FEDERAL REGISTER

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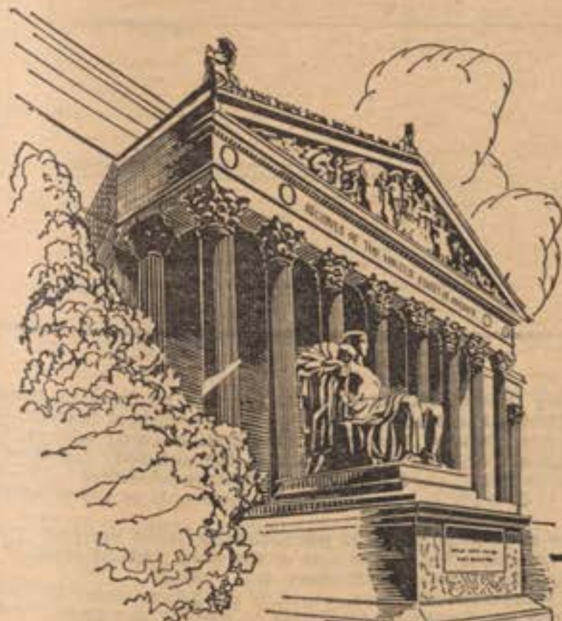
Agencies in this issue—

The President
Agricultural Stabilization and Conservation Service
Agriculture Department
Army Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Emergency Planning Office
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Interagency Textile Administrative Committee
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Navy Department
Post Office Department
Public Health Service
Securities and Exchange Commission
Treasury Department

Detailed list of Contents appears inside.



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FEDERAL REGISTER

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Contents

THE PRESIDENT

EXECUTIVE AGENCIES

(*Continued on next page*)

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, 1965, and specifies how they are affected.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3687

THANKSGIVING DAY, 1965

By the President of the United States of America

A Proclamation

For all the blessings that have been bestowed upon our nation during the past 12 months, it is a small thing to give thanks to Almighty God.

When the Pilgrims first observed Thanksgiving nearly 350 years ago, life was harsh and unrelenting. Cold and sickness had diminished their ranks. Their shelter was crude. Their future was uncertain. Yet when their harvest was abundant, they considered themselves blessed—and their hearts were filled with gratitude.

Today we have much more than an abundant harvest. Our nation is rich and strong and united in the cause of liberty and justice. Our physical comforts are unmatched anywhere in the world. Our medicine has conquered ancient diseases.

In the past year we have added greatly to that national legacy. We have guaranteed the right to vote to all our citizens. We have pledged dignity to our elderly—even in sickness. We have added new dimensions to the education of our youth. We have broadened the horizons of opportunity for our poor. And all the while, we have enjoyed the greatest prosperity in history.

But our real blessings lie not in our bounty. They lie in those steadfast principles that the early Pilgrims forged for all generations to come: the belief in the essential dignity of man; the restless search for a better world for all; and the courage—as shown by our sons in Viet-Nam today—to defend the cause of freedom wherever on earth it is threatened.

These are the eternal blessings of America. They are the blessings which make us grateful even when the future is uncertain. They are the blessings which give us the strength to complete the unfinished tasks that remain before us.

For these blessings should we thank God most of all.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with the joint resolution of the Congress approved December 26, 1941, 55 Stat. 862 (5 U.S.C. 87b), designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 25, 1965, as a day of national Thanksgiving.

On that day, let us gather in our homes and in our places of worship to thank God for His generosity. Let us make ourselves worthy of that generosity by pledging to Him our everlasting devotion. And let us pray to Him that the forces of violence, indifference and intolerance may soon vanish from the face of the earth so that peace and understanding and love may reign supreme.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of November in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-12393; Filed, Nov. 15, 1965; 2:41 p.m.]

Proclamation 3688

WATER CONSERVATION MONTH

By the President of the United States of America

A Proclamation

Of all the natural resources with which our Nation has been so richly blessed, none is more important than water.

Both urban and rural citizens rely on our water resources to satisfy human needs, to maintain farm and industrial production, and to provide electric power. Our rivers, lakes, and similar bodies of water constitute a vital segment of our transportation and communication system, and provide recreational facilities that enhance our use of leisure time.

The good health of the people of this Nation is in no small measure dependent upon both the quantity and quality of our water.

But none of our resources has been more grossly abused by waste and pollution. Concern as to the quantity and quality of our supply of water is being expressed in all quarters of the Nation. The problem, in many places, is not a need to find new sources of water, but, instead, is a need to develop sound conservation practices and to make more effective use of water resources now available.

We must be farsighted and bold in managing and using our water. What must be done—and done as soon as possible—is to reverse the trends of waste and man-made pollution and contamination which have assumed such massive and lethal proportions as to threaten the health, economy, and natural beauty of the Nation.

The first session of the Eighty-ninth Congress made a number of significant contributions to the strengthening of the Federal Government's role in water resources management. Accordingly, it is particularly fitting that the Congress has enacted House Joint Resolution 671 of November 7, 1965, which calls upon the President to issue a proclamation designating the month of November 1965 as Water Conservation Month.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the month of November 1965 as Water Conservation Month, and I call upon citizens throughout the Nation to participate in observance of that month.

I direct the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the Secretary of the Army to cooperate with other national, State, and private agencies and organizations in suitable observances of Water Conservation Month, including public meetings, exhibits, and news-media features. I urge that these observances specially emphasize the need for immediate private and public participation in the nationwide effort to cleanse our rivers, lakes, estuaries, shore water, and water underground so that they may serve us and our children and our children's children better.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of November in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-12394; Filed, Nov. 15, 1965; 2:41 p.m.]

Proclamation 3689

INTERNATIONAL EXPOSITION OF 1968

By the President of the United States of America

A Proclamation

WHEREAS HEMISFAIR 1968, an international exposition with the theme, "The Confluence of Civilizations in the Americas," will be held in San Antonio, Texas, during the six months beginning April 6, 1968, and

WHEREAS this international exposition is designed to reaffirm common ties among the Americas as well as with the continents and countries from which our forefathers came; to increase mutual understanding; to strengthen the foundations of peace and to share our cultures, our knowledge and our skills for a more promising future, and

WHEREAS the exposition will provide a dramatic medium for the peoples of our hemisphere to exhibit the symbols of ancient cultures and contemporary life, and to demonstrate the relationships between their arts, religions, and social development; and

WHEREAS the exposition will encourage travel and stimulate technical, trade and cultural exchange between the Old and New Worlds, and

WHEREAS such an event is appropriate to commemorate the two hundred and fiftieth anniversary of the founding of the bilingual City of San Antonio, Texas, "The Gateway of Latin America," and

WHEREAS the Congress by an Act approved October 22, 1965 (Public Law No. 89-284) authorized and requested the President to issue a Proclamation calling upon the several States of the Union and foreign countries to take part in the exposition, and

WHEREAS the Governor of the State of Texas has agreed to serve as Commissioner General of the exposition and to invite the several States of the Union to participate therein:

NOW, THEREFORE, I, Lyndon B. Johnson, President of the United States of America, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign countries as he may consider appropriate to participate in this international exposition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE AT the City of Washington this eleventh day of November in the year of our Lord, 1965, and of the independence of [SEAL] the United States of America, the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-12395; Filed, Nov. 15, 1965; 2:41 p.m.]

Executive Order 11257

DELEGATING TO THE CIVIL SERVICE COMMISSION CERTAIN AUTHORITY RELATING TO SEVERANCE PAY UNDER THE FEDERAL EMPLOYEES SALARY ACT OF 1965

By virtue of the authority vested in me by Section 301 of title 3 of the United States Code and Sections 9(b)(8) and 9(c) of the Federal Employees Salary Act of 1965, and as President of the United States, it is ordered that Executive Order No. 11228 of June 14, 1965, entitled "Providing for the performance by the Civil Service Commission of certain functions vested in or subject to the approval of the President," be, and it is hereby, amended by inserting the following at the end of Section 1 thereof:

"(4) The authority vested in the President by Section 9(b)(8) of the Federal Employees Salary Act of 1965 (approved October 29, 1965) to prescribe rules and regulations excluding officers or employees from the application of Section 9 of that Act.

"(5) The authority vested in the President by Section 9(c) of the Federal Employees Salary Act of 1965 to prescribe rules and regulations governing severance pay."

Rules and regulations prescribed in pursuance of the amendments made by this order may be made effective on any date not earlier than the date of enactment of the Federal Employees Salary Act of 1965.

LYNDON B. JOHNSON

THE WHITE HOUSE,
November 13, 1965.

[F.R. Doc. 65-12427; Filed, Nov. 16, 1965; 10:37 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3115 is amended to show that positions in the Office of Federal Contract Compliance, to which the contract compliance functions of the President's Committee on Equal Employment Opportunity were transferred by Executive Order 11246, are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 213.3115 is revoked and a new paragraph (f) is added as set out below.

§ 213.3115 Department of Labor.

* * * * *

(f) *Office of Federal Contract Compliance.* (1) All positions in the Office of Federal Contract Compliance established under Parts II, III, and IV of Executive Order No. 11246 of September 24, 1965.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12342; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 15—NONDISCRIMINATION

Subpart C—Rules of Practice and Procedure for Hearings, Decisions and Administrative Review Under the Civil Rights Act of 1964

Subtitle A, Title 7 CFR, Part 15, is hereby amended by adding the following new Subpart C.

AUTHORITY: The provisions of this Subpart C issued under sec. 602, 78 Stat. 252, sec. 15.9(d) of Subpart A to 7 CFR, Part 15, and laws referred to in the Appendix to Subpart A, Part 15, Title 7 CFR.

GENERAL INFORMATION

§ 15.60 Scope of rules.

The rules of practice and procedure in this subpart supplement §§ 15.9–15.10 of Subpart A of this part and govern the practice for hearings, decisions, and administrative review conducted by the Department of Agriculture, pursuant to Title VI of the Civil Rights Act of 1964, section 602 (78 Stat. 252) and this part, Title 7, CFR, except these rules shall not apply to any stage of a proceeding which has occurred prior to the effective date hereof.

§ 15.61 Records to be public.

All documents and papers filed in any proceeding under this part may be inspected and copied in the Office of the Department Hearing Clerk.

§ 15.62 Definitions.

All terms used in this subpart shall, unless the context otherwise requires, have the same meaning as defined in Subpart A of this part.

§ 15.63 Computation of time.

A period of time begins with the day following the act or event and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which case it shall be the following workday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

§ 15.64 Parties.

The term "party" shall include an applicant or recipient with respect to whom the agency has issued a notice of hearing or opportunity to request a hearing in accordance with Subpart A of this part and § 1581. The agency shall be deemed a party to all proceedings.

§ 15.65 Appearance.

Any party may appear in person or by counsel or authorized representative and participate fully in any proceeding.

§ 15.66 Complainants not parties.

A person submitting a complaint pursuant to § 15.6 is not a party to the proceedings governed by this subpart, but may petition, after proceedings have been commenced, to become an intervener.

§ 15.67 Intervener.

Any interested person or organization may file a petition to intervene which will include a statement of position and a statement of what petitioner expects to contribute to the hearing, and a copy of the petition will be served on all parties. Such petition should be filed prior to the prehearing conference, or if none is held, before the commencement of the hearing, unless the petitioner shows good cause for filing the petition later. The hearing officer may grant the petition if he believes that such participation will not unduly delay a hearing and will contribute materially to the proceeding. An intervener is not a party and may not introduce evidence at a hearing, or propound questions to a witness, unless the hearing officer determines that the proposed additional evidence is relevant and will clarify the facts. The intervener may submit and serve on all parties a brief in support or opposition to any brief of a party. All service and notice required by and upon a party shall apply to an intervener.

§ 15.68 Ex parte communications.

(a) *General.* After proceedings have been commenced, any communication or discussion ex parte, as regards the merits of the proceeding or a factually related proceeding, between an employee of the Department involved in the decisional process and a person not employed by the Department, and any such communication or discussion between any employee of the Department, who is or has been engaged in any way in the investigation or prosecution of the proceeding or a factually related proceeding, and an employee of the Department who is involved or may be involved in the decisional process of a proceeding, except at a conference, hearing or review proceeding under these rules is improper and prohibited.

(b) *Request for information.* A request for information about the status of a proceeding without discussing issues or expressing points of view and inquiries with respect to procedural matters or an emergency request for an extension of time are not deemed ex parte communications. When practical all parties should be notified of any request for an extension of time. Communication between an applicant or recipient and the agency or the Secretary with respect to securing voluntary compliance with any requirement of Subpart A of this part is not prohibited.

(c) *Unsponsored written material.* Letters expressing views or urging action and other unsponsored written material regarding matters in issue in a proceeding will be placed in the correspondence section of the docket of the proceeding. Such are not deemed part of the evidence or record.

FORM, EXECUTION, FILING AND SERVICE OF DOCUMENTS

§ 15.71 Form of documents to be filed.

All copies of documents filed in a proceeding shall be dated, signed in ink, shall show the address and position or title of the signatory, and shall show the docket number and title of the proceeding on the front page.

§ 15.72 Filing.

All documents relating to a proceeding under this subpart shall be filed in an original and two copies of such document with the Office of the Hearing Clerk at Room 112, Administration Building, Department of Agriculture, Washington, D.C., 20250, during regular business hours. Regular business hours are every Monday through Friday (legal holidays in the District of Columbia excepted) from 9 a.m. to 5:30 p.m., eastern standard or daylight saving time, whichever is effective in the District of Columbia at the time.

§ 15.73 Service.

Service shall be made by the Hearing Clerk by personal delivery of one copy to each person to be served or by mailing by first-class mail, or air mail if more than 300 miles, properly addressed with postage prepaid. When a party or intervener has appeared by attorney or representative, service upon such attorney or representative will be deemed proper service. The initial notice of hearing, opportunity to request a hearing, or notice setting a date for a hearing shall be by certified mail, return receipt requested.

§ 15.74 Date of service.

The date of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person, except that the date of service of the initial notice a hearing or notice of opportunity to request a hearing or notice setting a date for a hearing shall be the date of its delivery, or of its attempted delivery if delivery is refused.

INITIAL NOTICE AND RESPONSE

§ 15.81 How proceedings are commenced.

Proceedings are commenced by mailing a notice to an applicant or recipient of alleged noncompliance with the Act and the Secretary's regulations thereunder. The notice will be signed by the interested agency head or by the Secretary and shall be filed with the hearing clerk for proper service by the hearing clerk according to the rules of this subpart. The notice shall include either a notice of hearing or notice of opportunity to request a hearing as determined by the Secretary and shall comply with the requirements of § 15.9(a).

§ 15.82 Notice of hearing and response thereto.

A notice of hearing shall fix a date not less than 30 days from the date of service of the notice of a hearing on matters alleged in the notice. If the applicant or recipient does not desire a hearing, he should so state in writing, in which case the applicant or recipient shall have the right to submit written information and argument for the record, and the additional right to further participate in the proceeding. Failure to appear at the time set for a hearing, without good cause, shall be deemed a waiver of the right to a hearing under section 602 of the Act and the regulations in this part and consent to the making of a decision on such information as is available which may be presented for the record.

§ 15.83 Notice of opportunity to request a hearing and response thereto.

A notice of opportunity to request a hearing shall set a date not less than 20 days from service of said notice within which the applicant or recipient may file a request for a hearing, or may waive a hearing and submit written information and argument for the record, in which case, the applicant or recipient shall have the right to further participate in the proceeding. When the applicant or recipient elects to file a request for a hearing, a time shall be set for the hearing at a date not less than 20 days from the date applicant or recipient is notified of the date set for the hearing. Failure of the applicant or recipient to request a hearing or to appear at the date set shall be deemed a waiver of the right to a hearing, under section 602 of the Act and the regulations in this part and consent to the making of a decision on such information as is available which may be presented for the record.

§ 15.84 Answer.

In any case covered by § 15.82 or § 15.83 the applicant or recipient shall file an answer. Said answer shall admit or deny each allegation of the notice, unless the applicant or recipient is without knowledge, in which case the answer shall so state, and the statement will be considered a denial. Failure to file an answer shall be deemed an admission of all allegations of fact in the notice. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters intended to be offered as affirmative defenses must be stated as a separate part of the answer. The answer under § 15.82 shall be filed within 20 days from the date of service of the notice of hearing. The answer under § 15.83 shall be filed within 20 days of service of the notice of opportunity to request a hearing.

§ 15.85 Amendment of notice or answer.

The notice of hearing or notice of opportunity to request a hearing may be amended once as a matter of course before an answer thereto is served, and each applicant or recipient may amend his answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of his original answer. Otherwise a notice or answer may be amended only by leave of the hearing officer. An applicant or recipient shall file his answer to an amended notice within the time remaining for filing the answer to the original notice or within 10 days after service of the amended notice, whichever period may be the longer, unless the hearing officer otherwise orders.

§ 15.86 Consolidated or joint hearings.

Two or more proceedings against the same respondent, or against different respondents in which the same or related facts are asserted to constitute noncompliance, may be consolidated for hearing or decision or both by the agency head, if he has the principal responsibility within the Department for the administration of all the laws extending the Federal financial assistance involved. If laws administered by more than one agency head are involved, such officials may by agreement order consolidation for hearing. The Secretary may order proceedings in the Department consolidated for hearing with proceedings in other Federal Departments or Agencies, by agreement with such other Departments or Agencies. All parties to any proceeding consolidated subsequently to service of the notice of hearing or notice of opportunity to request a hearing shall be promptly served with notice of such consolidation.

HEARING OFFICER

§ 15.91 Who presides.

A hearing officer shall preside over all proceedings held under this part. The hearing officer shall be a hearing examiner qualified under section 11 of the Administrative Procedure Act (5 U.S.C. 1001 et seq.), and designated to hold hearings under the regulations in this subpart or any person authorized to hold a hearing and make a final decision. The hearing officer will serve until he has made an initial decision, certified the record to the Secretary, or made a final decision if so authorized.

§ 15.92 Designation of hearing officer.

Unless otherwise provided by an order of the Secretary at the time the notice of alleged noncompliance provided in § 15.81 is filed with the Office of the Hearing Clerk, the hearing shall be held before a hearing examiner, who shall be appointed by the Chief Hearing Examiner, Office of Hearing Examiners within five days after the filing of such notice. Unless otherwise provided, the hearing examiner shall certify the entire record with his recommended findings and proposed decision to the Secretary for final decision.

§ 15.93 Time and place of hearing.

When a notice of hearing is sent to an applicant or recipient, the time and place of hearing shall be fixed by the Secretary, and when the applicant or recipient requests a hearing, the time and place shall be set by the hearing officer and in either case in conformity with § 15.9(b). The complainant, if any, shall be advised of the time and place of the hearing.

§ 15.94 Disability of hearing officer.

In the case of death, illness, disqualification, or unavailability of the designated hearing officer, another hearing officer may be designated by the Secretary to take his place. If such death, illness, disqualification or unavailability occurs during the course of a hearing, the hearing will be either continued under a substitute hearing officer, or terminated and tried de novo in the discretion of the Secretary. In the absence of the designated hearing officer any hearing examiner may rule on motions and other interlocutory papers.

§ 15.95 Responsibilities and duties of hearing officer.

The hearing officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to these ends, including (but not limited to) the power to:

(a) Arrange and issue notice of the date, time and place of hearings, or, upon due notice to the parties, to change the date, time and place of hearings previously set.

(b) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(c) Require parties and interveners to state their position with respect to the various issues in the proceeding.

(d) Administer oaths and affirmations.

(e) Rule on motions, and other procedural items on matters pending before him.

(f) Regulate the course of the hearing and conduct of parties therein.

(g) Examine witnesses and direct witnesses to testify.

(h) Receive, rule on, exclude or limit evidence.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(j) In accordance with his authority issue an initial decision, or recommended findings and proposed decision, or final decision.

(k) Take any other action a hearing officer is authorized to take under these rules or Subpart A of this part.

MOTIONS

§ 15.101 Form and content.

(a) *General.* Motions shall state the relief sought and the authority relied upon. If made before or after the hearing, the motion shall be in writing and filed with the hearing clerk with a copy to all parties. If made at the hearing, they should be stated orally but the hearing officer may require that any motion be reduced to writing and filed and served on all parties in the same manner as a formal motion.

(b) *Extension of time or postponement.* A request for an extention of time should be filed and served on all parties and should set forth the reasons for the request and may be granted upon a showing of good cause. Answers to such requests are permitted, if made promptly.

§ 15.102 Responses to motions.

Within 8 days or such reasonable time as may be fixed by the hearing officer, or Secretary, if the motion is properly addressed to him, any party may file a response to the motion, unless the motion is made at a hearing in which case an immediate response may be required. The hearing officer may dispose of motions at a prehearing conference.

§ 15.103 Disposition of motions.

The hearing officer may not sustain or grant a motion prior to expiration of the time for filing responses thereto, but may overrule or deny such motion without waiting on a response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions. Oral motions may be ruled on immediately. Motions submitted to the hearing officer not disposed of in separate rulings or in his decision will be deemed denied. Oral argument shall not be held on written motions unless expressly ordered. Interlocutory appeals from rulings on motions shall be governed by § 15.123.

HEARING PROCEDURES

§ 15.110 Prehearing conferences.

(a) In any case in which it appears that such procedure will expedite the proceeding, the hearing officer may, prior to the commencement of the hearing, request the parties to meet with him or to correspond with him regarding any of the following:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to the pleadings;

(3) Stipulations, admissions of fact and of the contents and authenticity of documents;

(4) Matters of which official notice will be taken;

(5) Limitation of the number of experts or other witnesses;

(6) Disposal of all motions; and

(7) Such other matters as may expedite and aid in the disposition of the proceeding.

(b) The hearing officer shall enter in the record a written summary of the results of the conference or correspondence with the parties.

§ 15.111 Purpose of hearing.

(a) The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. Argument will not be received in evidence; rather it should be presented in statements, memoranda or briefs, as determined by the hearing officer. Brief opening statements, which shall be limited to a statement of the party's position and what he intends to prove, may also be made at hearings.

(b) Hearings for the reception of evidence will be held only in cases where issues of fact must be resolved in order to determine whether the respondent has failed to comply with one or more applicable requirements of Subpart A of this part. In any case where it appears from the answer of the applicant or recipient to the notice of hearing or notice of opportunity to request a hearing, from his failure timely to answer, or from his admissions or stipulations in the record, that there are no matters of material fact in dispute, the hearing officer may enter an order so finding, and fixing the time for the submission of evidence by the Government for the record. Thereafter, the proceedings shall go to conclusion in accordance with Subpart A of this part and the rules of this subpart. An appeal from such order may be allowed in accordance with the rules for interlocutory appeal in § 15.123.

§ 15.112 Statement of position and brief.

The hearing officer may require all parties and any intervener to file a written statement of position or brief prior to the beginning of a hearing.

§ 15.113 Testimony.

Testimony shall be given orally under oath or affirmation by witnesses at the hearing, but the hearing officer, in his discretion, may require or permit that the testimony of any witness be prepared in writing and served on all parties in advance of the hearing. Such testimony may be adopted by the witness at the hearing and filed as part of the record thereof. Unless authorized by the hearing officer, witnesses will not be permitted to read prepared testimony into the record. Except as provided in §§ 15.115 and 15.116, witnesses shall be available at the hearing for cross-examination.

Proposed exhibits shall be exchanged either at a prehearing conference, or otherwise prior to the hearing. Proposed exhibits not so exchanged may be denied admission as evidence unless good cause is shown why they were not exchanged. The authenticity of all proposed exhibits exchanged prior to hearing will be deemed admitted unless written objection thereto is filed prior to the hearing or unless good cause is shown at the hearing for failure to file such written objection.

§ 15.115 Affidavits.

An affidavit, intended to be used as evidence without cross-examination of the affiant, will be filed and served on the parties at least 15 days prior to the hearing; and not less than seven days prior to hearing a party may file and serve written objections to any affidavit on the ground that he believes it necessary to test the truth of assertions therein by cross-examination. In such event, the affidavit objected to will not be received in evidence unless the affiant is made available for cross-examination at the hearing or otherwise as prescribed by the hearing officer. In absence of an objection being filed within the time specified, such affidavit will be received in evidence.

§ 15.116 Depositions.

Upon such terms as may be just, the hearing officer, in his discretion, may authorize the testimony of any witness to be taken by deposition.

§ 15.117 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded, and technical rules of evidence shall not apply but rules or principles designed to assure the most credible evidence available and to subject testimony to test by cross-examination shall apply.

§ 115.118 Cross-examination.

Cross-examination will be limited to the scope of direct examination and matters at issue in the hearing.

§ 15.119 Objections.

Objections to evidence shall be timely and briefly state the ground relied upon. The ruling of the hearing officer will be part of the record. Argument in support of the objection will not be part of the record.

§ 15.120 Exceptions to rulings of hearing officer unnecessary.

Exceptions to rulings of the hearing officer are unnecessary. It is sufficient that a party, at the time the ruling of the hearing officer is sought, makes known the action which he desires the hearing officer to take, or his objection to an action taken, and his grounds therefor.

§ 15.121 Official notice.

A public document, or part thereof, such as an official report decision, opinion, or published scientific or economic statistical data issued by any branch of the Federal or a State Government which has been shown to be reasonably available to the public, may be offered for official notice and accepted in the record without further proof of authenticity. Where official notice is to be taken, any party, on timely request, shall have an opportunity to show the contrary.

§ 15.122 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing officer rejecting or excluding proposed oral testimony shall consist of a statement for the record of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall accompany the record as an offer of proof.

§ 15.123 Appeals from ruling of hearing officer.

A ruling of the hearing officer may not be appealed to the Secretary prior to consideration of the entire proceeding by the hearing officer except with the consent of the hearing officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense, or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party may file a brief with the Secretary within such period as the hearing officer directs. Oral argument will be heard in the discretion of the Secretary.

THE RECORD

§ 15.131 Official transcript.

The hearing clerk will designate the official reporter for all hearings. The official transcript of testimony taken, together with any affidavits, exhibits, depositions, briefs, or memoranda of law shall be filed with the hearing clerk. Transcripts of testimony in hearings will be supplied by the official reporter to the parties and to the public at rates not to exceed the maximum rates fixed by the contract between the Department and the reporter. Upon notice to all parties, the hearing officer may authorize corrections to the transcript which involve matters of substance.

§ 15.132 Record for decision.

The transcript of testimony, exhibits, affidavits, depositions, briefs, memoranda of law, and all pleadings, motions, papers, and requests filed in the proceeding, except the correspondence section of the docket, including rulings, and any recommended findings and proposed decision, or initial decision shall constitute the exclusive record for final decision.

POSTHEARING PROCEDURES

§ 15.135 Posthearing briefs.

The hearing officer shall fix a reasonable time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs. Briefs should include a summary of the evidence relied upon together with references to exhibit numbers and pages of the transcript, with citations of the authorities relied upon. Briefs shall be filed in the Office of the Hearing Clerk with a copy to all parties.

§ 15.136 Decisions and notices.

When the time for submission of posthearing briefs has expired the hearing officer shall either make an initial decision or final decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Secretary for a final decision and a copy of such initial, or final decision or certification shall be mailed to the applicant or recipient and other parties by the hearing clerk.

§ 15.137 Exceptions to initial or proposed decision.

Within 30 days of the mailing of such notice of initial or recommended findings and proposed decision, the applicant or recipient and other parties may file with the hearing clerk for consideration by the Secretary exceptions to the initial or recommended findings and proposed decision, with reasons therefor. Each party will be given reasonable opportunity to file briefs or other written statements of contentions in which the party may request that the decision be modified, reversed, affirmed or adopted.

