
357	Pharmaceutical specialties, unspecified	Bs. 1.95.
358	Pharmaceutical products:	
-D	Unspecified	Bs. 1.95.
359	Dentifrices	Bs. 2.00.
367	Soap:	
-B	Toilet soap (including shaving soap of all kinds)	Bs. 4.00.
370	Varnishes	Bs. 2.00.
371	Paints:	
-A	Liquid, prepared in oil	Bs. 1.50.
-B	Prepared in varnish	Bs. 2.60.
-F	Cellulose lacquers	Bs. 3.00.
382	Industrial preparations:	
-C	For polishing or cleansing (except synthetic detergents)	Bs. 0.60.
-H	For dyeing or shining footwear	Bs. 1.20.
394	Sporting goods:	
-C	Bathing suits	Bs. 1.20.
-E	Unspecified	Bs. 0.08.
398	Electric plants	Bs. 0.04.
399	Generators:	
-A	Up to 10 kilograms	Bs. 1.00.
-B	Up to 100 kilograms	Bs. 0.25.
-C	Up to 1000 kilograms	Bs. 0.10.
-D	Over 1000 kilograms	Bs. 0.002.

SCHEDULE I [1]—Continued

Venezuelan customs tariff No.	Description of article	Rate of import duty per gross kilogram
401	Transformers:	
-B	Up to 10 kilograms	Bs. 0.25.
-C	Up to 100 kilograms	Bs. 0.20.
-D	Up to 1000 kilograms	Bs. 0.16.
-E	Over 1000 kilograms	Bs. 0.08.
403	Switchboards	Bs. 0.20.
405	Electric batteries (and their parts)	Bs. 0.20.
406	Storage batteries and their parts:	
-A	Complete	Bs. 1.00.
-B	Cases	Bs. 0.50.
-C	Plates	Bs. 1.00.
-D	Tops, plugs and collar plates	Bs. 0.50.
-E	Separators	Bs. 0.50.
408	Electric light bulbs	Bs. 1.20.
409	Accessories, unspecified, for electric installations	Bs. 0.45.
411	Artificial plastic materials, unspecified:	
-A	Unmanufactured, and those with a phenol base; of urea; of phthalic acid; and similar products (hardening or hardened resins)	Bs. 0.05.
-N	Coumarin resins and nonhardening artificial resins	Bs. 0.05.
422	Transmission belting	Bs. 0.05.
424	Pharmaceutical articles, unspecified	Bs. 2.00.
425	Articles for writing:	
-A	Pencils, carbon pencils and crayons	Bs. 0.25.
444	Machines and apparatus:	
-C	Textile machinery. Parts for textile machinery	Free.
-D	Earth-leveling equipment (aplanadoras). Tractors	Free.
-E	Electric or gasoline irons	Free.
-F	Stoves (except coal-burning stoves). Water heaters. Ovens	Free.
-H	For grinding corn or meal	Free.
447	Tools with handles:	
-B	Ordinary machetes	Free.
449	Articles for breeding animals (Feeding troughs, stables, stable brushes, manger cleaners, fodder-cutting machines, mechanical milking machines, electric milk coolers, individual mangers and their accessories, hygienic sties, stable ventilating equipment).	Free.
451	Articles for agricultural use: Parts for agricultural equipment (Provided that because of their nature they are not susceptible of other use, and it will be presumed, except when there is proof to the contrary, that the parts are of a kind adapted for use with agricultural machinery when they are imported in the original packing of companies specializing in their manufacture).	Free.
	Tractors, wheel or tracklaying type	Free.
452	Plows of all kinds. Accessories for plows	Free.
458	Machinery, presses and utensils for printing and lithographic use exclusively	Free.
467	Equipment for the protection of human life:	
-A	Life belts	Free.
-B	For workers, unspecified (except gloves)	Free.
-C	Diving suits. Parts for same. NOTE: There are included in this classification clothing, shoes and helmets for divers, and the tubing for supplying air.	Free.
-D	Parachutes	Free.
472	Lumber of white pine, pitch pine, and Douglas fir, sawn, measuring more than 25 centimeters in thickness at both ends.	Free.

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