§ 15.138 Review of initial decision.

In the absence of exceptions to an initial decision, the Secretary may on his own motion within 45 days after an initial decision serve upon the parties a notice that he will review the decision and will give the parties reasonable opportunity to file briefs or other written statements of contentions. At the expiration of said time for filing briefs, the Secretary will review the initial decision and issue a final decision thereon. In the absence of either exceptions to an initial decision or a notice or review, the initial decision shall constitute the final decision of the Secretary.

§ 15.139 Oral argument.

If any party desires to argue orally before the Secretary on the review of recommended findings and proposed decision, or an initial decision, he shall so state at the time he files his exceptions or brief. The Secretary may grant such request in his discretion. If granted, he will serve notice of oral argument on all parties and will set forth the order of presentation and the amount of time allotted, and the time and place of argument.

§ 15.140 Service of decisions.

All final decisions shall be promptly served on all parties and the complainant.

§ 15.141 Contents of decision.

Each decision of a hearing officer shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the regulations in this part with which it is found that the applicant or recipient has failed to comply.

§ 15.142 **Content of orders.**

The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and the regulations in this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to the regulations in this part, or to have otherwise failed to comply with the regulations in this part, unless and until it corrects its noncompliance and satisfies the Agency that it will fully comply with the regulations in this part.

§ 15.143 **Decision where financial assistance affected.**

The Secretary shall make any final decision which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under the regulations in this part or the Act.

Effective date. This subpart shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 12, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12313; Filed, Nov. 16, 1965; 8:48 a.m.]

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

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

Subpart—United States Standards for Grades of Okra for Processing [1]

On May 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6658) regarding the issuance of U.S. Standards for Grades of Okra for Processing. (7 CFR, §§ 51.3635–51.3652).

Statement of considerations leading to the issuance of the grade standards. Following publication of the proposed standards, copies were circulated to individual companies and organizations believed to be interested in the standards. Only a few comments were received, and none of these objected to the proposal.

Two changes were recommended and have been made. The definition of "well trimmed" has been changed to require that the stem be cut off at a point not more than one-fourth inch below the cap scar, instead of one-half inch below the scar as first proposed. This change was made because some contracts for purchasing okra are based upon field trimming to one-fourth inch of stem or less, and this same degree of trimming is required by the standards for processed okra.

Changing of the definition of well trimmed would affect the application of the standards only in cases in which the term "well trimmed" was specified in connection with U.S. No. 1 Grade. Otherwise, the No. 1 Grade requirement would be "fairly well trimmed."

Also a provision has been added to the U.S. No. 1 Grade which would permit the inclusion of poorly trimmed okra in that grade if so specified and agreed to by the contracting parties.

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

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

GENERAL

§ 51.3635 **Application.**

These standards are intended to apply only to seed pods of the okra plant (Hibiscus esculentus) delivered to a freezing or canning plant for processing purposes. They may be used as a basis for grading the quality of lots of okra for the purpose of more equitable pricing. It is assumed that a schedule of prices will be established to be paid by the pound for each quality and size of okra to be purchased by the processor. The percentage of each quality and size okra in the lot may be approximately determined by analyzing a representative sample or samples drawn from the lot. The price of the load can be calculated from the number of pounds and the established price of each quality and size.

GRADES

§ 51.3636 **U.S. No. 1.**

"U.S. No. 1" consists of pods of okra of similar varietal characteristics which are fresh, tender, fairly well colored, fairly well formed, free from decay and worm holes, and free from damage caused by scars, bruises, cuts, punctures, insects, discoloration, dirt or other foreign material or other means. Pods in this grade are at least fairly well trimmed, unless specified as well trimmed or poorly trimmed. (See Size, § 51.3639.)

§ 51.3637 **U.S. No. 2.**

"U.S. No. 2" consists of pods of okra which meet the requirements of U.S. No. 1 grade except those for color, shape and trim. Okra in this grade may be pale green in color, moderately misshapen and poorly trimmed. (See Size, § 51.3639.)

CULLS

§ 51.3638 **Culls.**

"Culls" consists of pods of okra which fail to meet the requirements of either of the foregoing grades, and any extraneous material in the lot.

SIZE CLASSIFICATIONS

§ 51.3639 **Size classifications.**

Okra may be classified as to size in connection with the grade into two or more groups on the basis of specified lengths in inches, or on the basis of the following size classifications:

(a) "Very small" includes pods of okra less than 1¾ inches in length.

(b) "Small" ("baby") includes pods of okra not less than 1¾ inches or more than 3½ inches in length.

(c) "Medium" includes pods of okra more than 3½ inches in length and, unless otherwise specified, not more than 5 inches in length.

(d) "Large," unless otherwise specified, includes pods of okra more than 5 inches in length.

DEFINITIONS

§ 51.3640 **Similar varietal characteristics.**

"Similar varietal characteristics" means that the pod is of the same type and closely similar in appearance to the rest of the pods in the lot.

§ 51.3641 **Fresh.**

"Fresh" means that the pod is not appreciably wilted or flabby.

§ 51.3642 **Tender.**

"Tender" means that the pod is succulent and reasonably free from fiber. The tip will break fairly easily and cleanly when bent back, and flesh of the

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

central portion of the pod can be cut crosswise with a sharp knife using very little pressure.

§ 51.3643 Fairly well colored.

"Fairly well colored" means that the pod of a green variety has a good green color or is at least light green with no yellowish cast.

§ 51.3644 Fairly well formed.

"Fairly well formed" means that the pod is not more than slightly curved, crooked or otherwise not more than slightly deformed.

§ 51.3645 Worm hole.

"Worm hole" means a hole caused by an insect penetrating the wall of the pod.

§ 51.3646 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the edible or processing quality of the pod. The following specific defects shall be considered as damage:

(a) Scars or bruises which will materially detract from the appearance of the pod after processing;

(b) Cuts or punctures which penetrate the wall of the pod.

(c) Insects when the insect is present inside the pod, or when the action of insects has distinctly affected the appearance of the pod;

(d) Discoloration which will materially detract from the appearance of the pod after processing; and,

(e) Dirt or other foreign material which is so firmly attached to the pod that it cannot be removed by the usual processing plant washing.

§ 51.3647 Fairly well trimmed.

"Fairly well trimmed" means that the stem has been broken or cut off at a point not more than three-fourths inch below the cap scar at the base of the pod, and that the open seed cavities have not been exposed by excessively high trimming.

§ 51.3648 Well trimmed.

"Well trimmed" means that the stem has been neatly cut off at a point not more than one-fourth inch below the cap scar at the base of the pod, and that the open seed cavities have not been exposed by excessively high trimming.

§ 51.3649 Pale green.

"Pale green" means that the pod of a green variety has a tinge of green predominating over most or all of its surface, and not more than one-tenth of its surface shows a yellowish cast.

§ 51.3650 Moderately misshapen.

"Moderately misshapen" means that the pod is not badly curved, crooked or otherwise badly misshapen.

§ 51.3651 Poorly trimmed.

"Poorly trimmed" means that the stem has been broken or cut off at a point more than three-fourths inch below the cap scar at the base of the pod, or that the open seed cavities have been exposed by excessively high trimming.

§ 51.3652 Length.

"Length" means the dimension of the pod measured from the cap scar at the base to the tip end of the pod.

The U.S. Standards for Grades of Okra for Processing contained in this subpart shall become effective December 15, 1965.

Dated: November 10, 1965.

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

[F.R. Doc. 65-12307; Filed, Nov. 16, 1965; 8:48 a.m.]

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Fees for Grading Service

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrase "$7.40 per hour" to "$7.80 per hour."

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The Federal Employees Salary Act of 1965 (Public Law 89-301) has required increases in the salaries paid to Federal employees engaged in the performance of Federal meat grading services. It has been determined that in order to cover the increased costs of the services due to these salary changes, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found that notice and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective November 21, 1965, with respect to all Federal meat grading services rendered on and after that date, including service under weekly grading contracts whether heretofore or hereafter made.

(Secs. 303, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 12th day of November, 1965.

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

[F.R. Doc. 65-12334; Filed, Nov. 16, 1965; 8:50 a.m.]

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1966

Pursuant to section 4 of the National School Lunch Act, as amended, food assistance funds available for the fiscal year ending June 30, 1966, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$4,500,411	$4,378,464	$121,947
Alaska	135,212	135,212	
Arizona	1,184,177	1,129,660	54,517
Arkansas	2,535,005	2,456,954	78,051
California	5,765,232	5,765,232	
Colorado	1,350,247	1,250,845	99,402
Connecticut	1,209,423	1,209,423	
Delaware	296,377	292,999	3,378
District of Columbia	172,513	172,513	
Florida	5,266,592	5,144,061	122,531
Georgia	6,026,441	6,026,441	
Guam	90,067	50,985	39,082
Hawaii	916,552	858,437	58,115
Idaho	679,176	657,605	21,571
Illinois	4,191,536	4,191,536	
Indiana	3,146,479	3,146,479	
Iowa	2,662,000	2,332,530	329,470
Kansas	1,711,403	1,711,403	
Kentucky	4,458,204	4,458,204	
Louisiana	6,266,186	6,266,186	
Maine	735,891	646,706	89,185
Maryland	1,843,760	1,771,831	71,929
Massachusetts	3,003,507	3,003,507	
Michigan	3,456,573	3,064,010	392,563
Minnesota	3,226,583	2,799,990	426,593
Mississippi	3,933,833	3,933,833	
Missouri	3,210,814	3,210,814	
Montana	437,561	409,054	28,507
Nebraska	1,052,692	881,732	170,960
Nevada	119,554	118,442	1,112
New Hampshire	383,423	383,423	
New Jersey	1,804,795	1,555,949	248,846
New Mexico	1,004,790	1,004,790	
New York	8,683,093	8,683,093	
North Carolina	6,839,873	6,839,873	
North Dakota	704,672	621,306	83,366
Ohio	5,549,681	4,929,052	620,629
Oklahoma	1,978,902	1,978,902	
Oregon	1,277,750	1,277,750	
Pennsylvania	5,673,447	4,939,613	733,834
Puerto Rico	3,613,983	3,613,983	
Rhode Island	252,701	252,701	
South Carolina	4,094,540	4,043,457	51,083
South Dakota	570,153	570,153	
Tennessee	4,333,080	4,249,365	83,715
Texas	6,497,923	6,223,909	274,014
Utah	1,074,059	1,069,706	4,353
Vermont	244,858	244,858	
Virginia	3,965,481	3,885,038	80,443
Virgin Islands	102,995	102,995	
Washington	1,788,195	1,732,795	55,400
West Virginia	1,719,356	1,679,673	39,683
Wisconsin	2,607,766	2,061,850	545,916
Wyoming	215,483	215,483	
American Samoa	25,000	25,000	
Total	138,590,000	133,659,805	4,930,195

(Secs. 2-12, 60 Stat. 230-233, as amended, 76 Stat. 944; 42 U.S.C. 1751-1760)

Dated: November 12, 1965.

S. R. SMITH,
Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-12335; Filed, Nov. 16, 1965; 8:50 a.m.]

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

[Navel Orange Reg. 84, Amdt. 1]

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

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1), (i), (iii) and (iv) of § 907.384 (Navel Orange Regulation 84, 30 F.R. 14040) are hereby amended to read as follows:

§ 907.384 Navel Orange Regulation 84.

* * * * *

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

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

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

Dated: November 10, 1965.

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

[F.R. Doc. 65–12308; Filed, Nov. 16, 1965; 8:48 a.m.]

[Grapefruit Reg. 7, Amdt. 9]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 7 (§ 944.103, 29 F.R. 12762, 13603, 30 F.R. 257, 754, 4055, 5359, 6065, 6638, 11713) are hereby amended to read as follows:

§ 944.103 Grapefruit Regulation 7.

(a) On and after 12:01 a.m., e.s.t., November 15, 1965, the importation of any grapefruit into the United States is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Golden and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(2) Seedless grapefruit shall (i) grade at least U.S. No. 1 Golden: *Provided,* That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be imported if such grapefruit meet the requirements as to form (shape) and color specified for the U.S. No. 1 grade, and (ii) be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 59 (§ 905.472); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of grapefruit.

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

Dated, November 10, 1965, to become effective at 12:01 a.m., e.s.t., November 15, 1965.

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

[F.R. Doc. 65–12311; Filed, Nov. 16, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[C.C.C. Grain Price Support Regs.; 1965-Crop Corn Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Corn Loan and Purchase Program

SUPPORT RATES

Section 1421.2352 of the regulations issued by the Commodity Credit Corporation (30 F.R. 10836) with respect to price support loan and purchase operations for the 1965-crop of corn is hereby amended (1) to provide for the basic county support rates and premiums and discounts applicable to loans, purchases and settlements thereon and (2) to read as follows:

§ 1421.2352 Support rates.

(a) *Determination of rates.* The support rate to be used to make a loan, and to settle a loan and a purchase, shall be the applicable basic county support rate established for the county in which the corn covered by the loan or purchase was produced. A farm storage loan shall be made at the basic county support rate adjusted only by the weed control discount, if applicable. A warehouse storage loan, a farm storage loan settlement and a purchase shall be made at the basic county support rate adjusted by the applicable premiums and discounts prescribed in paragraph (b) of this section. Basic county support rates per bushel for corn grading No. 3 except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better except for moisture, and the schedule of premiums and discounts are set forth in paragraphs (b) and (c) of this section.

(b) *Schedule of premiums and discounts.* (1) Premiums:

	Cents per bushel
Grade No. 2 or better	1
Broken corn and foreign material (percent) 2.0 or less	1
Moisture content (percent) 14.0 or less	1

(2) Discounts:

Weevily	2
Mixed	2
Weed control laws (see § 1421.74)	10
Other—Such other discounts not covered above as may be established by CCC for settlement of loans and purchases to reflect values of corn acquired by CCC.	

(c) *Basic county support rates.*

County	Rate per bushel
ALABAMA	
All counties	$1.19
ARIZONA	
All counties	$1.23
ARKANSAS	
All counties	$1.14
CALIFORNIA	
All counties	$1.23

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.11	Larimer	$1.10
Alamosa	1.15	Las Animas	1.13
Arapahoe	1.12	Lincoln	1.11
Archuleta	1.17	Logan	1.08
Baca	1.12	Mesa	1.20
Bent	1.12	Moffat	1.20
Boulder	1.11	Montezuma	1.22
Cheyenne	1.10	Montrose	1.20
Conejos	1.15	Morgan	1.09
Costilla	1.15	Otero	1.13
Crowley	1.12	Ouray	1.22
Custer	1.14	Phillips	1.08
Delta	1.20	Pitkin	1.18
Dolores	1.22	Prowers	1.11
Douglas	1.13	Pueblo	1.13
Elbert	1.12	Rio Blanco	1.20
El Paso	1.13	Rio Grande	1.18
Fremont	1.14	Routt	1.17
Garfield	1.20	Saguache	1.16
Grand	1.14	San Miguel	1.22
Huerfano	1.14	Sedgwick	1.08
Jefferson	1.13	Washington	1.09
Kiowa	1.11	Weld	1.09
Kit Carson	1.09	Yuma	1.08
La Plata	1.19		

County	Rate per bushel
CONNECTICUT	
All counties	$1.28
DELAWARE	
All counties	$1.22
FLORIDA	
All counties	$1.20
GEORGIA	
All counties	$1.20
IDAHO	
All counties	$1.18

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	Edwards	$1.08
Alexander	1.09	Effingham	1.07
Bond	1.07	Fayette	1.07
Boone	1.06	Ford	1.05
Brown	1.06	Franklin	1.08
Bureau	1.06	Fulton	1.06
Calhoun	1.06	Gallatin	1.09
Carroll	1.04	Greene	1.07
Cass	1.07	Grundy	1.06
Champaign	1.05	Hamilton	1.08
Christian	1.07	Hancock	1.04
Clark	1.08	Hardin	1.09
Clay	1.07	Henderson	1.04
Clinton	1.07	Henry	1.06
Coles	1.05	Iroquois	1.06
Cook	1.07	Jackson	1.08
Crawford	1.07	Jasper	1.07
Cumberland	1.06	Jefferson	1.07
De Kalb	1.06	Jersey	1.07
De Witt	1.06	Jo Daviess	1.04
Douglas	1.05	Johnson	1.08
Du Page	1.07	Kane	1.07
Edgar	1.05	Kankakee	1.06

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Kendall	$1.06	Pike	$1.06
Knox	1.06	Pope	1.09
Lake	1.07	Pulaski	1.09
La Salle	1.06	Putnam	1.07
Lawrence	1.08	Randolph	1.08
Lee	1.06	Richland	1.08
Livingston	1.06	Rock Island	1.04
Logan	1.07	St. Clair	1.08
McDonough	1.05	Saline	1.08
McHenry	1.06	Sangamon	1.07
McLean	1.06	Schuyler	1.06
Macon	1.06	Scott	1.07
Macoupin	1.07	Shelby	1.06
Madison	1.07	Stark	1.06
Marion	1.07	Stephenson	1.05
Marshall	1.07	Tazewell	1.07
Mason	1.07	Union	1.08
Massac	1.09	Vermilion	1.05
Menard	1.07	Wabash	1.08
Mercer	1.04	Warren	1.05
Monroe	1.08	Washington	1.08
Montgomery	1.07	Wayne	1.07
Morgan	1.07	White	1.08
Moultrie	1.05	Whiteside	1.04
Ogle	1.05	Will	1.07
Peoria	1.06	Williamson	1.08
Perry	1.08	Winnebago	1.05
Piatt	1.05	Woodford	1.07

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.06	Lawrence	$1.08
Allen	1.06	Madison	1.06
Bartholomew	1.08	Marion	1.06
Benton	1.06	Marshall	1.06
Blackford	1.06	Martin	1.08
Boone	1.06	Miami	1.06
Brown	1.07	Monroe	1.07
Carroll	1.06	Montgomery	1.05
Cass	1.06	Morgan	1.06
Clark	1.09	Newton	1.06
Clay	1.06	Noble	1.06
Clinton	1.06	Ohio	1.09
Crawford	1.09	Orange	1.08
Daviess	1.08	Owen	1.06
Dearborn	1.09	Parke	1.05
Decatur	1.08	Perry	1.09
De Kalb	1.06	Pike	1.08
Delaware	1.06	Porter	1.06
Dubois	1.08	Posey	1.09
Elkhart	1.06	Pulaski	1.06
Fayette	1.07	Putnam	1.06
Floyd	1.09	Randolph	1.06
Fountain	1.05	Ripley	1.08
Franklin	1.08	Rush	1.07
Fulton	1.06	St. Joseph	1.06
Gibson	1.09	Scott	1.09
Grant	1.06	Shelby	1.07
Greene	1.07	Spencer	1.09
Hamilton	1.06	Starke	1.06
Hancock	1.06	Steuben	1.06
Harrison	1.09	Sullivan	1.07
Hendricks	1.06	Switzerland	1.09
Henry	1.06	Tippecanoe	1.05
Howard	1.06	Tipton	1.06
Huntington	1.06	Union	1.07
Jackson	1.08	Vanderburgh	1.09
Jasper	1.06	Vermillion	1.05
Jay	1.06	Vigo	1.06
Jefferson	1.09	Wabash	1.06
Jennings	1.08	Warren	1.05
Johnson	1.06	Warrick	1.09
Knox	1.08	Washington	1.09
Kosciusko	1.06	Wayne	1.06
LaGrange	1.06	Wells	1.06
Lake	1.06	White	1.06
La Porte	1.06	Whitley	1.06

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.01	Boone	$0.99
Adams	1.02	Bremer	.99
Allamakee	1.00	Buchanan	1.01
Appanoose	1.03	Buena Vista	.97
Audubon	1.00	Butler	.99
Benton	1.02	Calhoun	.98
Black Hawk	1.00	Carroll	.99

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Cass	$1.01	Louisa	$1.04
Cedar	1.04	Lucas	1.02
Cerro Gordo	.97	Lyon	.96
Cherokee	.98	Madison	1.01
Chickasaw	.99	Mahaska	1.00
Clarke	1.02	Marion	1.01
Clay	.97	Marshall	.99
Clayton	1.01	Mills	1.02
Clinton	1.04	Mitchell	.97
Crawford	.99	Monona	1.00
Dallas	1.00	Monroe	1.02
Davis	1.03	Montgomery	1.02
Decatur	1.02	Muscatine	1.04
Delaware	1.02	O'Brien	.97
Des Moines	1.04	Osceola	.96
Dickinson	.96	Page	1.02
Dubuque	1.03	Palo Alto	.97
Emmet	.96	Plymouth	.98
Fayette	1.01	Pocahontas	.97
Floyd	.98	Polk	1.00
Franklin	.98	Pottawattamie	1.02
Fremont	1.02	Poweshiek	1.00
Greene	.99	Ringgold	1.02
Grundy	.99	Sac	.98
Guthrie	1.00	Scott	1.04
Hamilton	.98	Shelby	1.00
Hancock	.97	Sioux	.97
Hardin	.99	Story	.99
Harrison	1.01	Tama	1.00
Henry	1.04	Taylor	1.02
Howard	.99	Union	1.02
Humboldt	.97	Van Buren	1.03
Ida	.98	Wapello	1.02
Iowa	1.02	Warren	1.01
Jackson	1.04	Washington	1.03
Jasper	1.00	Wayne	1.02
Jefferson	1.03	Webster	.98
Johnson	1.03	Winnebago	.97
Jones	1.03	Winneshiek	1.00
Keokuk	1.02	Woodbury	.98
Kossuth	.97	Worth	.97
Lee	1.04	Wright	.97
Linn	1.02		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.09	Haskell	$1.09
Anderson	1.08	Hodgeman	1.09
Atchison	1.06	Jackson	1.05
Barber	1.10	Jefferson	1.06
Barton	1.07	Jewell	1.02
Bourbon	1.09	Johnson	1.07
Brown	1.04	Kearny	1.09
Butler	1.08	Kingman	1.09
Chase	1.06	Kiowa	1.09
Chautauqua	1.11	Labette	1.11
Cherokee	1.11	Lane	1.09
Cheyenne	1.06	Leavenworth	1.07
Clark	1.10	Lincoln	1.05
Clay	1.03	Linn	1.09
Cloud	1.03	Logan	1.08
Coffey	1.08	Lyon	1.06
Comanche	1.10	McPherson	1.06
Cowley	1.10	Marion	1.06
Crawford	1.11	Marshall	1.03
Decatur	1.05	Meade	1.10
Dickinson	1.05	Miami	1.08
Doniphan	1.05	Mitchell	1.04
Douglas	1.06	Montgomery	1.11
Edwards	1.08	Morris	1.06
Elk	1.10	Morton	1.10
Ellis	1.06	Nemaha	1.04
Ellsworth	1.06	Neosho	1.10
Finney	1.09	Ness	1.09
Ford	1.09	Norton	1.04
Franklin	1.07	Osage	1.06
Geary	1.05	Osborne	1.04
Gove	1.08	Ottawa	1.04
Graham	1.05	Pawnee	1.08
Grant	1.09	Phillips	1.03
Gray	1.09	Pottawatomie	1.04
Greeley	1.09	Pratt	1.09
Greenwood	1.08	Rawlins	1.06
Hamilton	1.09	Reno	1.08
Harper	1.10	Republic	1.02
Harvey	1.08	Rice	1.07

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Riley	$1.03	Stanton	$1.09
Rooks	1.05	Stevens	1.10
Rush	1.07	Sumner	1.10
Russell	1.05	Thomas	1.07
Saline	1.05	Trego	1.08
Scott	1.09	Wabaunsee	1.05
Sedgewick	1.09	Wallace	1.08
Seward	1.10	Washington	1.03
Shawnee	1.05	Wichita	1.09
Sheridan	1.05	Wilson	1.10
Sherman	1.07	Woodson	1.09
Smith	1.02	Wyandotte	1.07
Stafford	1.08		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.16	Knox	$1.18
Allen	1.16	Larue	1.14
Anderson	1.15	Laurel	1.18
Ballard	1.12	Lawrence	1.17
Barren	1.15	Lee	1.18
Bath	1.17	Leslie	1.19
Bell	1.19	Letcher	1.19
Boone	1.12	Lewis	1.14
Bourbon	1.16	Lincoln	1.17
Boyd	1.16	Livingston	1.12
Boyle	1.16	Logan	1.15
Bracken	1.14	Lyon	1.14
Breathitt	1.19	McCracken	1.12
Breckenridge	1.12	McCreary	1.17
Bullitt	1.13	McLean	1.13
Butler	1.14	Madison	1.17
Caldwell	1.14	Magoffin	1.19
Calloway	1.13	Marion	1.15
Campbell	1.12	Marshall	1.13
Carlisle	1.12	Martin	1.18
Carroll	1.12	Mason	1.14
Carter	1.16	Meade	1.12
Casey	1.16	Menifee	1.17
Christian	1.15	Mercer	1.16
Clark	1.17	Metcalfe	1.16
Clay	1.18	Monroe	1.16
Clinton	1.17	Montgomery	1.17
Crittenden	1.12	Morgan	1.18
Cumberland	1.16	Muhlenburg	1.14
Daviess	1.12	Nelson	1.14
Edmonson	1.14	Nicholas	1.16
Elliott	1.17	Ohio	1.13
Estill	1.17	Oldham	1.12
Fayette	1.16	Owen	1.13
Fleming	1.15	Owsley	1.18
Floyd	1.19	Pendleton	1.13
Franklin	1.14	Perry	1.19
Fulton	1.12	Pike	1.19
Gallatin	1.12	Powell	1.17
Garrard	1.17	Pulaski	1.17
Grant	1.13	Robertson	1.15
Graves	1.12	Rockcastle	1.17
Grayson	1.13	Rowan	1.17
Green	1.16	Russell	1.17
Greenup	1.15	Scott	1.15
Hancock	1.12	Shelby	1.13
Hardin	1.13	Simpson	1.16
Harlan	1.19	Spencer	1.13
Harrison	1.15	Taylor	1.15
Hart	1.15	Todd	1.15
Henderson	1.12	Trigg	1.15
Henry	1.13	Trimble	1.12
Hickman	1.12	Union	1.12
Hopkins	1.14	Warren	1.15
Jackson	1.18	Washington	1.15
Jefferson	1.12	Wayne	1.17
Jessamine	1.17	Webster	1.13
Johnson	1.18	Whitley	1.18
Kenton	1.12	Wolfe	1.18
Knott	1.19	Woodford	1.16

LOUISIANA

All counties $1.17

MAINE

All counties $1.28

MARYLAND

All counties $1.22

MASSACHUSETTS

All counties $1.28

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.07	Livingston	$1.08
Barry	1.07	Macomb	1.08
Berrien	1.06	Mecosta	1.08
Branch	1.07	Midland	1.08
Calhoun	1.07	Monroe	1.08
Cass	1.06	Montcalm	1.08
Clinton	1.08	Oakland	1.08
Eaton	1.08	Saginaw	1.08
Genesee	1.08	St. Clair	1.08
Gratiot	1.08	St. Joseph	1.06
Hillsdale	1.07	Sanilac	1.08
Ingham	1.08	Shiawassee	1.08
Ionia	1.08	Tuscola	1.08
Isabella	1.08	Van Buren	1.06
Jackson	1.08	Washtenaw	1.08
Kalamazoo	1.07	Wayne	1.08
Kent	1.08	All other counties	1.09
Lapeer	1.08		
Lenawee	1.08		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.98	Marshall	$0.95
Anoka	1.00	Martin	.95
Becker	.96	Meeker	.98
Beltrami	.96	Mille Lacs	.98
Benton	.98	Morrison	.97
Big Stone	.94	Mower	.98
Blue Earth	.97	Murray	.95
Brown	.97	Nicollet	.98
Carlton	.99	Nobles	.95
Carver	.99	Norman	.95
Cass	.97	Olmsted	.99
Chippewa	.95	Otter Tail	.96
Chisago	1.00	Pennington	.95
Clay	.95	Pine	.99
Clearwater	.96	Pipestone	.95
Cook	.98	Polk	.95
Cottonwood	.96	Pope	.96
Crow Wing	.97	Ramsey	1.00
Dakota	1.00	Red Lake	.95
Dodge	.98	Redwood	.96
Douglas	.97	Renville	.97
Faribault	.95	Rice	.99
Fillmore	.99	Rock	.95
Freeborn	.97	Roseau	.95
Goodhue	1.00	St. Louis	.98
Grant	.96	Scott	.99
Hennepin	.99	Sherburne	.98
Houston	1.00	Sibley	.98
Hubbard	.96	Stearns	.98
Isanti	.99	Steele	.97
Itasca	.98	Stevens	.95
Jackson	.95	Swift	.96
Kanabec	.99	Todd	.97
Kandiyohi	.97	Traverse	.94
Kittson	.95	Wabasha	1.00
Koochiching	.98	Wadena	.97
Lac Qui Parle	.94	Waseca	.97
Lake	.98	Washington	1.01
Lake of the Woods	.96	Watonwan	.96
Le Sueur	.98	Wilkin	.95
Lincoln	.94	Winona	1.00
Lyon	.95	Wright	.98
McLeod	.98	Yellow Medicine	.95
Mahnomen	.95		

MISSISSIPPI

All counties $1.17

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.06	Camden	$1.10
Andrew	1.05	Cape Girardeau	1.10
Atchison	1.04	Carroll	1.08
Audrain	1.08	Carter	1.11
Barry	1.11	Cass	1.08
Barton	1.10	Cedar	1.09
Bates	1.08	Chariton	1.08
Benton	1.08	Christian	1.11
Bollinger	1.10	Clark	1.05
Boone	1.08	Clay	1.08
Buchanan	1.07	Clinton	1.08
Butler	1.11	Cole	1.09
Caldwell	1.08	Cooper	1.08
Callaway	1.08		

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Crawford	$1.10	New Madrid	$1.11
Dade	1.10	Newton	1.11
Dallas	1.10	Nodaway	1.04
Daviess	1.06	Oregon	1.11
De Kalb	1.06	Osage	1.09
Dent	1.10	Ozark	1.11
Douglas	1.11	Pemiscot	1.11
Dunklin	1.11	Perry	1.10
Franklin	1.09	Pettis	1.08
Gasconade	1.09	Phelps	1.10
Gentry	1.05	Pike	1.07
Greene	1.10	Platte	1.08
Grundy	1.06	Polk	1.10
Harrison	1.04	Pulaski	1.10
Henry	1.08	Putnam	1.05
Hickory	1.09	Ralls	1.07
Holt	1.05	Randolph	1.08
Howard	1.08	Ray	1.08
Howell	1.11	Reynolds	1.10
Iron	1.10	Ripley	1.11
Jackson	1.08	St. Charles	1.08
Jasper	1.10	St. Clair	1.09
Jefferson	1.09	St. Francis	1.10
Johnson	1.08	St. Louis	1.09
Knox	1.06	Ste. Genevieve	1.09
Laclede	1.10	Saline	1.08
Lafayette	1.08	Schuyler	1.05
Lawrence	1.10	Scotland	1.04
Lewis	1.06	Scott	1.11
Lincoln	1.08	Shannon	1.10
Linn	1.07	Shelby	1.07
Livingston	1.07	Stoddard	1.11
McDonald	1.11	Stone	1.11
Macon	1.08	Sullivan	1.06
Madison	1.10	Taney	1.11
Maries	1.10	Texas	1.10
Marion	1.06	Vernon	1.09
Mercer	1.04	Warren	1.08
Miller	1.10	Washington	1.10
Mississippi	1.11	Wayne	1.10
Moniteau	1.09	Webster	1.10
Monroe	1.08	Worth	1.04
Montgomery	1.08	Wright	1.10
Morgan	1.09		

MONTANA

All counties $1.11

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.00	Gosper	$1.02
Antelope	.98	Grant	1.03
Arthur	1.04	Greeley	1.00
Banner	1.07	Hall	1.00
Blaine	1.01	Hamilton	1.00
Boone	.99	Harlan	1.01
Box Butte	1.06	Hayes	1.04
Boyd	.98	Hitchcock	1.04
Brown	1.00	Holt	.99
Buffalo	1.00	Hooker	1.02
Burt	1.00	Howard	1.00
Butler	1.00	Jefferson	1.02
Cass	1.01	Johnson	1.02
Cedar	.98	Kearney	1.00
Chase	1.04	Keith	1.05
Cherry	1.02	Keya Paha	1.00
Cheyenne	1.06	Kimball	1.07
Clay	1.00	Knox	.98
Colfax	1.00	Lancaster	1.00
Cuming	.99	Lincoln	1.03
Custer	1.02	Logan	1.03
Dakota	.98	Loup	1.01
Dawes	1.06	McPherson	1.03
Dawson	1.01	Madison	.99
Deuel	1.06	Merrick	1.00
Dixon	.98	Morrill	1.07
Dodge	1.00	Nance	1.00
Douglas	1.01	Nemaha	1.02
Dundy	1.04	Nuckolls	1.01
Fillmore	1.00	Otoe	1.01
Franklin	1.00	Pawnee	1.03
Frontier	1.02	Perkins	1.04
Furnas	1.02	Phelps	1.01
Gage	1.02	Pierce	.98
Garden	1.05	Platte	1.00
Garfield	1.01	Polk	1.01

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Red Willow	$1.03	Stanton	$0.99
Richardson	1.03	Thayer	1.01
Rock	1.00	Thomas	1.02
Saline	1.01	Thurston	.99
Sarpy	1.01	Valley	1.01
Saunders	1.00	Washington	1.01
Scotts Bluff	1.07	Wayne	.98
Seward	1.00	Webster	1.01
Sheridan	1.05	Wheeler	1.00
Sherman	1.01	York	1.00
Sioux	1.07		

NEVADA

All counties $1.24

NEW HAMPSHIRE

All counties $1.28

NEW JERSEY

All counties $1.24

NEW MEXICO

All counties $1.20

NEW YORK

All counties $1.23

NORTH CAROLINA

All counties $1.22

NORTH DAKOTA

All counties $0.95

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.12	Licking	$1.10
Allen	1.07	Logan	1.08
Ashland	1.11	Lorain	1.12
Ashtabula	1.17	Lucas	1.09
Athens	1.14	Madison	1.09
Auglaize	1.07	Mahoning	1.17
Belmont	1.16	Marion	1.09
Brown	1.12	Medina	1.12
Butler	1.08	Meigs	1.14
Carroll	1.15	Mercer	1.07
Champaign	1.08	Miami	1.07
Clark	1.08	Monroe	1.16
Clermont	1.10	Montgomery	1.07
Clinton	1.09	Morgan	1.13
Columbiana	1.17	Morrow	1.10
Coshocton	1.12	Muskingum	1.12
Crawford	1.09	Noble	1.14
Cuyahoga	1.13	Ottawa	1.10
Darke	1.07	Paulding	1.07
Defiance	1.07	Perry	1.12
Delaware	1.09	Pickaway	1.10
Erie	1.11	Pike	1.11
Fairfield	1.11	Portage	1.15
Fayette	1.10	Preble	1.07
Franklin	1.09	Putnam	1.08
Fulton	1.08	Richland	1.10
Gallia	1.13	Ross	1.11
Geauga	1.15	Sandusky	1.10
Greene	1.08	Scioto	1.12
Guernsey	1.14	Seneca	1.09
Hamilton	1.09	Shelby	1.07
Hancock	1.08	Stark	1.14
Hardin	1.08	Summit	1.13
Harrison	1.15	Trumbull	1.17
Henry	1.08	Tuscarawas	1.14
Highland	1.10	Union	1.08
Hocking	1.12	Van Wert	1.07
Holmes	1.12	Vinton	1.12
Huron	1.11	Warren	1.09
Jackson	1.12	Washington	1.15
Jefferson	1.17	Wayne	1.12
Knox	1.10	Williams	1.07
Lake	1.15	Wood	1.09
Lawrence	1.13	Wyandot	1.09

OKLAHOMA

All counties $1.14

OREGON

All counties $1.20

PENNSYLVANIA

All counties $1.23

RHODE ISLAND

County	Rate per bushel
All counties	$1.28

SOUTH CAROLINA

All counties $1.22

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.94	Jackson	$1.00
Beadle	.94	Jerauld	.94
Bennett	1.01	Jones	.99
Bon Homme	.95	Kingsbury	.94
Brookings	.94	Lake	.94
Brown	.94	Lawrence	1.01
Brule	.95	Lincoln	.96
Buffalo	.95	Lyman	.97
Butte	1.01	McCook	.95
Campbell	.97	McPherson	.96
Charles Mix	.94	Marshall	.94
Clark	.94	Meade	1.00
Clay	.96	Mellette	.99
Codington	.94	Miner	.94
Corson	.99	Minnehaha	.95
Custer	1.04	Moody	.94
Davison	.94	Pennington	1.01
Day	.94	Perkins	1.00
Deuel	.94	Potter	.98
Dewey	.99	Roberts	.94
Douglas	.94	Sanborn	.94
Edmunds	.96	Shannon	1.03
Fall River	1.05	Spink	.94
Faulk	.96	Stanley	.99
Grant	.94	Sully	.97
Gregory	.95	Todd	.99
Haakon	.99	Tripp	.96
Hamlin	.94	Turner	.96
Hand	.95	Union	.96
Hanson	.94	Walworth	.98
Harding	1.01	Washabaugh	1.00
Hughes	.97	Yankton	.96
Hutchinson	.95	Ziebach	1.00
Hyde	.96		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$1.20	Henry	$1.15
Bedford	1.17	Hickman	1.16
Benton	1.16	Houston	1.16
Bledsoe	1.18	Humphreys	1.16
Blount	1.21	Jackson	1.18
Bradley	1.19	Jefferson	1.21
Campbell	1.20	Johnson	1.21
Cannon	1.18	Knox	1.20
Carroll	1.15	Lake	1.14
Carter	1.21	Lauderdale	1.14
Cheatham	1.16	Lawrence	1.16
Chester	1.15	Lewis	1.16
Claiborne	1.20	Lincoln	1.16
Clay	1.18	Loudon	1.20
Cocke	1.21	McMinn	1.19
Coffee	1.17	McNairy	1.16
Crockett	1.15	Macon	1.17
Cumberland	1.19	Madison	1.15
Davidson	1.17	Marion	1.17
Decatur	1.16	Marshall	1.18
DeKalb	1.18	Maury	1.16
Dickson	1.16	Meigs	1.19
Dyer	1.14	Monroe	1.20
Fayette	1.15	Montgomery	1.16
Fentress	1.19	Moore	1.18
Franklin	1.16	Morgan	1.19
Gibson	1.14	Obion	1.14
Giles	1.16	Overton	1.18
Grainger	1.21	Perry	1.16
Greene	1.21	Pickett	1.18
Grundy	1.18	Polk	1.19
Hamblen	1.21	Putnam	1.18
Hamilton	1.18	Rhea	1.19
Hancock	1.21	Roane	1.20
Hardeman	1.15	Robertson	1.16
Hardin	1.16	Rutherford	1.17
Hawkins	1.21	Scott	1.19
Haywood	1.15	Sequatchie	1.18
Henderson	1.15	Sevier	1.21

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Shelby	$1.14	Van Buren	$1.18
Smith	1.17	Warren	1.18
Stewart	1.16	Washington	1.21
Sullivan	1.21	Wayne	1.16
Sumner	1.17	Weakley	1.14
Tipton	1.14	White	1.18
Trousdale	1.17	Williamson	1.17
Unicoi	1.21	Wilson	1.17
Union	1.20		

TEXAS

All counties $1.16

UTAH

All counties $1.23

VERMONT

All counties $1.28

VIRGINIA

All counties $1.22

WASHINGTON

All counties $1.18

WEST VIRGINIA

All counties $1.21

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.06	Marathon	$1.07
Ashland	1.06	Marinette	1.08
Barron	1.04	Marquette	1.07
Bayfield	1.05	Milwaukee	1.08
Brown	1.08	Monroe	1.05
Buffalo	1.04	Oconto	1.08
Burnett	1.04	Oneida	1.08
Calumet	1.08	Outagamie	1.07
Chippewa	1.05	Ozaukee	1.08
Clark	1.06	Pepin	1.04
Columbia	1.07	Pierce	1.04
Crawford	1.04	Polk	1.04
Dane	1.07	Portage	1.07
Dodge	1.07	Price	1.06
Door	1.09	Racine	1.08
Douglas	1.04	Richland	1.05
Dunn	1.04	Rock	1.07
Eau Claire	1.05	Rusk	1.05
Florence	1.08	St. Croix	1.04
Fond du Lac	1.07	Sauk	1.06
Forest	1.08	Sawyer	1.05
Grant	1.04	Shawano	1.08
Green	1.06	Sheboygan	1.08
Green Lake	1.07	Taylor	1.06
Iowa	1.06	Trempealeau	1.04
Iron	1.07	Vernon	1.04
Jackson	1.05	Vilas	1.08
Jefferson	1.07	Walworth	1.07
Juneau	1.06	Washburn	1.04
Kenosha	1.08	Washington	1.07
Kewaunee	1.09	Waukesha	1.07
La Crosse	1.04	Waupaca	1.08
Lafayette	1.06	Waushara	1.07
Langlade	1.08	Winnebago	1.08
Lincoln	1.07	Wood	1.06
Manitowoc	1.09		

WYOMING

All counties $1.11

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-12207; Filed, Nov. 16, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service—Meat Inspection, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 327—IMPORTED PRODUCTS

Miscellaneous Amendments

On July 28, 1965, there was published in the FEDERAL REGISTER (30 F.R. 9364) a notice of proposed amendments to §§ 327.16 and 327.17 of the Federal Meat Inspection Regulations (9 CFR, as amended, 327.16, 327.17), to require that the identifying foreign establishment number, certified to the Meat Inspection Division, be displayed in an appropriate manner on products offered for importation, and to clarify the requirements of said sections. After consideration of all relevant matters in connection with the notice and under the authority of subsections 306(b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306(b) and (c)) and the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91, 96), the heading for § 327.16, and §§ 327.16(a) and (b) and 327.17(a) of said regulations are amended to read, respectively, as follows:

§ 327.16 Marking and labeling of product for importation; application of inspection legend.

(a) Product which is offered for importation, and which is susceptible of marking, shall, whether or not enclosed in an immediate or true container, bear the name of the country of origin, preceded by the words "product of"; the establishment number assigned by the foreign meat inspection authority and certified to the Division; and such other marks and labels as are necessary for compliance with Part 316 of this subchapter. When such marks are imprints of stamps or brands made with branding ink, such ink shall be harmless and shall create permanent imprints. In case the name of the country of origin appears as part of an official mark of the national foreign government and such name is prominently and legibly displayed, the words "product of" may be omitted.

(b) In addition to the marking of product required under paragraph (a) of this section, the immediate or true container of product offered for importation:

(1) Shall, on the principal display panel of such container, bear a label which prominently and informatively displays in English: (i) The true name of the product; (ii) the name of the country of origin, preceded by the words "product of", immediately under the true name of the product; (iii) the word "ingredients" if the product is fabricated from two or more ingredients, followed by an accurate list of all ingredients in the product, except in the case of any product for which a definition and standard of identity has been prescribed in Part 328 of this subchapter, and which conforms to such definition and standard and bears such name and other labeling features as are required by the definition and standard; (iv) an accurate statement of the quantity of contents, in accordance with § 317.8(d) of this subchapter; (v) the name and place of business of the manufacturer or packer, or the name and place of business of the distributor, qualified by a true and accurate statement which reveals the connection which such distributor has with the product; and (vi) the establishment number assigned by the foreign meat inspection authority and certified to the Division, except that such establishment number may be omitted from a label lithographed directly on a can if said number is lithographed or embossed elsewhere on the can; and

(2) Shall, if such immediate or true container is a sealed metal container, have the establishment number assigned by the foreign meat inspection authority and certified to the Division embossed or lithographed on the sealed metal container, and such establishment number shall not be covered or obscured by any label or other means.

* * * * *

§ 327.17 Outside containers of foreign product; marking and labeling.

(a) The outside container in which any immediate or true container of foreign product is shipped to the United States shall bear, in English, in a prominent and legible manner, (1) the true name of the product; (2) the name of the country of origin; and (3) the establishment number assigned by the foreign meat inspection authority and certified to the Division.

* * * * *

The amendments of the regulations require a change in the marking and labeling of imported products subject to the regulations, involving modification of marking and labeling procedures at affected foreign establishments and revision of labels now in use, and time is needed for such establishments to make the necessary changes. Therefore the amendments shall become effective 3 months after their publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of November 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-12336; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 6—LOANS MADE BY NATIONAL BANKS SECURED BY OBLIGATIONS OF THE UNITED STATES

Paragraph 8 of 12 U.S.C. 84, authorizes the Comptroller of the Currency, with the approval of the Secretary of the Treasury, to permit by regulation, exceptions to the limitations imposed by the statute upon loans made by National Banks secured by obligations of the United States. Part 6 now permits such loans to be made without limitation when secured by direct obligations of the United States. However, loans which are secured by obligations fully guaranteed both as to principal and interest by the United States are limited to 25 percent of a bank's capital and surplus. This amendment removes the lending limit requirement and extends the exception to such loans when secured by obligations fully guaranteed both as to principal and interest by the United States.

Notice, public procedure and delayed effectiveness are unnecessary and contrary to public interest inasmuch as the amendment relieves a restriction. The amendment, accordingly, will become effective upon publication.

Part 6, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is amended to read as follows:

AUTHORITY: The provisions of this Part 6 issued under R.S. 5200, as amended; 12 U.S.C. 84(8).

§ 6.1 Scope and application.

(a) This part is issued by the Comptroller of the Currency with the approval of the Secretary of the Treasury under authority of paragraph (8) of section 5200 of the Revised Statutes, as amended (12 U.S.C. 84), and section 321(b) of the act of August 23, 1935 (49 Stat. 713);

(b) This part applies to loans made by National Banks secured by either direct obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States.

§ 6.2 General authorization.

The obligations to any national banking association of any person, copartnership, association, or corporation, secured by not less than a like amount (at par or face value) of either direct obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States, shall not be subject to any limitation based upon the capital and surplus of the association.

Dated: November 5, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

Approved:

HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65-12314; Filed, Nov. 16, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6877; Amdt. 39-157]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspection of the magnesium aileron control sector wheels on Fairchild Model F-27 Series airplanes was published in 30 F.R. 11227.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comment indicated that air carrier operators of the subject airplanes felt the AD was unnecessary since FAA-approved maintenance for air carriers included the inspection required by the AD. This AD is directed to all airplanes of the subject type. The Agency, therefore, considers the AD necessary to ensure accomplishment of this inspection and repair on airplanes not covered by an air carrier inspection program.

In consideration of the foregoing, and pursuant to 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:

FAIRCHILD. Applies to Model F-27 Series airplanes.

Compliance required as indicated.

To prevent further corrosion of the magnesium aileron control sectors, accomplish the following:

(a) For airplanes with aileron sectors, P/N's 27-727207-21, 27-727208-21, 27-727209-21, 27-727300-21, and 27-727381-21, with 2 or more years' installed time on the effective date of this AD, comply with paragraph (c) within the next 4 weeks after the effective date of this AD, unless already accomplished within the last 12 weeks.

(b) For airplanes with aileron sectors specified in paragraph (a), with less than 2 years' installed time on the effective date of this AD, comply with paragraph (c) before the accumulation of 2 years and 4 weeks installed time, unless already accomplished within the last 12 weeks.

(c) Visually inspect all surfaces of each aileron sector for corrosion.

NOTE: Aileron sectors, P/N's 27-727207-21, 27-727208-21, and 27-727209-21 are located under the cockpit floor, on the auxiliary shaft at Fuselage Station 129.917, approximately 20 inches to the left and right of the center of fuselage. Aileron sector, P/N 27-727300-21, is located in the left wing center section at Wing Station 54.135, and is mounted on the aft face of the wing rear spar. Aileron sector, P/N 27-727381-21, is located in both the left and right wing outer panel, at Wing Station 398.320 and is mounted on the aft face of the wing rear spar. During the inspection required by paragraph (c), particular attention should be given to the cable groove, ball socket and ball sleeve.

(1) If corrosion is found, before further flight except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be made—

(i) Replace the part with an unused part of the same part number or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, and comply with paragraph (c) within two years from the inspection;

(ii) Replace the part with Fairchild Hiller aluminum aileron sector P/N 27-727207-23, 27-727208-23, 27-727209-23, 27-727300-23; or 27-727381-23 as applicable, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region; or

(iii) Remove the corrosion in accordance with paragraph (d) and reinspect in accordance with paragraph (c) at intervals not to exceed 16 weeks from the last inspection. If corrosion is found, comply with subparagraph (c)(1).

(2) If no corrosion is found, comply with paragraph (c) within 1 year from the inspection.

(d) Remove corrosion from aileron sectors, P/N's 27-727207-21, 27-727208-21, and 27-727209-21, in accordance with Fairchild Service Letter No. 311, dated April 12, 1965, or later FAA-approved revision or an FAA-approved equivalent; from aileron sector, P/N 27-727300-21, in accordance with Fairchild Service Letter No. 307 dated September 17, 1963, or later FAA-approved revision or an FAA-approved equivalent; from aileron sector P/N 27-727381-21, in accordance with Fairchild Service Letter No. 306, dated August 22, 1963, or later FAA-approved revision or an FAA-approved equivalent.

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

This amendment becomes effective December 17, 1965.

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

Issued in Washington, D.C., on November 9, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-12272; Filed, Nov. 16, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-111]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 3, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11328) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Baraboo, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the above referred to notice, the Federal Aviation Agency has determined that the final approach radial is 010° magnetic. This necessitates a change in the designation of the proposed transition area. The reference to the Dells VOR 011° radial will be changed to 013° radial. Since this change is minor in nature and will cause no additional burden to anyone, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the following transition area is added:

BARABOO, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bell Airport, Baraboo, Wis. (latitude 43°31'13" N.; longitude 89°46'09" W.); and within 2 miles each side of the Dells VOR 013° radial, extending from the 5-mile radius to 8 miles N of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 3, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-12273; Filed, Nov. 16, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR-95]

PART 301—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 10th day of November 1965.

Part 301 contains the Board's rules of practice for proceedings upon petitions for review of orders of the Administrator (Federal Aviation Agency) denying the issuance or renewal of airman certificates under section 602 of the Federal Aviation Act, and upon appeals from the Administrator's orders amending, modifying, suspending, or revoking safety certificates under section 609 of the Act. By express provision of section 602, an applicant cannot maintain an action before the Board if his certificate is under suspension or had been revoked within a year of the Administrator's adverse order. By longstanding policy of the Board incorporated in Part 301, stale complaints of violations will not be heard as grounds for action under section 609 unless the Administrator shows good cause for delay or puts the qualifications of the certificate holder in issue. The Board has accordingly authorized, in §§ 301.19 and 301.27 in proceedings under sections 602 and 609 of the Act respectively, that motions to dismiss may be filed in lieu of answer so that the examiner can promptly dismiss those matters not required to be heard.

Sections 301.19(b) and 301.27(b) provide that to the extent examiners' orders grant motions to dismiss, such orders may be "appealed" to the Board in accordance with the procedure for "appeals" of initial decisions. These sections further provide that appeals of dismissals in part may be deferred until after the initial decision is rendered if notice of intent to appeal the order is timely given. In current practice, however, where the examiner has been delegated the authority to make the agency decision subject to discretionary review by the Board, the initial decision may be reviewed by the Board only upon a petition for discretionary review or upon the Board's initiative. In other words, appeals as of right to the Board no longer apply in safety proceedings except under the "emergency order" procedure of § 301.50, which incidentally prohibits motions to dismiss in lieu of answer. Furthermore, an appeal to the Board from an examiner's interlocutory order is authorized by § 301.10 only in extraordinary circumstances to prevent substantial detriment to the public interest or undue prejudice to a party, and then only with the examiner's consent.

Although § 301.19(b) and § 301.27(b) state that Board review of dismissal orders shall follow procedures for review of initial decisions, which is now upon a petition for discretionary review, the use of the word "appeal" has created some uncertainty as to whether an appeal lies as of right or must be taken by filing a petition for discretionary review. Of course, there is no difficulty in equating a dismissal in toto with an initial decision, since such dismissal disposes of all issues without hearing and terminates the action insofar as the examiner's function is concerned. However, dismissals in part are clearly interlocutory orders leaving other issues to be heard and disposed of in initial decisions. Sections 301.10 and 301.45 fully protect a party's right to raise any error of fact, law, policy or discretion upon a petition for discretionary review at the conclusion of a proceeding. It therefore appears that special provisions for Board review of examiners' dismissal orders, in whole or in part, have outlived their usefulness under the discretionary review procedure.

Accordingly, §§ 301.19(b) and 301.27(b) are amended: (1) To substitute "petition for discretionary review" for "appeal" to make clear that Board review of dismissal orders terminating the proceeding is discretionary and (2) to provide that review of dismissals in part shall follow the general rule for review of interlocutory orders set forth in § 301.10. In addition, § 301.1 and § 301.29 (b) are amended to include dismissal orders that terminate the proceeding in the pleading stage within the definition of "initial decision" and the delegation of authority to examiners to make the agency decisions subject to discretionary review.

For the sake of consistency, § 301.29 (d) is amended to reflect the fact that an examiner's ruling on an affidavit of bias may be reviewed by the Board either upon appeal of an initial decision not made under delegated authority (see § 301.50 for emergency-order proceedings) or upon a petition for discretionary review of an initial decision made under delegated authority.

Although the majority of Board proceedings under section 609 of the Act involve the Administrator's amendment, suspension or revocation of airman certificates, the statute and, therefore, the Board's rules of practice apply to Board review of the Administrator's orders affecting all types of safety certificates. Sections 301.2 and 301.27(c)(2)(ii) are amended to delete words that appear to limit Board proceedings under section 609 to orders affecting only airman certificates.

The intent of the "Note" at the end of § 301.46 is that briefs to the Board and requests for oral argument thereon are permitted only if the Board has issued an order granting discretionary review and specifying the issues to be briefed and/or argued. Stated differently, briefs and oral argument are not permitted on petitions for discretionary review. These provisions are now specifically incorporated in §§ 301.45(a) and 301.46(b) and the "Note" is deleted because it is superfluous.

Section 301.50(d) permits petitions for reconsideration of Board orders in emergency-order proceedings to be filed on the ground of discovery of new matter, but does not specify the period within which such petitions should be filed. This oversight is now corrected by providing that such petitions must be filed within 10 days of service of the Board's order.

Since this amendment merely clarifies agency procedure and practice, notice and public procedures hereon are not required.

Accordingly, the Board hereby amends Part 301 of the Procedural Regulations (14 CFR Part 301), effective December 17, 1965, as follows:

1. Amend § 301.1 by revising the definition of "initial decision" to read as follows:

§ 301.1 Definitions.

* * * * *

"Initial decision" means the examiner's decision on the substantive and procedural issues remaining for disposition at the close of the hearing in a proceeding and an examiner's order granting a motion to dismiss in lieu of answer as provided in § 301.19 or § 301.27 and terminating the proceeding, pursuant to delegation of authority under § 301.29(b) of this part, except that this delegation does not apply in cases where the record is certified to the Board, with or without a recommended decision by the examiner, or to orders partly granting a motion to dismiss and requiring answer to any remaining allegation. This definition does not include the review of rulings by the examiner on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 301.10(f) and does not apply to the term "initial decision" as used in § 301.50.

* * * * *

2. Amend § 301.2 by deleting the word "such" immediately preceding the last word "certificate" in the first sentence thereof, so that the section reads:

§ 301.2 Applicability and description of part.

The provisions of this part shall govern all proceedings before the Board upon petition for review of a refusal by the Administrator to issue or renew an airman certificate to an applicant therefor; and upon appeal from any order of the Administrator amending, modifying, suspending or revoking any certificate. This part also contains the Board's delegation to hearing examiners, pursuant to Reorganization Plan No. 3 of 1961, of the Board's function to render the agency decision, subject to discretionary review by the Board. The provisions of Part 263 of the economic regulations are applicable to participation of air carrier associations in proceedings under this part.

3. Amend § 301.19(b) to read as follows:

§ 301.19 Motions to dismiss.

* * * * *

(b) *Discretionary Board review of dismissal orders.* Where an examiner grants a motion to dismiss in lieu of answer and terminates the proceeding without hearing, a petition for discretionary review of such order by the Board may be filed in accordance with procedures for review of initial decisions set forth in § 301.45. Where an examiner grants a motion to dismiss in part, objections to such interlocutory order may be raised in a petition for discretionary review only after the examiner has rendered his initial decision on the remaining issues, unless the examiner consents to an appeal to the Board in accordance with § 301.10(f).

* * * * *

4. Amend § 301.27 by revising paragraphs (b) and (c)(2)(ii) to read as follows:

§ 301.27 Motions to dismiss.

* * * * *

(b) *Discretionary Board review of dismissal orders.* Where an examiner grants a motion to dismiss in lieu of answer and terminates the proceeding without hearing, a petition for discretionary review of such order by the Board may be filed in accordance with procedures for review of initial decisions set forth in § 301.45. Where an examiner grants a motion to dismiss in part, objections to such interlocutory order may be raised in a petition for discretionary review only after the examiner has rendered his initial decision on the remaining issues, unless the examiner consents to an appeal to the Board in accordance with § 301.10(f).

(c) *Motion to dismiss stale complaint.* * * *

(2) * * *

(ii) If the examiner deems that an issue of lack of qualification would be presented by any or all of the allegations if true, he shall proceed to a hearing on the lack of qualification issue only and he shall so inform the parties. The respondent shall be put on notice that he is to defend against lack of qualification and not merely against a proposed remedial sanction.

5. Amend paragraphs (b) and (d) of § 301.29 to read as follows:

§ 301.29 Assignment, duties, powers and delegation of authority to examiners.

* * * * *

(b) *Delegation of authority to make the agency decision subject to discretionary review.* Pursuant to the authority conferred on the Board and the Chairman of the Board by Reorganization Plan No. 3 of 1961, 26 F.R. 5989, there is hereby delegated to each hearing examiner assigned to a particular case subject to this part the Board's function of making the agency decision on the substantive and procedural issues remaining for disposition at the close of the hearing in such case, except that this delegation does not apply in cases arising under section 609 of the Act where the Administrator has advised the Board that an emergency exists and that safety in air commerce or air transportation requires the immediate effectiveness of his order appealed from. This delegation applies to examiners' orders granting a motion to dismiss in lieu of answer as provided in § 301.19 or § 301.27 and terminating the proceeding, but does not apply to orders partly granting a motion to dismiss and requiring answer to any remaining allegation. This delegation does not apply to the review of rulings by the examiners on interlocutory matters which have been appealed to the Board in accordance with the requirements of § 301.10(f), or to cases where the record is certified to the Board pursuant to § 301.35.

* * * * *

(d) *Disqualification of examiner.* An examiner shall withdraw from the case if at any time he deems himself disqualified. If, prior to the initial decision in the case, there is filed in good faith an affidavit of personal bias or disqualification with substantiating facts and the examiner does not withdraw, the Board will determine the matter as a part of the record and decision in the case if an appeal or a petition for discretionary review of the examiner's initial decision is filed. The Board will not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

6. Amend § 301.45(a)(1) to read as follows:

§ 301.45 Procedure on petitions for discretionary review.

(a) *Petitions for discretionary review.* (1) Review by the Board pursuant to this section is not a matter of right but of the sound discretion of the Board. Any party to the proceeding may file and serve a petition for discretionary review by the Board of an initial decision rendered pursuant to § 301.29(b) within 20 days after service thereof. If a petition for discretionary review is timely filed or if action to review is taken by the Board upon its own initiative, the effectiveness of the examiner's initial decision is stayed until the further order of the Board. No oral argument will be heard on petitions for discretionary review.

* * * * *

7. Amend § 301.46 by deleting the "Note" at the end thereof, and revising paragraphs (a)(2)(i), (b), and (e) to read as folows:

§ 301.46 Proceedings on review.

(a) *Orders exercising right of review.* (2) Where the Board desires further proceedings, the Board will issue an order for review which will:

(i) Specify the issues to which review will be limited. Such issues shall constitute one or more of the issues raised in a petition for discretionary review and/or matters which the Board desires to review on its own initiative. Only the issues specified in such order shall be argued on brief and will be considered by the Board.

* * * * *

(b) *Briefs.* Briefs to the Board shall be filed only in those cases where the Board has ordered discretionary review and shall be limited to those issues specified in such order. Petitioner's brief shall be filed within 20 days after service of such order. When a party who has filed a petition for discretionary review fails to file a timely brief complying with the requirements of this section, the Board may rescind in whole or in part its order exercising its right of review.

* * * * *

(e) *Oral argument.* Oral argument before the Board is normally not granted in further proceedings on orders of discretionary review, but the Board may permit oral argument when a need therefor is shown. If a party desires to argue his case orally before the Board, he must file a request with the Board for leave to make such argument no later than the date when his brief is due.

8. Amend paragraph (d) of § 301.50 to read as follows:

§ 301.50 Proceedings where the Administrator has made an emergency order.

* * * * *

(d) Parties to the proceeding may appeal from an initial decision (not made under authority delegated by § 301.29(b)) as of right by filing with the Board and serving upon the other parties a notice of appeal within 2 days after the examiner renders his initial decision. No exceptions shall be filed but, within 5 days of the notice of appeal, each party shall file with the Board and serve upon other parties a brief. Such briefs shall comply with the requirements of §§ 301.4 and 301.46(c). The Board will give 3 days' notice of oral argument, where granted. The Board will not entertain petitions for reconsideration, rehearing, reargument, or modification of its order except on the ground that new matter has been discovered. Such petitions shall be filed with the Board and served on other parties within 10 days after service of the Board's order; shall set forth the new matter; shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable; and shall state that such new matter could not have been discovered, by the exercise of due diligence, prior to the date the case was submitted for decision. The Board, upon its own motion, may raise any issue the resolution of which it deems important to a proper disposition of the proceeding; in such case a reasonable opportunity will be afforded the parties to submit argument thereon.

* * * * *

(Secs. 204(a), 602(b), 609; 72 Stat. 743, 776, 779; 49 U.S.C. 1324, 1422, 1429)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12339; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56529]

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

Duty-Free Status of Certain Automotive Vehicles and Articles Used as Original Equipment

The Automotive Products Trade Act of 1965, Public Law 89-283, an act to provide for the implementation of the agreement concerning automotive products between the Government of the United States and the Government of

Canada, and for other purposes, approved on October 21, 1965, and Presidential Proclamation No. 3682 of October 21, 1965, issued pursuant thereto, provide for the duty-free treatment of certain automotive vehicles and articles used as original equipment in the manufacture of such vehicles.

The purpose of this amendment is to prescribe the procedures required to establish this duty-free status. Part 10 is amended to add a new center head and section reading as follows:

AUTOMOTIVE PRODUCTS

§ 10.84 Automotive vehicles and articles for use as original equipment in the manufacture of automotive vehicles.

(a) When total exemption from duty on automotive products is claimed on the ground that an importation consists of "Canadian articles" as defined in General Headnote 3(d), Tariff Schedules of the United States, this fact must be established to the satisfaction of the chief customs officer at the port of entry. Such customs officer may accept as satisfactory evidence that an article is a "Canadian article" a certificate executed by the exporter in the appropriate form specified in paragraph (b) of this section, subject to any verification he may deem necessary, or he may satisfy himself of such fact by other means if, taking into consideration the kind and value of the goods and the circumstances of importation, he deems a certificate unnecessary.

(b) (1) When no material which is not the growth, product, or manufacture of Canada or of the United States was used at any stage in the production of the imported article, a certificate in the following form may be accepted as evidence that the commodity is a "Canadian article":

The product covered by the -------------- (Describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Canadian origin at the time it was subscribed is the growth, product, or manufacture of Canada. No foreign materials (other than those which are the growth, product, or manufacture of the United States) were used at any stage in the production of this product, i.e., either in its immediate production or in the production of any intermediate product used at any stage in the chain of production in Canada which resulted in this product.

(2) When any material which is not the growth, product, or manufacture of Canada or of the United States was used at any stage in the manufacture of the imported article, a certificate in the following form may be accepted as evidence that the commodity is nevertheless a "Canadian article":

The product covered by the -------------- (Describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Canadian origin at the time it was subscribed is the product of Canada. There were used in its production in Canada

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(Number of units and description)

of foreign materials (other than those which are the growth, product, or manufacture of the United States) having an actual purchase price (or, if not purchased, an export value) of ---------------------- per unit of quantity plus, if not included in such unit values, -------------, the cost per unit of bringing such foreign materials to Canada.

(3) If such customs officer is satisfied that the revenue will be protected adequately thereby, he may accept in lieu of the certificate specified in subparagraph (2) of this paragraph a certificate in the following form when the merchandise covered thereby does not contain foreign materials (other than those which are the growth, product, and manufacture of the United States) in excess of 50 percent of the final appraised value in the United States:

The product covered by the -------- (Describe above the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Canadian origin at the time it was subscribed is the product of Canada. There were or may have been used in its production in Canada foreign materials (other than those which are of the growth, product, and manufacture of the United States).

It is impracticable to ascertain the exact number of units of foreign material, if any, used in its production or the purchase price and cost of transportation to Canada of such material, but to the best of (my) (our) (its) knowledge and belief the purchase price and cost of transportation to Canada of such foreign materials as were or may have been used would not exceed 50 per centum of the final appraised value in the United States determined in accordance with section 402 or 402a, Tariff Act of 1930, as applicable, of the product brought into the United States covered by this certificate.

(4) The certificates described in subparagraphs (2) and (3) of this paragraph shall not, of course, be accepted if the statements therein contained on their face make it evident that the importation is not a "Canadian article" within the meaning of General Headnote 3(d), Tariff Schedules of the United States.

(5) If more than one kind of article is covered by a certificate provided for in subparagraph (1), (2), or (3) of this paragraph, the information required by the certificate shall be shown with respect to each kind. When more than one kind of material of other than Canadian or United States origin is used in the production of an article covered by such a certificate, the certificate shall state the number of units, description, and purchase price plus, if not included therein, cost of transportation to Canada, per unit of each such kind of material.

(6) A certificate conforming to subparagraph (1), (2), or (3) of this paragraph shall be accepted as evidence of the facts alleged therein only if (i) there is annexed thereto a copy of the commercial invoice or bill of lading covering the articles or other documentary matter which identifies the articles to which the certificate pertains, (ii) the certificate is signed by the manufacturer or producer of the articles to which it pertains, or by the person who exported the articles from Canada, and (iii) it clearly appears that such copy or other documentary matter was annexed to the certificate when it was signed.

(c) When an importer makes an entry, or withdrawal from warehouse, for consumption of articles for use as "original motor-vehicle equipment" as that term is defined in Schedule 6, Part 6, Subpart B, Headnote 2(a), Tariff Schedules of the United States, he shall file in connection therewith his declaration that the articles are being imported for use as original equipment in the manufacture in the United States of the kinds of motor vehicles specified in the headnote, furnish the name and address of the motor vehicle manufacturer, and attach to the declaration a copy of the written order, contract, or letter of intent. Proof of use need not be furnished.

(d) If, after a Canadian article has been accorded the status of original motor-vehicle equipment it is decided to divert the article from its intended use in the manufacture in the United States of motor vehicles, the importer or other person deciding to divert the article from its intended use must notify in writing the headquarters office of the customs district in which the article at that time is located and make arrangements for its destruction or exportation under customs supervision or pay duties in accordance with Schedule 6, Part 6, Subpart B, Headnote 2(d)(ii). If these arrangements are not made, the article, or its value, is subject to forfeiture. (77A Stat. 11, 325; 19 U.S.C. 1202 (Gen. Hdnte. 3(d), Sch. 6, Pt. 6B, Hdnte. 2).)

(R.S. 251, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

These regulations shall be effective with respect to articles which are or have been entered for consumption or for warehouse on or after January 18, 1965, and, in case such entries have been liquidated, when request for exemption from duty under the Automotive Products Trade Act of 1965 is filed with the customs officer concerned on or before January 19, 1966.

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

Approved: November 10, 1965.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12388; Filed, Nov. 16, 1965; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

Claims for Reasonable Value of Medical Care Furnished by the Army

Sections 537.21–537.23 are superseded by the following §§ 537.21–537.24:

§ 537.21 General.

(a) *Purpose.* The regulations in §§ 537.21–537.24 are in implementation of the act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3), Executive Order No. 11060 (27 F.R. 10925), and Attorney General's Order No. 289–62 (28 CFR 43, Supp. 1965), as amended by Order No. 344–65 (30 F.R. 7819). That act provides generally, that in any case in which the United States is authorized or required by law to furnish medical care to a person who has been injured or suffered a disease because of the wrongful or negligent act or omission of a third person, the United States shall have a right to recover from such third person the reasonable value of the medical care furnished. Pursuant to the executive order, the Bureau of the Budget has established rates representing the reasonable value of the medical care furnished or to be furnished (28 F.R. 11516 and 29 F.R. 12482).

(b) *Scope.* (1) The regulations in §§ 537.21–537.24 prescribe the procedures for the processing of claims under this section, compromise, waiver, and collection of claims for the reasonable value of medical care furnished by or at the expense of the Army for an injury or disease caused by the wrongful or negligent act or omission of some third person.

(2) The commander of a major oversea command, or of an oversea command designated as a major command for claims purposes, may establish procedures for the processing of claims under §§ 537.21–537.24 which arise in his command. Such procedures may, to the extent deemed necessary, modify the procedures prescribed herein.

(c) *Definitions.* The definitions of terms set forth in § 536.3 of this chapter, are applicable to §§ 537.21–537.24 except that the following terms will have the meanings here indicated:

(1) *Claim.* The Government's right to recover from a prospective defendant the reasonable value of medical care furnished to each injured party.

(2) *Medical care.* Includes hospitalization, outpatient treatment, dental care, nursing service, drugs, and other adjuncts such as prostheses and medical appliances furnished or to be furnished by or at the expense of the United States, but not subsistence or charges reimbursable by the injured party.

(3) *Judge advocate.* The judge advocate or staff judge advocate of any command, or the senior Army judge advocate assigned to a joint or unified command, or the legal counsel of a command or agency to which no such officer is assigned, if such counsel is a member of the bar of a Federal court or of the highest court of a State, or a designee of the Judge Advocate General.

(4) *Injured party.* The person who received an injury or contracted a disease which resulted in the medical care. Such a person may be a member of the uniformed services, a dependent, or any other person who is eligible for medical care at Army medical treatment facilities. See § 577.15 of this chapter.

(5) *Prospective defendant.* A third person—an individual, partnership, association, corporation, or governmental body, foreign or domestic, other than an instrumentality of the United States, against whom the United States has a claim under §§ 537.21–537.24.

(d) *Application*—(1) *Cognizable claims.* Except as prescribed in subparagraph (2) of this paragraph, cognizable claims comprise all claims for the reasonable value of medical care which has been furnished by the Army or at the expense of the Army as a result of an injury or disease occurring after December 31, 1962, which was caused by the wrongful or negligent act or omission of some third person (other than or in addition to the United States) under circumstances creating a tort liability upon such person.

(2) *Claims not cognizable.* (i) Claims for medical care furnished by the Veterans' Administration to an eligible veteran for a service connected disability under the provisions of Chapter 17, Title 38, United States Code.

(ii) Claims against employers of seamen treated under the provisions of section 322 of the act of July 1, 1944 (58 Stat. 696), as amended (42 U.S.C. 249).

§ 537.22 Basic considerations.

(a) *General.* Unless otherwise prescribed, all cognizable claims will be investigated, asserted, and processed as provided in §§ 537.21–537.24.

(b) *Reimbursable medical care.* Claims for medical care furnished to persons for which reimbursement is authorized from another uniformed service, or Federal department or agency will ordinarily be investigated, asserted, and processed by the uniformed service, department, or agency responsible for making the reimbursement.

(c) *Foreign prospective defendants.* Claims against a foreign government or a political subdivision, agency, or instrumentality thereof, or against a member of the armed forces or an official or a civilian employee of such foreign government will *not* be asserted without prior approval of the Judge Advocate General. Investigation and report thereof, however, will be made as provided in §§ 537.21–537.24, unless the provisions of applicable agreements, or regulations in implementation thereof, negate the requirement for such investigation and report.

(d) *Military personnel, Federal employees and dependents*—(1) *Scope of employment.* (i) Within the United States, claims against members of the uniformed services, or civilian employees of the United States, its agencies or instrumentalities, which arise from acts or omissions within the scope of their office or employment, will not be processed, unless the evidence reasonably indicates that the prospective defendant concerned was guilty of gross negligence or willful misconduct. If gross negligence or willful misconduct is indicated, no claim will be asserted, but the investigative file, together with the recommendation of the judge advocate, will be forwarded through the judge advocate of the major command to the Judge Advocate General, ATTN: Chief, Litigation Division, Department of the Army, Washington, D.C., 20310.

(ii) Outside the United States, claims against members of the uniformed services or employees of the United States, its agencies or instrumentalities, which arise from acts or omissions within the scope of their office or employment, will be treated as in subdivision (i) of this subparagraph, unless the prospective defendant has the benefit of liability insurance coverage. If the prospective defendant has the benefit of liability insurance coverage, the claim will be investigated, processed, and asserted as if the prospective defendant were not connected with the Federal Government.

(2) *Outside the scope of employment.* Claims against members of the uniformed services, civilian employees of the United States, its agencies or instrumentalities, which arise from acts or omissions not within the scope of their office or employment, and claims against dependents of such members or employees, will not be asserted or processed unless the evidence shows the prospective defendant was guilty of gross negligence or willful misconduct, or has the benefit of liability insurance coverage.

(e) *Concurrent claim for damage to Army property.* Claims for medical care which are based upon an incident or circumstances which may give rise to a claim for damage to Army property should be consolidated with the claim for the property damage and processed in accordance with § 537.1.

(f) *Attorneys for injured parties.* The services of attorneys representing injured parties may be utilized, when feasible, in the collection of medical care claims. In return for including the Government's claim as an item of special damages in their clients' demand or suit, the attorneys may be assured of the Government's full cooperation in making medical officers available as witnesses and in furnishing medical records. However, they should be informed of the restrictions contained in section 365, Revised Statutes, as amended (5 U.S.C. 314), concerning payment of counsel fees.

(g) *Claims for less than $100.* Such claims need not be asserted or otherwise processed, unless the facts and circumstances surrounding the incident indicate that collection will be economically feasible (e.g., a clear case of liability covered by insurance) or desirable in the best interests of the United States. But see paragraph (e) of this section.

§ 537.23 Procedures.

(a) *Investigations*—(1) *Advice to and statement from the injured party.* (i) The claim officer should promptly contact the injured party and advise him as follows:

(*a*) That under the act of September 25, 1962 (76 Stat. 593, 42 U.S.C. 2651–3, the United States may be entitled to recover the reasonable value of medical care furnished or to be furnished him in the future from the person or persons who injured him, or who were otherwise responsible for his injury or disease;

(*b*) That he should seek guidance from a legal assistance officer or, if none be available, the most accessible judge advocate, regarding any claim he may have for personal injury;

(*c*) That, subject to the provisions of Article 31, Uniform Code of Military Justice, he is required by §§ 537.21–537.24 to furnish such information as may be requested concerning the circumstances giving rise to the injury or disease for which the medical care is being given;

(*d*) That he is further required by §§ 537.21–537.24 to cooperate in the prosecution of all actions of the United States against the person or persons who injured him;

(*e*) That he is requested to furnish the judge advocate of the authority appointing the claims officer the name and address of any attorney he retains to pursue his cause of action for personal injuries or property damage; and

(*f*) That he should not execute a release or settle any claim which he may have as a result of his injury without first notifying the judge advocate of the authority appointing the claims officer.

(ii) In appropriate cases, the claims officer should give the foregoing advice and instructions to either the next-of-kin or the personal representative, or the executor or administrator of the injured party's estate.

(iii) After giving the injured party the foregoing instructions, the claims officer should obtain a complete statement from the injured party regarding the facts and circumstances surrounding the incident which resulted in the injury or disease, in which he acknowledges the receipt of the above advice.

(iv) Records as to medical history, diagnosis, findings or treatment, for use in connection with claims or litigation by the injured party, may be withheld by the medical treatment facility pending compliance with the provisions of this section by the injured party or someone acting for him.

(2) *Notice and advise to the prospective defendant.* (i) The claims officer will complete and mail to the prospective defendant a letter in the form shown below, in duplicate, unless the prospective defendant falls within the categories enumerated in § 537.22(c).

To:

Pursuant to 76 Stat. 593, 42 United States Code, §§ 2651–2653, the United States of America is entitled to recover the reasonable value of hospital, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished to ________________ in connection
(Name of injured party)
with injuries sustained on ___________ at
(Date)
____________________, if investigation should establish that your wrongful or negligent acts or omissions were the proximate cause of the mentioned injuries.

You should immediately send a copy of this notice to your insurance company.

Inquiries concerning this matter should be addressed to: (enter here the address of the judge advocate of the command, or if the command does not have one, of the judge advocate of the commander to whom the report will be forwarded).

(ii) If, pursuant to AR 608–50, the prospective defendant is otherwise entitled to legal assistance, he should be advised that he may seek legal advice or assistance from the office of the judge advocate of his command or from the judge advocate of the officer appointing the claims officer.

(b) *Determination and assertion of claims.* The judge advocate who receives the claims officer's report will review the file and, after taking any corrective action deemed necessary to assure completeness of the file, will make a written determination as to the liability or nonliability of the prospective defendant, and his basis or reasons for such determination. He will attach his determination to the report. He will take further action as indicated below:

(1) If the judge advocate determines that the prospective defendant is not liable, he will dispose of the file as provided in pertinent regulations.

(2) If it appears that a prospective defendant or insurer has presented or filed a claim against the Government arising from the same incident which gave rise to the claim under §§ 537.21–537.24, the claims in favor of and against the Government will be processed and forwarded together. Action under §§ 537.21–537.24 will be taken by the authority authorized to settle the claim against the Government. Disposition of the claim in favor of the Government will be consistent with action upon the claim against the Government.

(3) He will insure that liaison with the injured party or persons acting on his behalf is established to provide that—

(i) If the medical care has not been concluded, arrangements are made to obtain periodic reports from the injured party regarding his convalescence.

(ii) The United States has an opportunity to join or intervene in any action or proceeding brought by or against the injured party or persons acting on his behalf, including his insurance company, for damages arising out of the incident which resulted in the claim.

(iii) Action by the United States to collect the claim on behalf of the Government will not result in undue financial hardship upon the injured party or operate to deny the injured party recovery of damages for other than medical care.

(iv) The injured party is aware of the right of the United States to recover the reasonable value of the medical care provided, and of his obligations to the United States with respect to this right.

(4) He will determine the amount of the claim to be asserted against the prospective defendant—

(i) If the medical care has been concluded, the judge advocate should insure that the file contains complete statements of the cost of the medical care provided the injured party. If the injured party has received medical care at a civilian medical facility, the judge advocate should insure that the claim includes the charges for these services. If all or a portion of the medical care was furnished by an Army medical facility, he may request the commander thereof to prepare a consolidated statement showing the total cost of the medical care provided. However, if a portion of the medical care was provided in a facility other than the one to which the request for the statement is made, he should furnish the commander who is asked to prepare the statement with copies of the reports of medical care contained in the claim file in order that none may be overlooked in the preparation of the consolidated statement. If civilian care is consolidated, the staff judge advocate of the Army or comparable area command should be informed, to preclude subsequent assertion of the same claim by that officer.

(ii) If the medical care has not been concluded, and it appears that it will continue over a long period of time, the judge advocate should attempt to obtain an estimate of the reasonable value of the medical care to be furnished and use this estimate to determine the amount of the claim. It is desirable that a claim be asserted at the earliest possible time; therefore, action should not be deferred indefinitely pending conclusion of the medical care.

(iii) A claim file may be transmitted to another command for assertion and processing in an appropriate case. Such a case might arise if the injured party is transferred to another medical facility for further treatment, or accompanies a sponsor on a change of station.

(5) If the judge advocate determines that the prospective defendant is liable, he will, unless assertion of a claim is precluded by § 537.22 (c) or (d), demand from the prospective defendant, or his insurer, payment of the Government's claim for the reasonable value of the medical care furnished the injured party.

(6) If assertion of a claim is precluded by § 537.22 (c) or (d), the judge advocate will make no demand for payment upon the prospective defendant, but will either forward or close the claim file in accordance with the provisions of those paragraphs.

(c) *Post-demand actions*—(1) *Authority to settle or waive claims.* (i) The Judge Advocate General, the judge advocate of a major oversea command, or a designee of the Judge Advocate General, may, subject to the restrictions in subparagraph (2) of this paragraph—

(*a*) Settle by accepting the full amount of a claim and execute a release therefor;

(*b*) Compromise and execute a release of any such claim, not in excess of $5,000; or

(*c*) Waive and, in this connection, release any claim not in excess of $5,000, in whole or in part, in order to avoid undue financial hardship upon the injured party, or for the convenience of the Government, as provided in subparagraph (3) of this paragraph.

(ii) The judge advocate who asserts a claim under §§ 537.21–537.24, or the judge advocate to whom such a claim has been forwarded as provided in §§ 537.21–537.24, or the chief of the U.S. Army Claims Service, or a designee of the Judge Advocate General may, subject to the restrictions in subparagraph (2) of this paragraph—

(*a*) Settle by accepting the full amount of a claim and execute a release therefor;

(*b*) Compromise and execute a release of any such claim, not in excess of $2,500; or

(*c*) Waive and, in this connection, release any claim not in excess of $2,500, in whole or in part, in order to avoid undue financial hardship upon the injured party, or for the convenience of the Government, as provided in subparagraph (3) of this paragraph.

(2) *Restrictions.* The authority granted in subparagraph (1) of this paragraph will not be exercised in any case in which—

(i) A claim has been asserted against the Government which is based upon the same incident which gave rise to a claim under this regulation, pending final action on that claim.

(ii) The claim has been referred to higher authority for action.

(iii) A suit by a prospective defendant has been instituted against the United States or the injured party, and the suit arises out of the occurrence which gave rise to the claim.

(3) *Waiver.* (i) When requested by the injured party or his attorney, consideration will be given to waiving the claim of the United States in order to avoid undue financial hardship upon the injured party. A hardship waiver must be based upon a showing of actual, not imagined, hardship. A determination of hardship ordinarily cannot be made in the absence of a known amount available to settle the claims of the injured party and the Government. There must be a finding that the reasonable value of the injured party's claim for permanent injuries, pain and suffering, decreased earning power and other items of special damage would not be satisfied if the full amount of the Government's claim is collected. Such factors as pension rights and other Government benefits accruing to the injured party will mitigate against a finding of hardship. Sympathy for the injured party or those connected with him and other subjective considerations are not relevant in determining undue financial hardship. An objective balance between the interests of the injured party and the Government may be obtained by a partial waiver, or in exceptional cases, a full waiver.

(*a*) *Claims within delegated authority (subparagraph (1) of this paragraph).* Subject to the provisions of subparagraph (2) of this paragraph, if the judge advocate determines that a waiver in whole or part should be granted, he will attach to the file a memorandum setting forth the basis for such waiver. If the waiver is in full, he may then execute a release on behalf of the United States and dispose of the file as prescribed by pertinent regulations. If the judge advocate finds that a partial waiver should be granted, he may then conclude a settlement and proceed as above. Upon objection by the injured party or his attorney to the judge advocate's determination that a claim should not be waived, or as to the amount of a partial waiver, the objector should be advised that an appeal may be taken. Appeals should be in writing, addressed to the staff judge advocate of the Army or comparable area command and forwarded through the judge advocate making the initial determination.

(*b*) *Claims in excess of delegated authority (subparagraph (1) of this paragraph).* If the judge advocate determines that a waiver should be granted in whole or in part, he will forward the claim file directly to the Judge Advocate General, ATTN: Chief, Litigation Division, Department of the Army, Washington, D.C., 20310. If the judge advocate determines that a waiver should not be granted, he will inform the injured party or his attorney of such finding. The judge advocate may then proceed to collect the claim, but if the injured party or his attorney objects to the judge advocate's determination, the objector should be advised that an appeal may be taken. Appeals should be in writing, addressed to the Judge Advocate General as set forth above and forwarded through the judge advocate making the initial determination.

(ii) Judge advocates may waive claims within their delegated authority (subparagraph (1) of this paragraph) for the convenience of the Government if the evidence clearly indicates that no prospective defendant is able to pay and no insurance covers the incident involved, or if, after reasonable efforts, no prospective defendant or insurer can be located. In such cases no release will be issued. The judge advocate will attach to the file a memorandum setting forth the basis for the waiver and dispose of the file as prescribed by pertinent regulations. In all other cases, the judge advocate who receives a request for waiver of all or part of a claim for the convenience of the Government, or who believes that it would be in the interest of the Government to waive all or part of a claim, will forward the claim file directly to the Judge Advocate General, ATTN: Chief, Litigation Division, Department of the Army, Washington, D.C., 20310, with his recommendations and supporting reasons.

(4) *Installment payments.* If the prospective defendant admits liability and offers to discharge his indebtedness by means of installment payments, the judge advocate will accept such payments and deposit them with the nearest disbursing officer. He will retain the file until full payment has been made or until it becomes apparent that the defendant is not going to make full payment. In the latter case the judge advocate will take the action prescribed in subparagraph (5) of this paragraph.

(5) *Demands not collected.* Where a demand is made and full payment is not received or an acceptable compromise offer on a claim for $2,500 or less is not received, the judge advocate will, after a reasonable time, forward the file to the staff judge advocate of the Army or comparable area command for further action.

§ 537.24 Administrative matters.

(a) *Releases.* In those cases in which a judge advocate is authorized to execute a release (§ 537.23(c)), care should be taken that the release extends only to the claim of the United States and does not purport to release any claim the injured party may have for his other damages. An acceptable form for such a release is shown below:

GENERAL RELEASE

(AR 27-18)

(Date)

The United States Army, in consideration of the payment of $-------, does hereby release and forever discharge----------------- (Name of ------------------- defendant) from all claims and demands for and by reason of the reasonable value of medical care furnished by the Army to ---------------------------- (Name of injured party) resulting from an injury or disease to such person arising out of an accident or incident occurring on or about ----------- (Date) at --------------- (Location)

UNITED STATES ARMY

By --------------------------
(Name, grade, and title)

Witnessed by:

(b) *Receipts.* The commanding officer appointing a claims officer, his superior commander, the judge advocate of any command, or any officer designated by them for that purpose, may execute and deliver to any prospective defendant a receipt for payment in full, installment payment, or an offer of compromise payment subject to the approval of the proper authority. An acceptable form for such a receipt is shown below:

RECIEPT FOR PAYMENT FOR REASONABLE VALUE OF MEDICAL CARE

(AR 27-18)

(Date)

Acknowledgment is hereby made of the receipt by the United States of America of a (check, money order) in the amount of $-------, payable to the order of the Treasurer of the United States by ---------------- (Name of ------------------ defendant) as (full payment, an offer of compromise settlement subject to the approval by proper authority) under the provisions of AR 27-18, of the amount due the United States by reason of medical care furnished to -------------------------- (Name of injured party) resulting from an injury or disease to such person arising out of an incident or accident occurring on or about ----------- (Date) at -------- (Location ------------ tion)

(Name, grade, and title)

[AR 27-18, Aug. 20, 1965] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply 76 Stat. 593; 42 U.S.C. 2651-2653)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-12275; Filed, Nov. 16, 1965; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

Miscellaneous Amendments

Sections 360 and 1052 of Title 33, United States Code, provide that the requirements of the Regulations for Preventing Collisions at Sea, 1960, the Inland Rules, the Great Lakes Rules and the Western River Rules as to number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy when the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to navigation lights.

A recent study indicates that the military design characteristics of the Motor Gunboat (PGM) preclude the installation of the two 20-point white lights (Masthead and Range Lights) in conformance with currently existing waivers on such lights or with Rule 2(a) of the Regulations for Preventing Collisions at Sea (33 U.S.C. 1062(a)). This same study further indicates that the military design characteristics of the Motor Gunboat (PGM) also preclude the installation of the lower of the three towing lights required when the length of tow exceeds 600 feet in conformance with the currently existing waivers on such lights or with Rule 3(a) of the Regulations for Preventing Collisions at Sea (33 U.S.C. 1063(a)).

I hereby certify that these Motor Gunboats (PGM) are naval vessels of special construction and, with respect to the position on such vessels of the two 20-point white lights and towing lights when the length of tow exceeds 600 feet, it is not possible to comply with the requirements of the statutes referred to in sections 360 and 1052, Title 33, United States Code.

I further find that it is feasible to locate these said navigation lights as follows:

(a) The forward 20-point white light shall be carried at a height of 17 feet or more above the hull.

(b) The ratio of the horizontal to the vertical distance between the two 20-point white lights shall be 1.3 or greater to 1; however, the horizontal distance between the forward and after 20-point white lights shall be 19 feet or greater.

(c) The vertical separation of the two lower of the three towing lights when length of tow exceeds 600 feet shall be 3 feet or greater.

Further, I certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

I do specify that this waiver amends the consolidated tabulation of lights described in Table One of § 706.2, Title 32, Code of Federal Regulations published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11172), by adding "PGM (Motor Gunboat)" to those vessels described in Table One as Patrol Vessels and adding in the succeeding columns applicable to such ships the following:

	1st column	2d column	3d column	4th column
PGM (Motor Gunboat)	7 or less	None	1.3 or greater to one	19 or greater.

I do direct that Note 11 of § 706.2, Title 32, Code of Federal Regulations as published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11173), be amended to read as follows:

11. On motor gunboats (PGM), guided missile destroyers known as the DDG-2 Class, and on destroyer-type vessels when engaged in towing vessels or objects exceeding 600 feet in length, the two lower of the three towing 20-point white lights will be separated from 3 feet to 15 feet vertically in lieu of the prescribed 6-foot separation.

I specify that the foregoing amendments shall become effective on the date of publication of this document in the FEDERAL REGISTER.

(Sec. 1, 59 Stat. 590, sec. 2, 77 Stat. 194, 33 U.S.C. 360, 1052)

[SEAL] ROBERT H. B. BALDWIN,
Under Secretary of the Navy.

NOVEMBER 6, 1965.

[F.R. Doc. 65-12276; Filed, Nov. 16, 1965; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 7]

PART 385—EXPORTATION OF TECHNICAL DATA

Miscellaneous Amendments

Section 385.2 *General licenses*, paragraph (c) *General license GTDU; unpublished technical data* is amended by revising the Note following subdivision (ii) of subparagraph (5) *Requirement of written assurance for certain additional products and destinations* to further defer the effective date of certain provisions of subparagraph (5). As revised the Note reads as follows:

NOTE: Pursuant to the provisions of Current Export Bulletin 891, effective April 1, 1964, paragraphs 385.2(c)(5)(ii) (*b*) and (*c*) required certain written assurances relating to the disposition of the products of a complete plant or major component of a plant which is the direct product of unpublished technical data of U.S. origin exported under General License GTDU.

Except as to items which are identified in the last column of the Commodity Control List by the symbol "A," and items on the U.S. Munitions List, the effective date of the written assurance requirements for plant products as a condition of using General License GTDU for exportation of this type of technical data is hereby deferred to and including April 30, 1966, subject to the following limitations:

1. The exporter shall, at least 2 weeks before the initial exportation of the technical data, notify the Office of Export Control, by letter, of the facts required to be disclosed in an application for a validated export license covering such technical data; and

2. The exporter shall obtain from the person who is or will be in control of the distribution of the products of the plant (whether or not such person is the importer) a written commitment that he will notify the U.S. Government, directly or through the exporter, whenever he enters into negotiations to export any product of the plant to any destination covered by § 385.2(c)(5)(ii) (*b*) above, when such product is not identified by the symbol "A" in the last column of the Commodity Control List and requires a validated license for exportation to Country Group W by the information set forth in the column title "Validated License Required for Country Groups Shown Below." The notification should state the product, quantity, country of destination, and the estimated date of shipment.

Moreover, during the period of deferment, the remaining written assurance requirement of § 385.2(c)(5)(ii) (*b*) and (*c*) as to plant products which are identified by the symbol "A" in the last column of the Commodity Control List, or are on the U.S. Munitions List, will be waived if the plant is located in one of the following Cocom countries: Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Turkey, and the United Kingdom.

This deferment applies to exportations of technical data pursuant to any type of contract or arrangement, including licensing agreements, regardless of whether entered into before or after April 1, 1964.

However, exporters of technical data for complete plants and major plant components pursuant to any pre-May 1, 1966 licensing agreement are advised that after April 30, 1966, written assurances may be required under § 385.2(c)(5)(ii) (*b*) and (*c*) as to the future disposition of products of such plants or major plant components.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

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

[F.R. Doc. 65-12332; Filed, Nov. 16, 1965; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 26—AIRMAIL

Mail Addressed to or From Overseas Military Post Offices

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

In Part 26, make the following change:

A. In § 26.2, paragraph (c)(4) is revised to show that air zone rates for parcels addressed to or from overseas military post offices and naval vessels in care of fleet post offices shall be computed at the zone rate applicable between the post office of mailing and the post office shown in the address. As so revised, paragraph (c)(4) reads as follows:

§ 26.2 Classification.

* * * * *

(c) *Application of rates.* * * *

(4) Air parcel post articles addressed to military post offices overseas (Army, Air Force, Fleet post offices, and Naval vessels) require postage at the zone rate applicable between the mailing post office and the post office shown in the address. See the exception in subparagraph (1) of this paragraph.

NOTE: The corresponding Postal Manual section is 136.234.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12322; Filed, Nov. 16, 1965; 8:49 a.m.]

PART 45—CITY DELIVERY

Apartment House Receptacles

On September 17, 1965, the Post Office Department published a notice of proposed rule making in the FEDERAL REGISTER (30 F.R. 11923). The proposed rule would require mail receptacles to be installed in apartment houses, family hotels, residential flats, and business flats having a common street number as well as where there is a single entrance.

Interested persons were given 30 days in which to submit written comments regarding the proposed rule.

After consideration of the comments received, the Department has reached the conclusion to adopt the proposed rule. The amendment to be effective upon publication is as follows:

§ 45.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance or common street number, shall be contingent on the installation and maintenance of U.S. Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation is paid for by the owner of the building.

* * * * *

NOTE: The corresponding Postal Manual section is 155.611.

(R.S. 161, amended; 5 U.S.C. 22, 39 U.S.C. 501, 6003)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12296; Filed, Nov. 16, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PROCUREMENT

Miscellaneous Amendments

The following miscellaneous revisions are made in the Agriculture Procurement Regulations:

PART 4-1—GENERAL

Subpart 4-1.1—Introduction

Section 4-1.106-2 is amended to delete the requirement of the double line on right margin of page.

§ 4-1.106-2 Public.

Those parts of AGPR which are deemed necessary for business concerns, and others properly interested, to understand basic and significant Department procurement regulations which implement, supplement, or deviate from the FPR are published (in Title 41) in the FEDERAL REGISTER. Detailed instructions of interest primarily for internal agency guidance are not so published.

Subpart 4-1.6—Debarred, Suspended, and Ineligible Bidders

Section 4-1.601-1(a) is changed to include the material under paragraph (b), and paragraph (c) is redesignated as paragraph (b).

§ 4-1.601-1 Definitions.

(a) The "Debarring Officer" is the agency or department official authorized to invoke debarment or suspension measures as authorized by this subpart. The Director of Plant and Operations and the Assistant Director for Procurement and Property Management, Office of Plant and Operations, are the Debarring Officers for the Department (Department Debarring Officers) in connection with all procurement and sales transactions except that for the following activities:

(1) Timber sales pursuant to 16 U.S.C. 476;

(2) School Lunch and Surplus Removal pursuant to 42 U.S.C. 1755 and 7 U.S.C. 612c.

Debarring Officers shall be appointed by the appropriate agency head.

(b) Debarring Officers are authorized to invoke debarment or suspension measures in accordance with the procedures of this subpart except as authorities may be specifically reserved to the Department Debarring Officer.

§ 4-1.651 [Deleted]

Section 4-1.651 *Debarment or inactivation of auctioneers,* is deleted in its entirety.

PART 4-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 4-2.4—Opening of Bids and Awards of Contracts

Section 4-2.407-8 is added to provide for handling protests after award.

§ 4-2.407-8 Protests against award.

Protests received after award will be handled in accordance with § 1-2.407-8(a) and (b) of this title insofar as applicable. If the award was erroneously made, § 4-2.407-53 shall be complied with. Protests addressed to the Secretary or the Department will be handled by the Office of Plant and Operations except as otherwise instructed in individual cases. If the contracting agency is in doubt as to proper resolution of a protest addressed to it, the advice of the Office of Plant and Operations or the Office of General Counsel should be sought.

PART 4-3—PROCUREMENT BY NEGOTIATION

Subpart 4-3.4—Types of Contracts

Section 4-3.408 is added.

§ 4-3.408 Letter contract.

Prior approval of the Director of Plant and Operations is required for the use of a letter contract.

PART 4-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 4-4.50—General

Section 4-4.5018 is expanded to codify P.L. 89-106.

§ 4-4.5018 Construction on land not owned by the United States.

(a) The Forest Service is authorized to erect permanent facilities on land not owned by the United States, provided, that prior to such erection there be obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any structure erected after the termination of the right to use the land. (16 U.S.C. 571c)

(b) The Department is authorized, within the limitations of cost otherwise applicable, to erect buildings and other structures (except CCC storage facilities) on land not owned by the United States, provided that prior to such erection there is obtained the right (1) to use the land for the estimated life of, or need for, the structure, and (2) to remove any such structure within a reasonable time after termination of the right to use the land. In acquiring the right to use the land, the Department may enter into long-term leases and available funds may be obligated for the total expenses in connection therewith (P.L. 89-106, approved Aug. 4, 1965).

Section 4-4.5068 is amended to provide that under paragraph (c) term contracts are not authorized for procurement of personal services and under paragraph (d) correct Department Personnel Manual reference.

§ 4-4.5068 Procurement of personal services.

* * * * *

(c) General authorization for procurement of personal services. Agencies are authorized to purchase personal services where it is administratively determined that it would be substantially more economical, feasible or necessary by reason of unusual circumstances to have the work performed through use of procurement procedures and these factors are clearly demonstrable. This authority may be generally utilized only where no qualified employees are reasonably available and the conditions requiring the work are clearly unusual. Factors to be considered in determining whether the conditions faced are unusual include emergencies, short duration of the work and the like. In special circumstances this authority may be utilized even though Government employees are available but in such cases there must be a clear showing of significant economy, feasibility or necessity. This paragraph does not authorize term contracts for furnishing personal services in emergencies or for other short term needs. (6 Comp. Gen. 180; 21 Comp. Gen. 403; 26 Comp. Gen. 791; 31 Comp. Gen. 372, 510; 32 Comp. Gen. 427; and B-156219, June 1, 1965).

(d) Utilization of specific statutory authority. Statutes specifically authorizing the employment of personal services by contract by this Department are as follows:

5 U.S.C. 542a. (See Sec. 4-52.115.)
5 U.S.C. 55a and 574 (where use of the authority is provided for in the appropriation act.) (See Sec. 4-52.104 and 4-52.120.)
7 U.S.C. 1627. (See Sec. 4-52.130.)

Employment of personal services of an individual under these authorities, other than 5 U.S.C. 542a, is covered in Chapter 302, Subchapter 7, of the Department Personnel Manual. Personal services of an organization may be contracted for by agencies where authorized by the above statutes and purchase is otherwise in accordance with the regulations in this chapter. In such cases, formal advertising is not required but there must be reasonable price inquiry.

Subpart 4-4.53—Procurement of Construction

Section 4-4.5301.8 (c), (d), and (e) are revised.

§ 4-4.5301-8 Rates of wages.

* * * * *

(c) *Inclusion of rates in specifications.* Minimum wage rates thus obtained shall be included in the advertised specifications.

(d) *Use of wage determinations.* Wage determinations expire 120 days after the date thereof, and may not be incorporated in contracts awarded thereafter, unless extended in accordance with section 5.4a of the Regulations of the Secretary of Labor. All actions by the Secretary of Labor changing or modifying original wage determinations prior to the award of the contract shall be applicable thereto, except that modifications received by the agency later than 10 days before the opening of bids shall not be effective.

(e) *Apprentice wage rates.* Department of Labor regulations require that invitations to bid on construction contracts in excess of $2,000 include the provision regarding employment of apprentices, Article 3 of Standard Form 19A. Apprentices shall be paid wage rates established in the applicable apprenticeship program. Questions concerning payment of apprentices shall be referred through channels to the Department of Labor.

§ 4-4.5310 [Amended]

Section 4-4.5310(f) is deleted in its entirety.

Section 4-4.5314(c) is amended to change reference.

§ 4-4.5314 Changed conditions in construction contracts.

* * * * *

(c) *Determination of contract adjustment.* Upon receipt of notice of a changed condition from the contractor, the contracting officer shall promptly investigate the conditions and if he finds that such conditions do so materially differ and cause an increase or decrease in the cost of, or the time required for, performance of the contract, he shall determine and make an equitable adjustment as provided in § 4-4.5317(b). No claim for adjustment shall be allowed unless the contractor has given written notice of the changed conditions prior to their being disturbed, unless the Government actually knew of the conditions, or where its interests were not prejudiced by failure to give notice at the time required, or where evidence is available to establish the merits of the claim.

* * * * *

PART 4-6—FOREIGN PURCHASES

Subpart 4-6.1—Buy American Act—Supply and Service Contracts

Section 4-6.105(b) is amended to correct reference in second paragraph.

§ 46.105 Excepted articles, materials and supplies.

* * * * *

(b) * * *

No ____________
Date____________

Clearance

Whereas, in the Administration of the Buy American Act (41 U.S.C. 10a-10d) and in accordance with AGPR 4-6.105, I have found the following articles, materials, or supplies necessary to the activities of this agency, and that corresponding articles, materials, or supplies are not mined, produced, or manufactured in the United States in reasonably available commercial quantities and of a satisfactory quality:

(List of items)

PART 4-10—BONDS AND INSURANCE

The table of contents of Part 4-10 is revised to read as follows:

Subpart 4-10.1—Bonds

AUTHORITY: The provisions of this Part 4-10 issued under 5 U.S.C. 22, 40 U.S.C. 486(c).

Subpart 4-10.3—Insurance—General

Section 4-10.352 is added to codify P.L. 89-106.

§ 4-10.352 Government employees.

The Department is authorized to obtain insurance to cover liability incurred by any of its employees while acting within the scope of their employment and operating a Government-owned vehicle in a foreign country. (P.L. 89-106, approved Aug. 4, 1965, 79 Stat. 431.)

PART 4-12—LABOR

Subpart 4-12.4—Labor Standards in Construction Contracts

Section 4-12.404-2(b) is amended.

§ 4-12.404-2 Wage determinations.

(b) *Modifications.* The Secretary of Labor may modify a wage decision to correct clerical errors at any time. Such modifications will be incorporated in the contract under the "Changes" clause if received too late to be included in the advertised specifications. (See 37 Comp. Gen. 326.)

Done at Washington, D.C., this 10th day of November 1965.

T. M. BALDAUF,
Acting Director of Plant and Operations.

[F.R. Doc. 65-12312; Filed, Nov. 16, 1965; 8:48 a.m.]

Chapter 9—Atomic Energy Commission

PART 9-3—PROCUREMENT BY NEGOTIATION

Subpart 9-3.8—Price Negotiation Policies and Techniques

Correction

In F.R. Doc. 65-12156 appearing at page 14258 in the issue for Saturday, November 13, 1965, the second paragraph in the center column now reads: "Section 9-3.807-52, *Authority to waive 'price data' and 'cost or pricing data'*, is deleted". It is corrected to read: "Section 9-3.807-51, *Definition of terms 'price data' and 'cost or pricing data'*, is deleted."

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Kirwin National Wildlife Refuge, Kans.

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

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

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Kirwin National Wildlife Refuge, Kans., is permitted from January 1 through December 31, 1966, inclusive, on all areas not designated by signs as closed to fishing. These open areas comprising 5,000 acres, are delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1966.

MERLE O. BENNETT,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

NOVEMBER 3, 1965.

[F.R. Doc. 65-12291; Filed, Nov. 16, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

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

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

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Brigham City, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1966, inclusive.

(2) Fishing shall be with pole and line only, including rod and reel.

(3) The use of boats is prohibited below the river control gates at refuge headquarters.

(4) Fishermen are required to register at the refuge office. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1966.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

NOVEMBER 1, 1965.

[F.R. Doc. 65-12292; Filed, Nov. 16, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

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

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

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open seasons for sport fishing on the refuge extend from June 1 through October 31, 1966, inclusive, on the Gros Ventre River and its tributaries and Pierre's Pond; and from August 1 through October 31, 1966, inclusive, on Flat Creek above the Old Crawford Bridge site to the east refuge boundary.

(2) Use of boats or other floating devices are not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 31, 1966.

F. SHELDON DART,
Refuge Manager, National Elk Refuge, Jackson, Wyo.

OCTOBER 27, 1965.

[F.R. Doc. 65-12293; Filed, Nov. 16, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3867]

[Montana 070206]

MONTANA

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in the Lewis and Clark National Forest are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Chap. 2), for a Department of Agriculture administrative site:

MONTANA PRINCIPAL MERIDIAN

BENCHMARK PUBLIC SERVICE SITE AND RECREATION SITE

T. 20 N., R. 10 W., unsurveyed but which probably will be when surveyed,
Sec. 9, SE¼SW¼NW¼, SW¼NE¼SW¼, E½NW¼SW¼, and S½SW¼;
Sec. 15, W½SW¼SW¼;
Sec. 16, SW¼NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½NW¼, N½NW¼NW¼, SE¼NW¼NW¼, NW¼NE¼SE¼, S½NE¼SE¼, N½NW¼SE¼, SE¼S½NE¼SE¼, N½NW¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 22, S½SW¼NE¼, S½SE¼NE¼, SW¼NE¼NW¼, NW¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼.

The areas described aggregate approximately 630 acres.

2. The withdrawal made by this order does not alter the applicability of those

public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 10, 1965.

[F.R. Doc. 65-12294; Filed, Nov. 16, 1965; 8:46 a.m.]

[Public Land Order 3868]

[Oregon 016853 (Wash.)]

WASHINGTON

Revocation of National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to E.O. No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Departmental order of April 30, 1908, withdrawing the following-described land for administration of the Olympic National Forest is hereby revoked:

WILLAMETTE MERIDIAN

KILLEA RANGER STATION ADMINISTRATIVE SITE

T. 24 N., R. 10½ W.,
Sec. 2, lot 10.
Containing 33.10 acres.

The land is reserved as a part of the Olympic National Park.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 10, 1965.

[F.R. Doc. 65-12295; Filed, Nov. 16, 1965; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 115]

ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of proposed amendments to Part 115 of Title 39, Code of Federal Regulations. One proposed rule will require payment of U.S. postage in the United States on articles in excess of 200 pieces mailed in other countries in a 30-day period by or on behalf of any person or firm whose residence or place of business is located in the United States to addresses in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. A second proposed rule will apply the same conditions when more than 5,000 pieces of mail are involved even when the foreign postage is not lower.

Although the procedures in 39 CFR Part 115 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule-making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the proposed rules. Accordingly, such written views may be submitted to the Director, International Services Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments to the regulations cited above are as follows:

PART 115—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

§ 115.1 U.S. postage rates required.

Pursuant to provisions of the Universal Postal Convention, U.S. postage must be paid to secure delivery of articles in excess of 200 pieces mailed in other countries by or on behalf of persons or firms whose residence or place of business is in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. The articles will be returned to origin unless applicable U.S. postage is paid for the total number of pieces. Even if the foreign postage is not lower, the same conditions apply when more than 5,000 pieces are involved. These limitations apply to mailings made in such quantities within a 30-day period.

§ 115.2 Mailing with U.S. postage paid.

Senders affected by § 115.1 must submit a sample of the proposed mailing (envelope and contents) to the International Service Division, Bureau of Transportation and International Services, Post Office Department, Washington, D.C., 20260, with a statement as to the number of pieces to be mailed, when and where the mailing will take place, and a check to cover the amount of the applicable U.S. postage. Checks will be made payable to the Post Office Department. Notification of postage acceptance and approval of mailing will be given by the Department to the sender and to the appropriate U.S. receiving exchange offices which will permit the articles in the mailing to go forward to the addressees without delay when they reach the United States.

§ 115.3 Mailing with U.S. postage not paid.

A mailing subject to § 115.1 received without prepayment of U.S. domestic postage having been made in advance will be held at the exchange office of receipt, and the U.S. sender will be requested to pay the postage. After payment of the required amount, the mailing will be allowed to go forward; if not paid, it will be returned to the country of origin.

§ 115.4 Report of incoming mailings.

Only U.S. receiving exchange offices will report to the Department mailings from other countries that appear to have been made by or on behalf of senders in the United States.

NOTE: The corresponding Postal Manual section is Part 225.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12297, Filed, Nov. 16, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

[Hearing Clerk Docket No. SH-236]

DOMESTIC BEET SUGAR AREA

Allotment of 1965 Sugar Quota; Notice of Reopened Hearing

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922) a notice of hearing was issued (29 F.R. 15657) and a hearing was held to receive evidence regarding the allotment of the 1965 sugar quota for the Domestic Beet Sugar Area. Following the hearing an initial order was issued on January 13, 1965 (30 F.R. 435), and subsequently amended on July 2, 1965 (30 F.R. 8461), and September 25, 1965 (30 F.R. 12282), on the basis of the record of that hearing. The amended order of September 25, 1965, was further amended on November 9, 1965, to allot a portion of the larger quota for the area pursuant to the Sugar Act Amendments of 1965 as provided in Sugar Regulation 811, Amendment 7, published in the FEDERAL REGISTER on November 13, 1965.

Twenty-five thousand short tons, raw value, of the quota was not allotted in the amended order of November 9, 1965, and has been held in reserve so that consideration could be given to a new provision in section 205 added by the Sugar Act Amendments of 1965 which was made effective January 1, 1965. That provision provides in substance that when the allotment of the quota for the Domestic Beet Sugar Area is required the Secretary is authorized to take into consideration, in lieu of or in addition to the factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets, subject to the limitations that the marketing allotment of any such processor of sugarbeets shall not be increased above an allotment of 25,000 short tons, raw value; and that the total increases in marketing allotments made to such processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year.

In view of the fact that this new provision was not considered in the hearing heretofore held for allotting the 1965 Beet Sugar Area Quota, it is necessary to reopen the record and hearing in the proceedings pertaining to the allotment of such 1965 quota identified as Hearing Clerk Docket No. SH-236, to permit evidence, limited to the subject and issues hereinafter stated, to be introduced into such record.

Accordingly, pursuant to section 205 of the Act, as recently amended, and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) notice is hereby given that the proceedings identified as Hearing Clerk Docket No. SH-236 will be reopened and a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture on November 19, 1965, beginning at 10 a.m., e.s.t.

The subject and issues of such hearing will be limited to the establishment of allotments of the 1965 Domestic Beet

Sugar Area Quota for the reasonable efficient operation of nonaffiliated single plant processors of sugarbeets as provided by the new provision of section 205 described above which was added by the Sugar Act Amendments of 1965; and the testimony at such hearing will be limited to the submission of data, views, proposals, and arguments relevant to such subject and issues.

I find that due to the limited time remaining in the calendar year within which sugar may be marketed under allotments in an orderly manner, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12303; Filed, Nov. 16, 1965; 8:47 a.m.]

[7 CFR Part 813]

DOMESTIC BEET SUGAR AREA

Allotment of 1966 Sugar Quota; Notice of Hearing

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended and extended by the Sugar Act Amendments of 1965 and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1966 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, United States Department of Agriculture, on November 19, 1965, following the reopened hearing (SH-236) with respect to the allotment of the Domestic Beet Sugar Area Quota for 1965 which will begin at 10 a.m., e.s.t.

The preliminary finding made above is based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota for the area which will enable persons who process sugar and liquid sugar from sugar beets grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1966, to the date the Secretary prescribes a method for allotting the entire 1966 quota for the Domestic Beet Sugar Area on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1966 a quantity of sugar larger than its allotment of the entire 1966 sugar quota for the Domestic Beet Sugar Area, it is necessary to make allotments effective on January 1, 1966. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1966 quota for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the Act pertinent to establishing allotments of a portion of the quota for the area to be in effect from January 1, 1966, until an order establishing the method for allotting the entire quota for the area for the calendar year 1966 is made effective.

At the hearing the Government witness will propose that for the period January 1, 1966, to the date an order is made effective based on a subsequent hearing that the marketing allotment for each individual allottee shall be established at 75 percent of the 1965 allotment in effect for each allottee as of December 15, 1965, except that, such allotment for any nonaffiliated single plant processor having a final 1965 marketing allotment of 25,000 short tons of sugar, raw value, or less may be established at a level equal to the January 1, 1966 estimated effective inventory of such processor.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing will be held early in 1966 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1966 quota for the area for the calendar year 1966 under the provisions of the Sugar Act of 1948, as amended.

I find that due to the limited time remaining in the calendar year and the need to establish prior to January 1, 1966, allotments of the 1966 quota, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submission made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12304; Filed, Nov. 16, 1965; 8:47 a.m.]

[7 CFR Part 814]

[Hearing Clerk Docket No. SH-237]

MAINLAND CANE SUGAR AREA

Allotment of 1965 Sugar Quota; Notice of Reopened Hearing

Pursuant to the provision of the Sugar Act of 1948, as amended (61 Stat. 922) a notice of hearing was issued (30 F.R. 845) and a hearing was held to receive evidence regarding the allotment of the 1965 sugar quota for the Mainland Cane Sugar Area. Following the hearing an order was issued on April 14, 1965 (30 F.R. 4746), and subsequently amended on June 19, 1965 (30 F.R. 7945), on the basis of the record of that hearing. The amended order of June 19, 1965, was further amended on November 9, 1965, to allot a portion of the larger quota for the area pursuant to the Sugar Act Amendments of 1965 as provided in Sugar Regulation 811, Amendment 7, published in the FEDERAL REGISTER on November 13, 1965.

Sixteen thousand short tons, raw value, of the quota was not allotted in the amended order on November 9, 1965, and has been held in reserve so that consideration could be given to a new provision in section 205 added by the Sugar Act Amendments of 1965 which was made effective January 1, 1965. That provision provides in substance that when the allotment of the quota for the Mainland Cane Sugar Area is required the Secretary is authorized in making such allotments of a quota for any calendar year to take into consideration, in lieu of or in addition to the factors of processing, past marketings, and ability to market, the need for establishing an allotment for any processor of sugarcane and as may be necessary to avoid unreasonable carry-over of sugar in relation to other processors in the area, provided, that the marketing allotment of any such processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1, of the calendar year for which such allotment is made, except that the marketing allotment for 1965 of any processor of sugarcane, other than a processor-refiner, may, in the discretion of the Secretary, be increased by an additional 6,200 short tons of sugar, raw value and that the total increases in marketing allotments made pursuant to this sentence to processors in the Mainland Cane Sugar Area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year.

In view of the fact that this new provision was not considered in the hearing heretofore held for allotting the 1965 Mainland Cane Area Quota, it is necessary to reopen the record and hearing in the proceedings pertaining to the allotment of such 1965 quota identified as Hearing Clerk Docket No. SH-237, to permit evidence, limited to the subject and issues hereinafter stated, to be introduced into such record.

Accordingly, pursuant to section 205 of the Act, as recently amended, and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et req) notice is hereby given that the proceedings identified as Hearing Clerk Docket No. SH-237 will be reopened and a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture on November 23, 1965, beginning at 10 a.m., e.s.t.

The subject and issues of such hearing will be limited to the establishment of allotments of the 1965 Mainland Cane Sugar Area Quota for any processor of sugarcane as may be necessary to avoid unreasonable carry-over of sugar in relation to other processors in the area as provided by the new provision of section 205 described above which was added by the Sugar Act Amendments of 1965, and the testimony at such hearing will be limited to the submission of data, views, proposals, and arguments relevant to such subject and issues.

I find that due to the limited time remaining in the calendar year within which sugar may be marketed under allotments in an orderly manner, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submission made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12305; Filed, Nov. 16, 1965; 8:47 a.m.]

[7 CFR Part 814]

MAINLAND CANE SUGAR AREA

Allotment of 1966 Sugar Quota; Notice of Hearing

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922) and as further amended and extended by the Sugar Act Amendments of 1965 and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information before me, I do hereby find that the allotment of the 1966 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at Washington, D.C., in Room 2-W, Administration Building, U.S. Department of Agriculture, on November 23, 1965, following the reopened hearing (SH-237) with respect to the allotment of the Mainland Cane Sugar Area Quota for 1965 which will begin at 10 a.m., e.s.t.

The preliminary finding made above is based on the best information now available. It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary finding.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to establish fair, efficient, and equitable allotments of a portion of the quota for the Mainland Cane Sugar Area which will enable persons who process sugar and liquid sugar from sugarcane grown in the continental United States to market such sugar and liquid sugar in an orderly manner during the period January 1, 1966, to the date the Secretary prescribes a method for allotting the entire 1966 quota for the area on the basis of the record of another hearing to be held subsequently.

To avoid disorderly marketing by any allottee who might market early in 1966 a quantity of sugar larger than its allotment of the entire 1966 sugar quota for the area, it is necessary to make allotments effective on January 1, 1966. Part of the evidence necessary to provide an adequate basis for establishing allotments of the entire 1965 quota for the area for the full calendar year cannot be adduced on the date for which the hearing is called. Therefore, the testimony on that date will be limited to data, views and arguments regarding the identity of the allottees and consideration of the factors cited in section 205(a) of the Act pertinent to establishing allotments of a portion of the quota for the area to be in effect from January 1, 1966, until an order establishing the method for allotting the entire quota for the area for the calendar year 1966 is made effective.

At the hearing the Government witness will propose that for the period January 1, 1966, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area, allotments totaling 825,000 short tons, raw value, of sugar be established prorata on the basis of allotments of the 1965 quota for the area as in effect on December 15, 1965.

Upon notice hereafter to be given in accordance with applicable rules of practice and procedure, a public hearing for the area will be held early in 1966 for the purpose of receiving evidence to enable the Secretary to establish allotments of the entire 1966 quota for the area for the calendar year 1966 under the provisions of the Sugar Act of 1948, as amended.

I find that due to the limited time remaining in the calendar year and the need to establish prior to January 1, 1966, allotments of the 1966 quota, an emergency exists which requires that less than 10 days published notice be given of the hearing and that the period of time given by this notice of hearing is reasonable under the circumstances.

All written submission made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 12th day of November 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-12306; Filed, Nov. 16, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 34]

MEDICAL EXAMINATION OF ALIENS

Notice of Proposed Rule Making

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulations in Part 34 of Title 42, Code of Federal Regulations (1) to reflect recent changes in the Immigration laws concerning the diseases or disorders for which aliens may be denied visas and excluded from admission into the United States, (2) to conform to current practice with regard to exceptions to the requirements for chest X-ray examinations and for carrying X-ray films to the United States, (3) to delete reference to preexaminations in the United States, for conformity with changes in Immigration and Naturalization Service regulations, and (4) to make minor procedural changes concerning transmission of documents. Interested persons may submit written data, views, or arguments in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington, D.C., 20201. All relevant material received not later than 15 days after publication of this notice will be considered.

§ 34.2 [Amended]

1. In paragraph (b) of § 34.2, which defines dangerous contagious disease, item number 9 is amended to read as follows:

9. Keratoconjunctivitis, infectious.

2. Subparagraphs (1) and (3) of § 34.4 (b) are amended to read as follows:

§ 34.4 Scope of examinations.

* * * * *

(b) *Chest X-ray and serologic test*—(1) *Persons subject to.* A chest X-ray examination for tuberculosis and a serologic test for syphilis shall be required as part of the examination of:

(i) All applicants for immigrant visas,

(ii) All students and exchange visitors who are required by a consular authority to have a medical examination upon application for a nonimmigrant visa,

(iii) All other applicants for a nonimmigrant visa who are required by a consular authority to have a medical examination if such X-ray examination and serologic test are considered necessary by the medical examiner, and

(iv) All applicants for adjustment of status in the United States under the immigration laws and regulations: *Provided, however,* That a chest X-ray examination for tuberculosis shall not be required in any case if the alien is 10 years of age or under, and a serologic test for syphilis shall not be required in any case if the alien is 14 years of age or under, unless the medical examiner has reason to suspect that the applicant has tuberculosis or syphilis; *Provided, further*, That additional exceptions to the chest X-ray examination requirement may be authorized by the Chief of the Division of Foreign Quarantine of the Public Health Service.

* * * * *

(3) *Procedure for transmitting records.* For aliens issued immigrant visas, the medical examination report shall be placed in a separate envelope which shall be sealed and attached to the alien's visa in such a manner as to be readily detached by the medical examiner at the United States port of entry. The X-ray film shall be included in this envelope or, in the case of large films, shall be placed in a separate envelope which shall be sealed and given to the alien for presentation at the port of entry. For aliens issued nonimmigrant visas, the medical examination report and the X-ray film shall be placed in an envelope which shall be sealed and given to the alien for presentation at the United States port of entry. When more than one X-ray film is used as a basis for the medical examiner's conclusions, all films shall be included. However, the X-ray film or films used in connection with the examination of a visa applicant shall not be required to be attached to the visa or otherwise presented to the medical examiner at the United States port of entry when an exception to this requirement is authorized by the Chief of the Division of Foreign Quarantine of the Public Health Service.

* * * * *

3. Section 34.7 is amended to read as follows:

§ 34.7 Certificates and notifications; Class A.

A Class A certificate or Class A notification shall be issued with respect to aliens who:

(a) Are mentally retarded;

(b) Are insane;

(c) Have had one or more attacks of insanity;

(d) Are afflicted with psychopathic personality, sexual deviation, or a mental defect;

(e) are narcotic drug addicts or chronic alcoholics;

(f) Are afflicted with any dangerous contagious disease;

Provided, however, That a Class A certificate or Class A notification of a mental defect, disease, or disability shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a mental condition (1) attributable to remediable physical causes or (2) of a temporary nature, caused by a toxin, drug, or disease.

4. Subparagraph (2) of § 34.14(a) is amended to read as follows:

§ 34.14 Reexamination; convening of boards; expert witnesses; reports.

(a) * * *

(2) Upon an appeal by an alien who, having received a medical examination in connection with determination of admissibility to the United States (including examination on arrival and adjustment of status as provided in the immigration laws and regulations) has been certified for: mental retardation; insanity; one or more previous attacks of insanity; psychopathic personality; sexual deviation; mental defect; narcotic drug addiction; or chronic alcoholism.

* * * * *

(Sec. 215, 58 Stat. 690, as amended, sec. 234, 66 Stat. 198; 42 U.S.C. 216, 8 U.S.C. 1224. Interpret or apply secs. 322, 325, 58 Stat. 696, as amended, 697, secs. 212, 236, 66 Stat. 182, 200; 42 U.S.C. 249, 252, 8 U.S.C. 1182, 1226)

Dated: November 2, 1965.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: November 9, 1965.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 65-12344; Filed, Nov. 16, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-WE-82]

CONTROL ZONE, CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Moffett Field NAS/San Jose, Calif., terminal area.

The Agency has completed a comprehensive review of the terminal airspace structure requirements and is considering the following actions:

1. Alter the Mountain View, Calif. (Moffett Field NAS), control zone by redesignating it as that airspace within a 5-mile radius of Moffett Field NAS (latitude 37°24'55'' N., longitude 122°02'50'' W.), within a 1-mile radius of San Mateo County Airport of Palo Alto, Calif. (latitude 37°27'40'' N., longitude 122°06'50'' W.), within 2.5 miles SW and 2 miles NE of the Moffett TACAN 157° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles each side of the San Jose VOR 325° radial extending from the VOR to 8 miles NW of the VOR excluding the portion SE of a line from latitude 37°25'45'' N., longitude 121°56'35'' W. to latitude 37°19'30'' N., longitude 122°00'10'' W.

2. Revoke the portion of San Jose control area extension N of latitude 37°00'00'' N. and the portion of the San Francisco control area extension S of latitude 37°30'00'' N. Both of these extensions are designated with floors 700 feet above the surface.

3. Designate the San Jose transition area as follows: That airspace extending upward from 700 feet above the surface within 2 miles each side of the Moffett TACAN 157° radial extending from 8 miles SE to 16 miles SE of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 137° radial extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00'' N., longitude 121°52'00'' W., thence to latitude 37°22'00'' N., longitude 122°08'00'' W., thence to latitude 37°22'00'' N., longitude 122°24'00'' W., thence to latitude 37°30'00'' N., longitude 122°27'00'' W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00'' N., on the E and NE by longitude 121°50'00 W., and the SW edge of V-107, on the SE and S by the NW edge of V-111 and latitude 37°00'00'' N., and on the W by the E edge of V-27 to latitude 37°30'00'' N.

The proposed Mountain View control zone, which is required for aircraft conducting instrument procedures prescribed for Moffett Field NAS, incorporates only minor changes to the currently designated control zone. No changes to the existing San Jose Municipal Airport control zone are proposed.

The proposed San Jose transition area provides protection for aircraft executing instrument approach, departure, holding, and radar vectoring procedures conducted outside the limits of the control zones. Continuity is also provided on the N with the San Francisco Bay area and on the S with the Salinas/Monterey area controlled airspace.

Certain minor revisions to prescribed instrument procedures may accompany the action proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or landing minimums be adversely affected.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 4, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-12274; Filed, Nov. 16, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 14961; FCC 65-1012]

PRACTICE AND PROCEDURE

Defective Applications; Termination of Proposed Rule Making Proceedings

In the matter of amendment of § 1.307 (now § 1.566) of the Commission's rules.

1. The Commission has before it for consideration the notice of proposed rule making in the above-entitled matter, adopted February 13, 1963 (FCC 63-125), which invited comments on a proposed amendment to § 1.307 (now § 1.566) of the Commission's rules. The proposed amendment would if adopted change the practice of accepting, processing, and granting assignment and transfer applications for the purchase of stations on condition that the transaction not be consummated until after the grantee, with Commission approval, has disposed of sufficient direct or indirect ownership interests in other broadcast stations to eliminate any conflict with the multiple ownership rules. The proposal would require a multiple owner with the maximum number of AM, FM, or TV broadcast station ownership interests permitted under the multiple ownership rules (7 AM, 7 FM and 7 TV broadcast stations, with no more than 5 TV stations in the VHF band) to dispose of one of his interests before making application to buy or construct a station in the same service. It would also require any licensee seeking to acquire or construct a station in the same city or area in which he already owns a station in the same service to achieve compliance with the duopoly provisions of the multiple ownership rules by disposing of the station he owns before making application to acquire the new or existing station.

2. Eighteen comments were filed on behalf of some 43 parties. All oppose the proposed rule. The bases for opposition are in all cases substantially similar. It is generally asserted that the proposed rule would serve no public interest purpose. It is pointed out that over the past 22 years the number of such conditional acquisitions has amounted to but 1.1 percent of the total acquisitions approved by the Commission. Thus it is argued that no administrative need would be met by the proposed rule. Several parties, in fact, point out that the adoption of the rule would have the effect of increasing the Commission's administrative burden by requiring separate proceedings for divestiture for all such applicants for acquisition of additional facilities whether or not the acquisitions were in fact consummated. It is asserted, further, that if the aim of the Commission is to impose additional restriction on multiple ownership or in trafficking, then the method proposed here is inappropriate: if problems exist in these areas they should be dealt with directly.

3. Several additional substantive arguments are made by most if not all of the parties filing comments. It is argued that an effect would be to prevent qualified parties from applying for acquisition of additional or improved facilities because the risk of loss of owned stations without subsequent approval by the Commission of the application for acquisition would be too great. It is pointed out that such a risk would be in any case an unfair burden on a licensee, and that in cases where the proceedings for acquisition of the additional facilities were for any reason protracted, the requirement of divestiture before filing of the application for acquisition could well lead to serious financial loss over an extended period. With regard to the Commission's "duopoly" provisions and multiple ownership restrictions, it is argued that the uncertainty and imprecise definition of such controlling factors as "substantial overlap", "common ownership" and "undue concentration" would cause serious hardship to applicants who would be required to choose between possibly unnecessary divestiture and the risk that an authoritative ruling—in the form of a dismissal of an application—might come only after it was too late to remedy the situation by divestiture.

4. These hardships and effects caused by the proposed rule, would, it is asserted, restrict competition among broadcasters by impeding growth of new companies, discourage healthy economic growth in the broadcast industry, and discourage the maximum use and development of broadcast facilities by the best possible licensees. Finally, it is argued that the proposed rule would violate section 310 (b) of the Communications Act which provides that no permit or license or any rights thereunder may be transferred, assigned or otherwise disposed of except upon application to the Commission and a finding by it that the public interest would be served thereby; and would deny licensees and permittees the rights and procedures guaranteed by section 309 of the Act.

5. Without reaching the legal arguments last mentioned, we find some of the arguments against the merits of the proposal persuasive. It appears that the proposed amendment would involve undue restrictions on potential applicants without corresponding administrative or other benefits of equal significance.

6. In view of the above the Commission is of the opinion that the public interest does not require adoption of the rule proposed in this proceeding.

7. *Accordingly, it is ordered*, That this proceeding is terminated without further action of the Commission.

Adopted: November 10, 1965.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12345; Filed, Nov. 16, 1965; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 16063; FCC 65-1011]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Further Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Portage and Shawano, Wis., Murray, Ky., New Port Richey and Clearwater, Fla., Scott City, Kans., Maquoketa and Cedar Rapids, Iowa, Fairmont, W. Va., Galesburg, Ill., Prestonsburg, Ky., Austin and Georgetown, Tex., Bellevue, Ohio, Dalhart, Tex., Las Cruces, N. Mex., Petersburg, Va., Wichita, Kans., Fergus Falls, Minn., Pittsfield, Ill., Savanna, Ill., Docket No. 16063, RM-720, RM-756, RM-757, RM-763, RM-759, RM-762, RM-767, RM-768, RM-770, RM-771, RM-769, RM-777, RM-823.

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

2. We have before us for consideration, our original Notice in this Docket 16063, FCC 65-543, released June 18, 1965. The Notice dealt with, inter alia, RM-762 and proposed, in response to the petition of Jackson County Broadcasting Co., to assign a Class A channel to Maquoketa, Iowa by making the following changes in our Table of Assignments:

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa		272A
Cedar Rapids, Iowa	243, 251 275, 283	243, 251 276A, 283

This petition had alternatively requested the assignment of Channel 237A to Maquoketa by deleting it from Muscatine, Iowa as follows:

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa		237A
Muscatine, Iowa	237A, 259	259

We also have before us the petition of Robert A. Jones, RM-823, received by the Commission on July 21, 1965, which requests the assignment of Channel 272A to Savanna, Ill. The requested assign-

[1] Commissioners Hyde and Lee absent.

ment of Channel 272A to Savanna, Ill., conflicts with the proposed assignment of Channel 272A to Maquoketa, Iowa, in that, both assignments cannot be made without violating our minimum mileage separation requirements. It does not, however, conflict with the alternative proposal for Maquoketa.

3. Robert A. Jones supports his request for the assignment of Channel 272A to Savanna by stating that its population is 4,950 (the community is located in Carroll County, the population of which is 19,507), and that there are neither FM channels assigned to Savanna nor any AM station located in the community. He alleges that the community is by far the largest in its county and that his proposed assignment to Savanna could also serve Mt. Carroll, the county seat, 9 miles distant. He also maintains that there are no other AF or FM stations in Illinois within 31 miles of Savanna and that if the assignment is made, he will apply for its use.

4. In view of the showing made by Mr. Jones in support of the assignment of Channel 272A to Savanna, we are of the opinion that it is in the public interest to explore an alternative set of assignments permitting the assignment of a Class A channel to both Savanna, Ill., and Maquoketa, Iowa, as follows:

City	Channel No.	
	Present	Proposed
Savanna, Ill		272A
Maquoketa, Iowa		237A
Muscatine, Iowa	237A, 259	259

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

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before December 10, 1965, and reply comments on or before December 20, 1965. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: November 10, 1965.

Released: November 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12346; Filed, Nov. 16, 1965; 8:50 a.m.]

[1] Commissioners Hyde and Lee absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 190, Rev. 3]

ORGANIZATION

Supervision of Bureaus and Performance of Functions

1. The following bureaus, offices, and staff assistants shall be under the direct supervision of the Secretary and the Under Secretary:

Internal Revenue Service.
Office of the Comptroller of the Currency.
Assistant to the Secretary (Congressional Relations).
Assistant to the Secretary (National Security Affairs).
Assistant to the Secretary (Public Affairs).
Special Assistants to the Secretary.
Director, Executive Secretariat.

2. The following bureaus, offices, and other organizational units shall be under the general supervision of the Secretary and the Under Secretary and under the direct supervision of the officials indicated:

A. *Under Secretary for Monetary Affairs.*

Deputy Under Secretary for Monetary Affairs.
Office of Financial Analysis.
Office of Domestic Gold and Silver Operations.
Office of Debt Analysis.
The Assistant Secretary (International Affairs) and the Fiscal Assistant Secretary, to the extent of their responsibilities for international and domestic monetary and fiscal policies.
Assistant to the Secretary (Debt Management).
United States Savings Bonds Division.

B. *General Counsel.*

Legal Division.
Office of Director of Practice.

C. *Assistant Secretary.*

Bureau of Customs.
United States Coast Guard.
Bureau of Engraving and Printing.

D. *Assistant Secretary* (International Affairs).

Office of International Affairs.
Office of Foreign Assets Control (through Assistant to the Secretary for National Security Affairs).

E. *Assistant Secretary* (Tax Policy, including international tax affairs).

Office of Tax Legislative Counsel.
Office of Tax Analysis.

F. *Assistant Secretary.*

Bureau of the Mint.
Office of Employment Policy Program.

G. *Special Assistant to the Secretary* (for Enforcement).

United States Secret Service.
Bureau of Narcotics.
Office of Law Enforcement Coordination.

H. *Fiscal Assistant Secretary.*

Bureau of Accounts.
Bureau of the Public Debt.
Office of the Treasurer of the United States.

I. *Assistant Secretary for Administration.*

Office of Administrative Services.
Office of Budget and Finance.
Office of Management and Organization.
Office of Personnel.
Office of Security.

3. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, the Assistant Secretaries, and the Special Assistant for Enforcement, are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which action should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

4. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

A. Under Secretary.

B. Under Secretary for Monetary Affairs.

C. General Counsel.

D. Presidentially appointed Assistant Secretaries in the order in which they took the oath of Office as Assistant Secretary.

5. Treasury Department Order No. 190 (Revision 2) is rescinded.

Dated: October 25, 1965.

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

[F.R. Doc. 65-12316; Filed, Nov. 16, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-G-12]

BRUCE C. NORTH

Notice of Hearing

Bruce C. North, 29 Aqua View, La Selva Beach, Calif., has applied for a fishing vessel construction differential subsidy to aid in the construction of an 88-foot over-all steel vessel to engage in the fishery for swordfish, red snapper, grouper, tuna, and shrimp.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on January 11, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12319; Filed, Nov. 16, 1965; 8:48 a.m.]

[Docket No. G-352]

LOUIS E. WIEGAND

Notice of Loan Application

Louis E. Wiegand, 3301 South Lake Drive, Miami, Fla., has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 44-foot wood vessel to engage in the fishery for lobster, snapper, and grouper in the Florida area.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic injury or hardship.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12320; Filed, Nov. 16, 1965; 8:48 a.m.]

[Docket No. Sub-C-6]

PACIFIC TRADE WINDS, INC.

Notice of Hearing

Pacific Trade Winds, Inc., 110 West Ocean Boulevard, Long Beach, Calif., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 150-foot overall steel vessel to engage in the fishery for tuna.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on January 21, 1966, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

NOVEMBER 12, 1965.

[F.R. Doc. 65-12321; Filed, Nov. 16, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARBEETS

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.) notice is hereby given that public hearings will be held as follows:

At San Francisco, Calif., on December 6, in Room 1327, Federal Building, 450 Golden Gate Avenue, beginning at 9:30 a.m.;

At Colorado Springs, Colo., on December 10, Little Theater, City Auditorium, Corner Weber and Kiowa Streets, beginning at 9:30 a.m.;

At Fargo, N. Dak., on December 13, in the Strike Room of the Bowler, Inc., South on Highway 81, beginning at 9:30 a.m.;

At Detroit, Mich., on December 15, in the Sky Room, Pick-Fort Shelby Hotel, beginning at 9:30 a.m.;

At Auburn, N.Y., on December 17, in the Auditorium of the Farm, Home & 4-H Center, 248 Grant Avenue, beginning at 9:30 a.m.;

At San Antonio, Tex., on January 4, 1966, in the Gunter Hotel, Houston at St. Mary's Street, beginning at 9:30 a.m.;

At McAllen, Tex., on January 6, 1966, in the Fairway Motel, South 10th and Wichita Streets, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for sugarbeet fieldworkers in the wage determination which became effective April 5, 1965 (30 F.R. 3810), continue to be fair under existing circumstances, or whether such determination should be amended, and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1966 crop of sugarbeets to be paid, under purchase or toll agreements, by producers who process sugarbeets grown by other producers and who apply for payments under the act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood, D. E. McGarry, W. S. Stevenson, C. F. Denny, C. B. Freeman, and R. R. Stansberry are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on November 9, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-12338; Filed, Nov. 16, 1965; 8:50 a.m.]

Consumer and Marketing Service

PRUNEDALE OR SALINAS LIVESTOCK AUCTION YARD ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original Name of Stockyard, Location, and Date of Posting	*Current Name of Stockyard and Date of Change in Name*
CALIFORNIA	
Prunedale or Salinas Livestock Auction Yard, Salinas, October 3, 1959.	Salinas Livestock Auction Yard, August 1, 1965.
GEORGIA	
Sumter Livestock Assoc., Americus, May 13, 1959	Sumter Livestock Association, Inc., November 6, 1959.
ILLINOIS	
Dameron Livestock Auction, Vienna, October 26, 1960.	Dameron Livestock Auction, Inc., October 23, 1964.
IOWA	
Aplington Sales, Aplington, March 11, 1957	Aplington Sales Pavilion, June 1, 1965.
Eddyville Sale Co., Eddyville, May 23, 1959	Eddyville Sale Company, September 20, 1965.
Northwood Sales Co., Inc., Northwood, May 19, 1959.	Northwood Sales Co., May 1, 1965.
NEBRASKA	
Ogallala Livestock Commission Company, Ogallala, March 25, 1953.	Ogallala Livestock Commission Co., September 1, 1965.
NEW YORK	
Norvel Reed Livestock Commission Auction, Sherman, September 26, 1960.	Norvel Reed & Sons, Inc., July 1, 1965.
NORTH DAKOTA	
Lake Region Auction Market, Devils Lake, December 12, 1959.	Lake Region Auction and Livestock Market, Inc., September 23, 1965.
OKLAHOMA	
Madill Stockyards, Madill, November 6, 1964	Madill Horse Auction, April 1, 1965.
OREGON	
Schricker & Son Livestock Auction, Sutherlin, October 10, 1959.	Schricker & Williams Livestock Auction, Inc., February 12, 1965.
Valley Livestock Auction Market, Hood River, November 26, 1961.	Auction Center, July 1, 1965.
WASHINGTON	
Prosser Sales Yard Corp., Prosser, September 22, 1959.	Prosser Livestock Market, Inc., September 15, 1965.

Done at Washington, D.C., this 10th day of November, 1965.

J. R. BRANNIGAN,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-12337; Filed, Nov. 16, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKERS

Availability for Exchange

In F.R. Doc. 65-12132, appearing in the FEDERAL REGISTER issue of November 11, 1965 (30 F.R. 14224), the names of certain T2 tankers were listed as being available for trade-out under the provisions of the Ship Exchange Act, as amended (P.L. 86-575 as amended by P. L. 89-254).

Notice is hereby given that the list of vessels published as aforesaid is revised to read as follows:

Type	Name	Reserve Fleet location
T2-SE-A1	Memphis	James River.
Do	Parkersburg	Do.
Do	Cumberland	Do.
Do	Logan's Fort	Do.
Do	Abiqua	Beaumont.
Do	Lynchburg	Do.
Do	Paoli	Do.
Do	Roanoke	Do.
Do	Petrolite	Olympia.
Do	Bull Run	Do.
Do	French Creek	Do.
Do	Lone Jack	Do.
T2-SE-A2	Anacostia (AO-94)	James River.
Do	Mascoma	Do.
Do	Mission San Diego	Do.
Do	Mission San Gabriel	Suisun Bay.
Do	Mission San Jose	Do.
Do	Tomahawk	Do.
Do	Pamanset	Beaumont.
Do	Mission San Luis Obispo.	Do.
Do	Mission San Carlos	Do.
Do	Mission Santa Barbara.	Do.
Do	Mission Solano	Olympia.
Do	Mission Carmel	Do.
Do	Mission Dolores	Do.

Dated: November 15, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-12391; Filed, Nov. 16, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

2-AMINOBUTANE

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the Elanco Products Co., a Division of Eli Lilly and Co., Indianapolis, Ind., 46206, a temporary tolerance is established for residues of the fungicide 2-aminobutane in or on apples, lemons, and oranges at 20 parts per million. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the fungicide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 927 pounds. Distribution will be under the Elanco Products Co. name.

2. The fungicide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The Elanco Products Co. will comply with the requirements of § 120.31(e) (3) and (4).

This temporary tolerance expires November 9, 1966.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90).

Dated: November 9, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12343; Filed, Nov. 16, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16567]

LOS ANGELES AIRWAYS, INC., ET AL.

Notice of Hearing

Los Angeles Airway, Inc., American Airlines, Inc., and United Air Lines, Inc.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Friday, November 19, 1965, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., November 12, 1965.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 65-12340; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket No. 13823]

SERVICE TO GREENVILLE-SPARTANBURG CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 1, 1965, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., November 10, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-12341; Filed, Nov. 16, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14832; FCC 65M-1486]

BIGBEE BROADCASTING CO.

Order Continuing Hearing

In re application of Paul D. Nichols, William C. Reid, and Houston L. Pearce, doing business as Bigbee Broadcasting Co., Demopolis, Ala., Docket No. 14832, File No. BP-13976, for construction permit.

To formalize the agreements and rulings made on the record at a prehearing conference held on November 9, 1965, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 9th day of November 1965, that:

Notification of witnesses is scheduled for January 11, 1966; and

The hearing ordered by the Examiner's Memorandum Opinion and Order released October 29, 1965, is hereby scheduled for January 18, 1966.

Released: November 10, 1965.

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

[F.R. Doc. 65-12347; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket No. 15769 etc.; FCC 65M-1488]

BROWN RADIO & TELEVISION CO. (WBVL) ET AL.

Order Continuing Prehearing Conference

In re applications of Dwight L. Brown, trading as Brown Radio & Television Co. (WBVL), Barbourville, Ky., Docket No. 15769, File No. BR-3228, for renewal of license; Barbourville-Community Broadcasting Co., Barbourville, Ky., Docket No. 15770, File No. BP-16297, for construction permit; Golden East Broadcasting Co., Inc., Barbourville, Ky., Docket No. 16105, File No. BP-15827, for construction permit.

The Hearing Examiner having under consideration the "Petition for Prehearing Conference" filed by the Broadcast Bureau on November 9, 1965, requesting that a further prehearing conference in the above-entitled matter be scheduled immediately;

It appearing, that all of the parties in the above proceeding have orally consented to the requested conference and that good cause has been shown for a grant thereof;

It is ordered, This 9th day of November 1965, that the aforesaid petition, be, and the same is, hereby granted, and that a further prehearing conference is hereby scheduled for 2 p.m., November 10, 1965, in the Offices of the Commission in Washington, D.C.

Released: November 10, 1965.

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

[F.R. Doc. 65-12348; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket No. 14909; FCC 65M-1484]

SOUTHERN RADIO AND TELEVISION CO.

Order Continuing Prehearing Conference

In re application of Southern Radio and Television Co., Lehigh Acres, Fla., Docket No. 14909, File No. BP-14297; for construction permit.

On the unopposed oral request of counsel for the Broadcast Bureau, because of his participation in another proceeding out of town: *It is ordered*, This 9th day of November 1965, that the further prehearing conference is rescheduled from November 15 to November 29, 1965, at 10 a.m.

Released: November 10, 1965.

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

[F.R. Doc. 65-12349; Filed, Nov. 16, 1965; 8:50 a.m.]

[Docket Nos. 16260-16265; FCC 65M-1487]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Order Continuing Prehearing Conference

In re applications of The Western Union Telegraph Co., Docket No. 16260, File No. T-C-1661-10, for removal of restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, California; California Interstate Telephone Co., Docket No. 16261, File No. 6844-Cl-P-65, for a construction permit to add new facilities to Station KMW61 in the Domestic Public Point-to-Point Microwave Radio Service at Barstow, Calif.; Docket No. 16262, File No. 6845-Cl-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Goldstone Echo, Calif.; Docket No. 16263, File No. 6846-Cl-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Lane Mountain, Calif.; Docket No. 16264, File No. 6847-Cl-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Ford Mountain, Calif.; Docket No. 16265, File No. 6848-Cl-P-65, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Fort Irwin, Calif.

It is ordered, This 9th day of November 1965, that the unopposed motion for continuance of prehearing conference filed by counsel for California Interstate Telephone Co. on November 8, 1965, is granted, and the prehearing conference is rescheduled from November 19 to November 24, 1965, at 10 a.m.

Released: November 10, 1965.

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

[F.R. Doc. 65-12350; Filed, Nov. 16, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA

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. Alan F. Wohlstetter, Denning & Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006.

Agreement 9510, between thirty-four (34) freight forwarders of used household goods operating under the exemption of section 402(b)(2) of the Interstate Commerce Act, and common carriers by water subject to the Shipping Act, 1916, as amended, will establish a common tariff rate-fixing arrangement for the movement of used household goods between ports of the United States and foreign ports in the continents of Africa, Australia, Europe, North America, South America, and foreign ports of the islands between and adjacent to such continents, in accordance with the terms and conditions set forth therein.

Dated: November 10, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-12330; Filed, Nov. 16, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-408 etc.] [1]

JAKE L. HAMON ET AL.

Order Conditionally Approving Rate Settlement Proposal, Severing and Terminating Proceedings and Prescribing Refunds

NOVEMBER 5, 1965.

There is before us for consideration a motion for approval of settlement proposal, and termination of rate proceedings filed on August 6, 1965, by Jake L. Hamon et al. (Hamon) encompassing the rates for twenty-one of Hamon's currently effective FPC gas rate schedules. In summary, the settlement proposal as filed by Hamon provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings;

(2) Hamon waives the right to file for contractually authorized increased rates until August 1, 1970; however, Hamon reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Hamon will delete any favored nation, and indefinite price redetermination clauses contained in the presently effective FPC Gas rate schedules, and as to Rate Schedule Nos. 14, 41 and Edwin L. Cox (Operator) et al., FPC Gas Rate Schedule No. 47, Hamon will, insofar as his interest is concerned, eliminate the periodic price increase provisions therefrom;

(4) Refunds with interest, at applicable interest rates, to the date of issuance of this order, under rate schedules where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance; additionally, Hamon will refund under its FPC Gas Rate Schedule Nos. 28 and 31 commencing with March 24, 1964, to the date of issuance of this order, all monies charged and collected for gas above 16 cents per Mcf, with appropriate interest, and under Rate Schedule No. 18, it will refund $79,240.65, and under Rate Schedule No. 27, it will refund $105.09;

(5) Exclusion from the settlement proposal of sales in the Permian Basin;

In support of his proposal, Hamon states that the settlement rates, refunds, moratorium periods and other provisions

[1] The additional dockets involved herein are set forth in the appendices hereto.

thereof, not specifically noted herein, are in the public interest in that they are reasonable, and will provide price stability for a long period of time for natural gas moving in interstate commerce.

Additionally, Hamon requests that we sever from the consolidated proceedings in Docket No. AR64-1, the proceedings in Jake L. Hamon (Operator) et al., Docket No. G-16747, et al., and also sever those matters which concern Hamon from the proceedings in Skelly Oil Co., et al., Docket No. G-18638, et al., and the proceedings, in Amerada Petroleum Corp., et al., Docket No. CI62-1544, et al. Consequently, as a condition to our approval of Hamon's proposal we shall require Hamon to file a motion in the U.S. Court of Appeals for the Tenth Circuit for withdrawal of its petition for review of Opinion No. 422 in the Amerada proceeding (CA 10-8363).

With respect to refunds, we find Hamon's proposal to be acceptable, and shall approve the same. Such refunds will be approximately $181,000, including applicable interest, and Hamon's jurisdictional revenues will be reduced approximately $94,000 annually.

Hamon has included in his offer a reservation that the proposed settlement would no longer be binding in the event amendment of the Natural Gas Act removes any of his sales from our jurisdiction. This reservation is unacceptable as to those favored-nation, price redetermination or periodic escalation provisions which Hamon has agreed in his offer to delete from his rate schedules.[3] We shall therefore require as a condition to this order that Hamon amend his contracts as agreed so as to remove any future contractual basis for higher rates under these provisions. Hamon's reservation will thus be made ineffectual as to the deleted provisions.

We believe that Hamon's settlement proposal, as hereinafter conditioned, is in the public interest and shall approve the same. However, we desire to make it clear that acceptance of Hamon's offer of settlement shall not be construed as approval of any future increased rate that may be filed by Hamon under the subject rate schedules and is without prejudice to any findings or order of the Commission in any future proceeding involving Hamon's rates and rate schedules. Additionally, for all of the reasons set forth in Humble Oil & Refining Co., Docket Nos. G-9287, et al., 32 FPC 49, we shall require Hamon to deposit the refund monies in a special escrow account or to commingle the retained refunds with his general assets pending further order of the Commission.

The Commission finds: The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Hamon on August 6, 1965, is consistent with the Statement of General Policy No. 61-1, as amended, 18 CFR 2.56, and approval thereof as made effective and hereinafter ordered is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders: (A) The offer of settlement filed with the Commission by Hamon on August 6, 1965, is approved in accordance with the provisions of this order.

(B) Hamon shall file, within 30 days from the date of issuance of this order, notices of change in rates under its FPC gas rate schedules to reflect the settlement rates and executed contract amendments in accordance with the terms of his settlement proposal as approved herein. The notices of change and the contractual amendments shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Within 30 days from the date of issuance of this order, Hamon shall file a motion to withdraw his appeal in the U.S. Court of Appeals for the Tenth Circuit to review the Commission's Opinion No. 422 in the Amerada proceeding (CA 10-8363).

(D) Hamon shall compute the difference between the rates collected subject to refund and the settlement rate for the sales for which it proposes to make refunds with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to its jurisdictional pipeline purchasers, setting out the amount of refunds (showing separately the principal and applicable interest), the bases used for such determination, the period covered, and 10 days thereafter shall submit to the Commission a copy of a letter from its jurisdictional pipeline purchasers agreeing to the correctness of such amounts.

(E) Hamon shall retain the amounts shown in the report required under paragraph (D) above, subject to further order of the Commission directing the disposition of those amounts, excepting the refunds due and owing to Northern Natural Gas Co. to which Hamon shall refund such monies 10 days after receiving the letter from Northern required by paragraph (D) above, with applicable interest.

(F) Hamon may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed escrow agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon its jurisdictional pipeline customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between Hamon and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Hamon, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(G) If Hamon elects to commingle the retained refunds with his general assets and use them for business purposes, he shall notify the Secretary of the Commission of his intention so to do within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 4.5 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final order or orders of the Commission.

(H) Hamon, over the signature of a responsible officer of his firm, shall file with the Commission within 30 days from the date of issuance of this order an original and copy in writing of its acceptance or rejection of the terms and conditions of this order.

(I) Upon notification by the Secretary of the Commission that Hamon has complied with the terms and conditions of this order, the proceedings in appendix A hereto shall terminate, however, the proceeding in Docket No. RI60-60 shall terminate only insofar as it pertains to Hamon; the proceeding in Docket No. RI61-408 shall be severed from the proceedings in Docket Nos. AR64-1, et al., and the proceedings in appendix B hereto shall be severed from their respective consolidated proceedings, and the certificates of public convenience and

[3] See Warren Petroleum Corp., Docket No. RI61-63 (30 FPC 1040).

necessity issued to Hamon in the Hamon, Skelly and Amerada proceedings (supra) shall be deemed effective, all without further order of the Commission.

(J) The acceptance by the Commission of Hamon's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Hamon and is without prejudice to claims or contentions which may be made by Hamon, the Commission staff, or any affected party hereto, in any proceedings.

By the Commission.

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

APPENDIX A—JAKE L. HAMON, ET AL., FPC GAS RATE SCHEDULE—DOCKET NOS. RI61-408 ET AL.

Rate schedule No.	Field (area)	Purchaser	Docket numbers		Cents per Mcf at area pressure base (inclusive of tax reimbursement)		
			Sec. 7(c)	Sec. 4(e)	Not subject to refund	Rate in effect July 31, 1965	Settlement rate
	Texas—RRC Dist. No. 1—14.65 p.s.i.a.						
3	Jake Hamon	Tennessee Gas	G-7430	RI65-457	14.6	[1] 14.6	14.6
	Texas—RRC Dist. No. 2—14.65 p.s.i.a.						
11	Cabeza Creek Area	United Gas	G-9861		13.1664	13.1664	13.1664
	Texas—RRC Dist. No. 4—14.65 p.s.i.a.						
13	East Riverside	Texas Eastern	G-10649		14.6	14.6	14.6
35	Santo Nino	South Texas Nat	G-13005[2] CI63-1362[3]		*16.0	16.0	16.0
	Texas—RRC Dist. No. 10—14.65 p.s.i.a.						
43	West Feldman	Transwestern	CI65-502		*17.0	17.0	17.0
	Oklahoma—Other—14.65 p.s.i.a.						
14	Southeast Aylesworth	Lone Star	G-13407	RI63-307	*11.0	[5] 12.0	[4] 12.0
[6] 19	West Marlow	do	G-17259	RI60-60	*11.0	16.8	[4] 12.0
39	North Spiro	Ark-Louisiana	CI64-540		*15.0	15.0	15.0
41	East Aylesworth	Lone Star	G-15533	RI65-163	*11.0	[5] 12.0	[4] 12.0
	Oklahoma—Panhandle—14.65 p.s.i.a.						
17	Northwest Dower	Northern Nat'l	G-16357	RI61-408	*15.5	16.5	15.5
23	Laverne	Mich.-Wisconsin	G-20594		*17.0	[7] 17.0	[7] 17.0
34	Mocane Laverne	Northern Nat'l	CI63-133		*17.0	17.0	17.0
36	Southwest Hooker	Natural Gas P.L.	CI62-250		*17.0	17.0	17.0
37	Southwest Hooker	Northern Nat'l	CI62-251		*16.0	16.0	16.0
38	Mocane Laverne	do	CI64-291		*17.0	17.0	17.0
40	Mocane Laverne	do	CI64-641		*17.0	17.0	17.0
42	North Hardesty	do	CI64-1559		*17.0	17.0	17.0

*Initial rate.

[1] Filed for rate increase to 15.6 cents per Mcf, Docket No. RI65-457. This rate has not been placed into effect.

[2] Supplement adding acreage.

[3] No producing properties currently active.

[4] Eliminate all pricing provisions.

[5] No amounts effective subject to refund have been collected.

[6] By order issued Aug. 7, 1963, the Commission among other matters amended Hamon's certificate, Docket No. G-17259, by substituting Edwin L. Cox (Operator), et al., and designating the rate schedule as Edwin L. Cox (Operator), et al., FPC Gas Rate Schedule No. 47. The order also designated Cox as respondent in Docket No. RI60-60 and Hamon as corespondent.

[7] Rate subject to upward B.t.u. adjustment.

APPENDIX B—JAKE L. HAMON, ET AL., FPC RATE SCHEDULE—DOCKET NOS. RI61-408, ET AL., PENDING CERTIFICATE APPLICATIONS

Rate schedule No.	Field (area)	Purchaser	Docket numbers		Cents per Mcf at area pressure base (inclusive of tax reimbursement)		
			Sec. 7(c)	Sec. 4(e)	Initial rate	Rate in effect July 31, 1965	Settlement rate
	Texas—RRC Dist. No. 4—14.65 p.s.i.a.						
18	Corpus Christi Northwest	United Gas	G-16747 [1]		18.2304	[2] 15.0	15.0
27	Prado	South Texas Nat	CI61-930 [3]		16.0	[2] 15.0	15.0
28	Northeast Thompsonville	do	CI61-922 [4]		18.0	18.0	15.0
31	do	do	CI61-1745 [4]		18.0	18.0	15.0

[1] Consolidated in Jake L. Hamon (Operator), et al., Docket Nos. G-16747, et al.

[2] This rate is being collected although the rate schedule has not been supplemented.

[3] Consolidated in Skelly Oil Co., et al., Docket Nos. G-18638, et al.

[4] Consolidated in Amerada Petroleum Corp., et al., Docket Nos. CI62-1544, et al.

[F.R. Doc. 65-12194; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. RP66-16]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 9, 1965.

Take notice that on November 2, 1965, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed rates and charges relate to underground storage service at the Oakford Storage Field in Pennsylvania provided under Transco's Rate Schedule S-2 and reflect an annual reduction of approximately $37,000. The reductions are proposed to become effective in two steps. The first[1] gives effect to a reduction filed in Docket No. RP65-59 by Transco's supplier, Texas Eastern Transmission Corp., and is proposed to become effective concurrently with Texas Eastern's reduction on June 1, 1965. The second step[2] reflects a reduction in Transco's own basic sales rate filed in Docket No. RP61-13, which became effective on August 1, 1965, the effective date proposed for the second step of the present filing.

Copies of the proposed rate changes have been served by Transco on parties and interested State commissions. Comments, protests, petitions to intervene, or notices of intervention herein may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure on or before November 29, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-12286; Filed, Nov. 16, 1965; 8:46 a.m.]

[1] Involving Substitute Seventeenth Revised Sheet No. 28-P, Sixth Revised Sheet No. 28-Q, and Substitute Twelfth Revised Sheet No. 28-R.

[2] Involving Nineteenth Revised Sheet No. 28-P and Fourteenth Revised Sheet No. 28-R.

[Docket No. CP66-136]

UNITED GAS PIPE LINE CO.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 29, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP66-136 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the development and operation of an underground natural gas storage reservoir located in Bienville and Bossier Parishes, La., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that due to declining local supply of gas available to Applicant in its northern area, consisting of its Tyler District and North Louisiana Area, it has become necessary for Applicant to make additional gas available in the northern area in the immediate future in order to meet its customer requirements. Applicant further states that its study of this problem has caused it to conclude that the development and operation of the proposed storage reservoir would be the most efficient and economical way to make additional gas available to Applicant's northern area.

The Bistineau Field, which is the proposed storage area, is centrally located in Applicant's northern area and is near Applicant's Carthage to Sterlington 20-inch and 24-inch lines, which form a part of Applicant's high-pressure transmission system.

Applicant proposes to acquire the remaining recoverable gas reserves in place in the Bistineau Field, estimated on January 1, 1965, to be 4,945 MMcf at 14.9 psia for use as native cushion gas. Beginning in 1966, Applicant proposes annually to inject gas during the period April through October. Applicant states that this would permit daily withdrawals from the storage area during the period October through March, through the 1969-1970 heating season, as follows:

1966-67	125,000 Mcf
1967-68	300,000 Mcf
1968-69	400,000 Mcf
1969-70	500,000 Mcf

Applicant states that the facilities to be constructed in connection with the development and operation of the project would be done in three phases during the years 1966 through the 1969 heating season.

The total cost of Applicant's proposed project is approximately $30,782,000, and would be financed by retained earnings and by depreciation and amortization accruals and, to the extent necessary, from the sale of additional securities of Applicant to Gas Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 1, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12287; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. RI66-148]

HERBERT L. DILLON, JR., ET AL.

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

NOVEMBER 8, 1965.

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 December 22, 1965.

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	
RI66-148...	Herbert L. Dillon, Jr. (Operator), et al., Texas National Bank Bldg., Houston, Tex., 77002.	1	1	Coastal States Gas Producing Co.[5] (Appling Field, Calhoun County, Tex.) (R.R. District No. 2).	$483	10-11-65	[1] 11-11-65	[2] 11-12-65	10.096	[3] [4] 11.1056	

[1] The stated effective date is the effective date proposed by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Coastal States resells the gas to United Gas Pipe Line Co. under Coastal States' FPC Gas Rate Schedule No. 11 at a currently effective rate of 17.0 cents per Mcf.

Herbert L. Dillon, Jr. (Operator), et al. (Dillon), proposes a periodic rate increase from 10.096 cents to 11.1056 cents per Mcf, inclusive of tax reimbursement, amounting to $483 annually, for gas sold to Coastal States Gas Producing Co. (Coastal) from the Appling Field, Calhoun County, Tex. (R.R. District No. 2). Coastal gathers and resells the gas, together with gas it purchases from other producers in the area, to the United Gas Pipe Line Co. pursuant to Coastal's FPC Gas Rate Schedule No. 11 at a permanently certificated initial rate of 17.0 cents per Mcf. A periodic increase to 18.0 cents per Mcf was contractually due under Coastal's rate schedule on December 17, 1963, but Coastal has not, as yet, filed for such rate increase. Such increase, if filed by Coastal would be subject to the area increased rate ceiling of 14.0 cents per Mcf for Texas Railroad District No. 2 as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56). Under the circumstances, even though Dillon's proposed rate increase is below the area increased rate ceiling, it should be suspended for one day from November 11, 1965, the proposed effective date.

[F.R. Doc. 65-12289; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. RP66-15]

ARKANSAS LOUISIANA GAS CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 8, 1965.

Take notice that on November 1, 1965, Arkansas Louisiana Gas Co. tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3 to become effective as of January 1, 1966. The proposed changes, designated Original Sheets Nos. 133 through 149, relate to field gas sales by Arkansas Louisiana, under its Gas Rate Schedule XFS-20, to Warren Petroleum Corp. and Oklahoma Natural Gas Co. from the producing area of Major County, Okla. The proposed changes would result in an annual increase of $3,500.

Copies of the proposed rate changes have been served by Arkansas Louisiana upon both purchasers. Comments, protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission on or before November 29, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12278; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. CP66-138]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 29, 1965, Arkansas Louisiana Gas Co. (Applicant), Slattery Building, Shreveport, La., filed in Docket No. CP66-138 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities during the calendar year 1966 to enable Applicant to connect new industrial customers purchasing natural gas directly from its interstate transmission system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The facilities proposed by Applicant and the manner in which they will be used are stated to be:

(1) Approximately 200 pipeline taps for individual domestic and commercial customers or for new town border connections or rural extensions to serve distribution customer consumers, to whom gas will be sold directly by Applicant from pipeline taps in existing market areas in which Applicant shall have obtained all requisite local and state authorization.

(2) Approximately 220 pipeline taps, and under proper conditions service lines or market laterals, for direct sale of natural gas to consumers who will use the gas solely for one or more of the following purposes: Road building, irrigation, agriculture, oil and gas field production and processing, general use in schools and hospitals located in areas outside of local distributors' franchise area, small manufacturing and service companies, mining and ore processing, forest products and lumbering, Government and National Defense installations.

(3) Miscellaneous rearrangements of Applicant's pipeline facilities not resulting in any change of service rendered by means of the facilities involved, e.g., changes in existing sales or transportation facilities, when required by street or highway construction, drainage canal and dam construction or other similar reasons. Applicant estimates that there will be a maximum of 25 such rearrangements during the calendar year 1966.

Applicant requests waiver of the provisions of § 157.7(c) (1) (ii) insofar as required for the grant of the authorization here sought in order that all the classifications of consumers listed above, and normally served under the historical circumstances which may be unique to Applicant's regional distribution system, can be promptly served upon the completion of plant facilities.

The application states that the proposed facilities will not result in deliveries to any one consumer exceeding 100,000 Mcf annually, and the gas so delivered will not be used by any consumer for boiler fuel purposes.

The facilities proposed to be built to render such service include transmission market laterals, main line measuring and regulating equipment, and other necessary facilities, at a total cost during the year 1966 of not to exceed $300,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 1, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12279; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66-133]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 27, 1965, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr., 68901, filed in Docket No. CP66-133 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period following January 1, 1966, and the operation of gas-sales or transportation facilities, as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to be used for the transportation and sale of natural gas previously authorized under existing certificates to be made to existing distributors at rates on file with the Commission and for direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor. Miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved when required by highway construction, dam construction, or other similar reasons are also contemplated by the proposal.

Deliveries to any one distributor or consumer would not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes.

The total estimated cost of facilities proposed in this application would not exceed $300,000, which would be met from current working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12280; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66-134]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 27, 1965, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr., 68901, filed in Docket No. CP66-134 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period occurring on and after January 1, 1966, and the operation of gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate any routine pipeline, measuring and compressor facilities which are subject to the Commission's jurisdiction in the various natural gas supply areas adjacent to Applicant's gathering and transmission facilities in order to connect to Applicant's system such additional supplies of gas as may become available.

Applicant requests authority to expend up to a total of $1,600,000, provided that no more than $400,000 shall be expended for any one installation, which will be paid for out of current working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12281; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66-130]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 26, 1965, Mississippi River Transmission Corp. (Applicant), 1155 15th Street NW., Washington, D.C., 20005, filed in Docket No. CP66-130 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, acquisition from Storage Corp. and operation of certain natural gas facilities and the development, testing and operation of an underground natural gas storage field, all as more fully set forth in the application on file with the Commission and open to public inspection.

Storage Corp. is a wholly owned subsidiary company of Applicant. The application states that Storage Corp.'s activities have been limited to testing for the purpose of determining the suitability of the St. Jacob Field area of Madison and St. Clair Counties, Ill., for storage and for the development of the storage facility including the injection of cushion gas. Applicant seeks to assume direct control of and to further develop the field by means of the following specific program.

Applicant would acquire the assets of Storage Corp., consisting almost entirely of its interests in or related to the St. Jacobs Field, through liquidation of Storage Corp. In exchange for the assets of Storage Corp., Applicant proposes to cancel the indebtedness of Storage Corp. to Applicant and to completely cancel all of its stock.

Applicant would acquire through this proposed liquidation approximately 290 leases from landowners in the St. Jacob Field area covering approximately 12,000 surface acres (together with all gas in storage) and 14 gas injection, withdrawal and observation wells (together with the equipment and facilities installed therein and well logs, core analyses and other geological data, records and information relating thereto). Also included would be one well now being drilled and the contract or contracts for its drilling, if not fully executed at the date of transfer and liquidation.

Applicant proposes to record on its books as the acquisition costs the costs of the assets as recorded on the books of Storage Corp. on the date of the transfer. The amount of these costs on June 30, 1965, was $2,938,179, and the additional costs estimated as having been added to the cost of the facilities between June 30, 1965, and September 30, 1965, are $370,000.

Applicant further proposes that the Commission authorize the continued use and operation of its St. Jacob Field pipelines, two temporary compressors, metering equipment and other equipment and appurtenances which have been constructed pursuant to the certificate originally issued to Applicant on July 21, 1961, in Docket No. CP61-274, which certificate has subsequently been amended. Applicant states that this action by the Commission would thus incorporate in a single certificate all of Applicant's authority in respect to the St. Jacob Field and that the proceedings in Docket No. CP61-274 could thus be terminated.

Applicant also seeks authority to construct additional facilities and to continue development of the field as a gas storage facility. The additional facilities include the following:

(1) Seven wells to be used for injection and withdrawal of gas and for observation. (One such well was being drilled by Storage Corp. on October 15, 1965, and others might be commenced by it prior to its liquidation. In the event any wells commenced by Storage Corp. are not completed prior to its liquidation, they are proposed to be completed by Applicant.)

(2) Approximately 19,000 feet of 8⅝-inch O.D. and 7,800 feet of 4½-inch O.D. pipelines within the storage area.

(3) Compression amounting to 1,100 horsepower, which would be in addition to two smaller units now being used on a temporary basis.

(4) Liquid separators, dehydration facilities, regulators, meters and other appurtenant and miscellaneous field facilities.

The total cost of the additional facilities and other developmental work contemplated by the application is estimated by Applicant to be $2,500,800, which is to be financed from available funds.

Applicant proposes to operate the field and facilities, including those acquired from Storage Corp. and those heretofore or hereafter constructed by Applicant, as an underground gas storage facility. There is no present proposal to initiate any new sales or service and the gas from the field would be offered to Applicant's customers under its tariff and contracts, when available and as needed by the customers during the winter season.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12282; Filed, Nov. 16, 1965; 8:45 a.m.]

[Docket No. CP66-135]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 29, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66-135 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional Daily Contract Quantity of 200 Mcf of natural gas to United Cities Gas Co. (United Cities), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that United Cities has requested it to provide the additional gas commencing on or about December 15, 1965, to meet larger than anticipated increases in firm service demands for the 1965-1966 winter season. United Cities' presently effective Daily Contract Quantity is 2,800 Mcf under Applicant's Rate Schedule G-1, which quantity will be increased by 200 Mcf pursuant to the certificate of public convenience and necessity issued to Applicant in Docket No. CP65-169 on August 13, 1965.

Applicant further states that no additional facilities will be required to provide the additional volumes. The service is proposed to be rendered from Applicant's unallocated capacity.

Protests or petition to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 5-12283; Filed, Nov. 16, 1965; 8:46 a.m.]

[Project No. 2062]

PUBLIC UTILITY DISTRICT NO. 1, OKANOGAN COUNTY, WASH.

Order Postponing Hearing

NOVEMBER 8, 1965.

On November 1, 1965, the Public Utility District No. 1 of Okanogan County, Wash., filed motion for an indefinite continuance of the hearing fixed for November 16, 1965, in the proceeding on rehearing of the order of June 25, 1956, issuing a license for the PUD's constructed Oroville hydroelectric development, Project No. 2062, on the Similkameen River. Since the Commission issued the license order, the project has ceased to operate, and the PUD does not presently plan to return it to service. The PUD states in its motion for a continuance that it needs additional time to investigate the possibility of obtaining a permit from the Department of the Interior to maintain the dam and reservoir for nonpower purposes. We believe that it is appropriate, in the circumstances, to postpone the hearing until further order of the Commission.

The Commission finds: It is appropriate and in the public interest that the hearing fixed for November 16, 1965, in the application by the Public Utility District No. 1 of Okanogan County, Wash., for a license for its constructed Oroville hydroelectric development be postponed as hereinafter provided.

The Commission orders: The hearing fixed for November 16, 1965, in the proceeding upon an application by Public Utility District No. 1 of Okanogan County, Wash., for a license for its constructed Oroville hydroelectric development is hereby postponed until further order of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12284; Filed, Nov. 16, 1965; 8:46 a.m.]

[Docket No. CP66-132]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 8, 1965.

Take notice that on October 27, 1965, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La., 71102, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain interconnecting facilities between United's and Southern's existing pipelines in Tangipahoa Parish, La., the use of an existing point of interconnection near Kosciusko, Attala County, Miss., and the exchange of natural gas between the parties, as more fully set forth in the application which is on file with the Commission and open to public inspection.

United and Southern propose to install and operate metering and interconnecting facilities at the point of interconnection in Tangipahoa Parish; to use the existing point of interconnection near Kosciusko in order to allow Southern to deliver gas to United through the connection in Tangipahoa Parish; and to permit United to make redelivery to Southern of equivalent quantities of gas through the connection near Kosciusko.

Southern has agreed to deliver such daily volumes as United may require from time to time, with simultaneous redeliveries being made by United. The parties have entered into a precedent agreement dated August 25, 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 29, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12285; Filed, Nov. 16, 1965; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS IN A CERTAIN CATEGORY PRODUCED OR MANUFACTURED IN BRAZIL

Restraint Levels

NOVEMBER 10, 1965.

On October 19, 1965, after consultations with the Government of Brazil, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to nonparticipants, informed the Government of Brazil that it is establishing for the 12-month period beginning July 27, 1965, and extending through July 26, 1966, a restraint of 5 million square yards on imports to the United States of cotton textiles in Category 19, produced or manufactured in Brazil. This restraint applies to Category 19 products exported to the United States from Brazil on or after July 27, 1965. Further, as an exceptional measure on the basis of unusual circumstances and for this year only, the United States has agreed to permit importation of an additional 7.5 million square yards of products in Category 19, produced or manufactured in Brazil, and exported to the United States on or after July 27, 1965, and through December 31, 1965, which will not be counted against the above level of restraint set for the 12-month period ending July 26, 1966.

There is published below a letter of November 9, 1965, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Category 19, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States, for the 12-month period beginning July 27, 1965, and extending through July 26, 1966, be limited to designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington, D.C.,
NOVEMBER 9, 1965.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6 relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective as soon as possible, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textile products in Category 19, produced or manufactured in Brazil in excess of a level of restraint of 12,500,000 square yards[1] for the 12-month period beginning July 27, 1965 and extending through July 26, 1966. Of this amount, no more than 5 million square yards of such goods exported to the United States from Brazil after December 31, 1965, shall be permitted entry.

In carrying out this directive, you shall allow entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 19, produced or manufactured in Brazil, when such goods have been exported to the United States from Brazil prior to July 27, 1965, regardless of whether the restraint levels have been filled, and such goods, exported to the United States from Brazil prior to July 27, 1965, are not to be counted against the restraint levels even if not filled at the time of entry.

A detailed description of Category 19 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 65-12331; Filed, Nov. 16, 1965; 8:49 a.m.]

OFFICE OF EMERGENCY PLANNING

LOUISIANA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Louisiana, dated September 15, 1965, is hereby amended to include the following parishes among those determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 10, 1965:

Concordia.
Evangeline.
Tensas.

[1] This level has been adjusted to 11,018,308 square yards to reflect entries made from July 27, 1965, through Sept. 30, 1965. Adjustments have not been made to reflect entries made on or after Oct. 1, 1965.

Dated: November 9, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-12333; Filed, Nov. 16, 1965; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1853]

B. F. GOODRICH INTERNATIONAL FINANCE CO.

Notice of Filing of Application for Order Exempting Company

NOVEMBER 10, 1965.

Notice is hereby given that B. F. Goodrich International Finance Co. ("applicant"), 277 Park Avenue, New York, N.Y., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by the B. F. Goodrich Co. ("Goodrich") under the laws of the State of Delaware in October 1965. All of the authorized stock of applicant, consisting of 10,000 shares of common stock, par value $100 per share, will be purchased for $1,000,000, and held by Goodrich. Goodrich will also acquire any additional securities, other than debt securities, which applicant may issue in the future and will not dispose of any of the securities of applicant held by Goodrich except to the applicant or to a wholly owned subsidiary of Goodrich.

Goodrich, a New York corporation, together with its subsidiaries and affiliates, is engaged in the manufacture and sale of tires and tubes. In addition, it produces many other products including chemicals, synthetic rubbers, industrial rubber products, products for the aviation and space industries, footwear, sponge rubber, other rubber products and textiles.

Applicant has been organized in order to finance the expansion and development of Goodrich's foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of $15,000,000 principal amount of Guaranteed Notes Due 1982 ("Notes"). Goodrich will irrevocably and unconditionally guarantee the principal, premium, interest and mandatory prepayments on the Notes. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Goodrich in the same manner as the Notes.

It is intended that the assets of applicant will be invested in or loaned to foreign subsidiaries and affiliates of Goodrich and temporarily invested in obligations of foreign governments or foreign financial institutions; and that at least 70 percent of such assets will be invested in or loaned to foreign companies, which are, or will be immediately upon completion of such investment, majority-owned subsidiaries of Goodrich as defined in section 2(a) (23) of the Act, and which in a substantial number of instances are, or will be upon completion of such investment, wholly owned by Goodrich or by a wholly owned subsidiary of Goodrich. Up to 30 percent of the assets of the applicant may be invested in or loaned to foreign companies of which Goodrich owns, directly or indirectly, a substantial minority of the outstanding voting securities. All the companies in which assets of the applicant will be invested or to which assets of the applicant will be loaned, on other than a temporary basis, will be companies which are primarily engaged in one or both of the following lines of business:

(1) Manufacturing and selling tires or other rubber products or chemical products utilizing technical data furnished by Goodrich under technical agreements with Goodrich and bearing Goodrich trademarks or brands; or

(2) Selling products made by Goodrich in the United States or by one of Goodrich's foreign subsidiaries or associated companies and bearing Goodrich trademarks or brands.

In addition, Goodrich controls the management of all of the majority-owned, and controls or participates in the management of all of the minority-owned companies in which the applicant will have investments or to which it will make loans. Also, most of these companies maintain agreements with Goodrich under which both temporary and permanent technical personnel, often including plant managers, are supplied by Goodrich. Pending the completion of the initial investment of the assets of the applicant, and from time to time when changes in the applicant's investments are pending, the applicant may use a portion of its assets to make temporary investments in obligations of foreign governments or foreign financial institutions, payable either in United States dollars or other currencies. Such temporary investments shall not, at any time after completion of the initial investment of the assets of the applicant, equal or exceed 40 percent of the value of the applicant's total assets (exclusive of cash items). Applicant will not acquire the securities representing such loans or investments for the purpose of sale and will not trade in such securities.

Counsel has advised the applicant that United States persons will be required to report and pay an interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, Goodrich will utilize an instrumentality the acquisition of whose debt obligations by the United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

The Notes are to be sold to a small group of foreign investors. Eight Canadian institutional investors will purchase for their own accounts Notes in the aggregate principal amount of $11,250,000, the largest of these eight investments being $5,000,000 and the smallest being $250,000. Four European banks and one Canadian brokerage firm will purchase Notes in the aggregate principal amount of $3,500,000 for the accounts of a maximum of 29 clients, none of whom are citizens of or resident in the United States. The remaining Notes, in the aggregate principal amount of $250,000 will be purchased by a United States bank for one Swiss and one Mexican account, neither investment being less than $100,000. Eleven Notes will be issued in the face amount of $50,000 each, and the remainder will not be less than $100,000 each. The 11 Notes of $50,000 each may not be exchanged for notes of smaller denominations and the remainder of the Notes may not be exchanged for notes of less than $50,000 or multiples thereof. The purchasers of the Notes will agree that, unless in the opinion of counsel to the applicant such offers and sales may be made without registration under the Securities Act of 1933, they will not offer or sell any Notes (a) in the United States or its territories, (b) to any person who is a citizen of or normally resident in the United States or its territories, or (c) to any other person who intends to reoffer or resell any of such Notes in the United States or its territories or to such citizens or its residents.

Applicant asserts that it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate applicant under the Act, for the following reasons: (1) A significant purpose of applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Goodrich may obtain funds in foreign countries for its foreign operations; (2) applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by Goodrich, does not depend on the operations or investment policy of applicant, for the Noteholders may ultimately look to the business enterprise of Goodrich and its subsidiaries and affiliated companies rather than solely to that of applicant; (4) the substantial minimum size of the Notes ($50,000) each should effectively prevent investment in them by other than a relatively small number of fairly sophisticated investors.

Notice is further given that any interested person may, not later than November 29, 1965, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12298; Filed, Nov. 16, 1965; 8:47 a.m.]

[812-1792]

NORTHWEST UTILITY ASSOCIATES

Notice of Filing of Application for Exemption

NOVEMBER 10, 1965.

Notice is hereby given that Northwest Utility Associates ("Applicant"), Pier 54, Seattle, Wash., 98104, a limited partnership formed pursuant to the laws of the State of Washington, has filed an application pursuant to section 6(d) of the Investment Company Act of 1940 ("Act") and Rule 6d-1 promulgated thereunder, for an order of the Commission exempting it from the following provisions of the Act:

Section 7; section 8(b), except the requirements to file the information required by Items 3, 4 and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20(a); section 23 (c); section 24(d), insofar as such section makes inapplicable the provisions of section 3(a)(11) of the Securities Act of 1933 to any securities of a registered investment company; section 30(a); section 30(b), except that applicant shall, pursuant to section 30(b)(2), file with the Commission copies of all reports sent to partners pursuant to section 30(d), provided that the annual reports to partners shall be accompanied by a certificate of independent public accountants pursuant to section 30(e); section 30(f), to the extent that the subject persons shall not be required to file reports more than once each 6 months; and section 32(a). Applicant proposes that such exemption be granted subject to the conditions that Applicant and other persons in their transactions and relations with Applicant shall be subject to all other provisions of the Act and the rules thereunder as though Applicant were a registered investment company, and that Applicant shall continue to comply with the provisions of sections 6(d)(1) and 6(d)(2) of the Act and shall at all times maintain its classification as a closed-end company as defined in section 5(a)(2) of the Act.

Section 6(d) of the Act provides that the Commission shall exempt a closed-end investment company from any or all provisions of the Act, subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6(e) of the Act provides that if, in connection with any order exempting any investment company from any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

Applicant states that it is a closed-end non-diversified investment company organized on May 19, 1965. It has one general partner and one limited partner, each of whom has contributed $250 to qualify applicant as a limited partnership; these partnership interests are the only outstanding securities of applicant. Applicant's general partner may admit residents of the State of Washington as additional limited partners to the partnership and accept additional capital contributions from existing general or limited partners, not in excess of the $100,000.00 limitation provided in section 6(d) of the Act.

Notice is further given that any interested person may, not later than November 26, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-12299; Filed, Nov. 16, 1965; 8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

NOVEMBER 10, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period November 11, 1965, through November 20, 1965, both dates inclusive.

By the Commission.

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

[F.R. Doc. 65-12300; Filed, Nov. 16, 1965; 8:47 a.m.]

[01-49]

SKAGIT VALLEY TELEPHONE CO.

Order Postponing Hearing

NOVEMBER 10, 1965.

Skagit Valley Telephone Co., Mount Vernon, Wash., has applied to the Securities and Exchange Commission for exemption from section 12(g) of the Securities Exchange Act of 1934. Its counsel has now requested that the hearing in the proceedings upon said application, now scheduled for November 15, 1965, be postponed 30 days, and the Division of Corporation Finance having no objection thereto,

It is ordered, That the hearing is hereby postponed to December 13, 1965, at the same hour and place.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-12301; Filed, Nov. 16, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 373]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 12, 1965.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Deviation No. 11) RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Post Office Box 10837, Dallas, Tex., filed November 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction U.S. Highway 80 and Interstate Highway 20 at or near Mesquite, Tex., and Shreveport, La., over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Mesquite, Tex. (the junction U.S. Highway 80 and Interstate Highway 20 at or near Mesquite), over U.S. Highway 80 to Greenwood, La., and thence over U.S. Highway 79 to Shreveport, La., and return over the same route.

No. MC 2510 (Deviation No. 1), ZIFFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., 46221, filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis over Interstate Highway 65 to Louisville, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over Indiana Highway 135 to junction Indiana Highway 144, thence over Indiana Highway 144 to Franklin, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., and thence over U.S. Highway 31W and/or U.S. Highway 31E to Louisville, and return over the same route.

No. MC 2510 (Deviation No. 2), ZIFFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., 46221, filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over Indiana Highway 135 to junction Indiana Highway 144, thence over Indiana Highway 144 to Franklin, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31W and/or U.S. Highway 31E to Louisville, (2) from Versailles, Ind., over U.S. Highway 50 to junction U.S. Highway 31, (3) thence over U.S. Highway 52 via Indianapolis, Ind., and Harrison, Ohio, to Cincinnati (also from Indianapolis over U.S. Highway 421 (formerly Indiana Highway 29) to junction U.S. Highway 50, thence over U.S. Highway 50 to Cincinnati) * * *, and (4) from Louisville over U.S. Highway 42 to Cincinnati, and return over the same routes.

No. MC 2510 (Deviation No. 3), ZIFFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., 46221, filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 41 at Vincennes, Ind., and thence over U.S. Highway 41 to Terre Haute, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over U.S. Highway 40 to Marshall, Ill., (2) from Indianapolis over Indiana Highway 135 to junction Indiana Highway 144, thence over Indiana Highway 144 to Franklin, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., and thence over U.S. Highway 31W and/or over U.S. Highway 31E to Louisville, and (3) from Plymouth, Ind., over U.S. Highway 31 to junction Indiana Highway 9, and return over the same routes.

No. MC 2510 (Deviation No. 4), ZIFFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Between Indianapolis and Richmond, Ind., over Interstate Highway 70, and (2) between Indianapolis and Fort Wayne, Ind., over Interstate Highway 69, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over U.S. Highway 52 to junction Indiana Highway 44, thence over Indiana Highway 44 to junction U.S. Highway 27, thence over U.S. Highway 27 to Cincinnati (also from Indianapolis over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Eaton, Ohio, thence over Ohio Highway 122 to Middletown, Ohio, thence over Ohio Highway 4 to Cincinnati) (also from Middletown over Ohio Highway 4 to junction U.S. Highway 127, thence over U.S. Highway 127 to Cincinnati), and return over the same route, and (2) from Indianapolis over U.S. Highway 36 to junction Indiana Highway 9, near Pendleton, Ind., thence north over Indiana Highway 9 to junction U.S. Highway 24, at Huntington, Ind., thence over U.S. Highway 24 to Fort Wayne, and return over the same route.

No. MC 2510 (Deviation No. 5), ZIFFRIN TRUCK LINES INC., 1120 South Division Street, Indianapolis, Ind., filed November 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Between Indianapolis, Ind., and Cincinnati, Ohio, over Interstate Highway 74; (2) from Chicago over Interstate Highway 90 to junction Interstate Highway 65, thence over Interstate Highway 65 to Indianapolis and return over the same route; (3) from Milwaukee over Interstate Highway 94 to junction Interstate Highway 294, thence over Interstate Highway 294 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 41, and return over the same route; (4) between Chicago, Ill., and Milwaukee, Wis., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Indianapolis over U.S. Highway 52 to junction Indiana Highway 44, thence over Indiana Highway 44 to junction U.S. Highway 27, thence over U.S. Highway 27 to Cincinnati (also from Indianapolis over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Eaton, Ohio, thence over Ohio Highway 122 to Middletown, Ohio, thence over Ohio Highway 4 to Cincinnati) (also from Middletown over Ohio Highway 4 to junction U.S. Highway 127, thence over U.S. Highway 127 to Cincinnati), (2) (a) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 via Indianapolis, Ind., and Harrison, Ohio, to Cincinnati, (b) from Chicago over U.S. Highway 41 to junction U.S. Highway 231 (Indiana Highway 8), thence over U.S. Highway 231 via Hebron, Kersey, Rensselaer, Remington, and Wolcott, Ind. (formerly Indiana Highway 53), to junction U.S. Highway 52 at Montmorenci, Ind., thence over U.S. Highway 52 to Lafayette, Ind., thence over U.S. Highway 231 (formerly Indiana Highway 43) to Crawfordsville, Ind., thence over U.S. Highway 136 (Indiana Highway 34) to Indianapolis, (3) (a) from Chicago over U.S. Highway 41 to Milwaukee, Wis., (b) from Chicago over U.S. Highway 41 to junction U.S. Highway 52, and (4) from Chicago over U.S. Highway 41 to Milwaukee, Wis., and return over the same routes.

No. MC 3005 (Deviation No. 1), CHICAGO, KANSAS CITY FREIGHT LINE, INC., 1048 North Monroe, Kansas City 20, Mo., filed November 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to its junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to its junction Interstate Highway 70 (west of St. Louis, Mo.), and thence over Interstate Highway 70 to Kansas City, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Cameron, Mo., and thence over U.S. Highway 69 to Kansas City, Mo. (also from Cameron, Mo., over U.S. Highway 36 to St. Joseph, Mo., and thence over U.S. Highway 71 to Kansas City), and (2) from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 40 and thence over U.S. Highway 40 to Kansas City, Mo., and return over the same routes.

No. MC 3560 (Deviation No. 6), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223, filed November 4, 1965. Applicant's representative: Ken Wolford, 1205 South Platte River Drive, Denver, Colo., 80223. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Lorain, Ohio, thence over

Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 384 to Niagara Falls, and return over the same routes.

No. MC 4963 (Deviation No. 11), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Springcity, Pa., 19475, filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Springfield, Mass., over Interstate Highway 90 to Cleveland, Ohio, and (2) from Springfield, Mass., over Interstate Highway 90 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 80, and thence over Interstate Highway 80 to junction U.S. Highway 422, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to New York, N.Y., (2) from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over U.S. Highway 20 to West Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, Conn., and thence over U.S. Highway 1 to New York, N.Y., (3) from York, Pa., over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 322 to junction U.S. Highway 422, thence over U.S. Highway 422 to Reading, Pa., thence over U.S. Highway 222 to Allentown, Pa., thence over unnumbered highway (formerly U.S. Highway 22) via Butztown, Dryland, and Wilson, Pa., to junction U.S. Highway 22, and thence over U.S. Highway 22 to Newark, (4) from Hanover, Pa., over Pennsylvania Highway 116 to junction U.S. Highway 30 (5 miles west of York), thence over U.S. Highway 30 to York, thence over U.S. Highway 111 to Harrisburg, Pa., thence over U.S. Highway 11 to Carlisle Toll Gate, thence over Pennsylvania Turnpike to Irwin Toll Gate, thence over U.S. Highway 30 to Pittsburgh, and (5) from Pittsburgh, Pa., over U.S. Highway 30 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, and thence over U.S. Highway 422 to Cleveland, Ohio, and return over the same routes.

No. MC 10343 (Deviation No. 4), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 1, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to its junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and returned over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Joseph, Mo., over U.S. Highway 36 to its junction U.S. Highway 61, thence over U.S. Highway 61 to its junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 10343 (Deviation No. 5), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highways 36 and 61 over U.S. Highway 36 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction U.S. Highway 36 and U.S. Highway 61 over U.S. Highway 36 to junction FA route 80 spur (Fall Creek to Hannibal Road), thence over FA route 80 spur to junction of Illinois Highway 57, thence over Illinois Highway 57 to junction of Illinois Highway 96, thence over Illinois Highway 96 to junction U.S. Highway 136 (formerly Illinois Highway 10) thence over U.S. Highway 136 to the junction Illinois Highway 94, thence over Illinois Highway 94 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., and return over the same route.

No. MC 10343 (Deviation No. 6), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Rock Island, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Rock Island, Ill., and return over the same route.

No. MC 10472 (Deviation No. 2), BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Avenue, Kansas City, Mo., filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 40 to East St. Louis, Ill., and return over the same route.

No. MC 29840 (Deviation No. 2), TRI STATE MOTOR EXPRESS, INC., 2510 North 11th Street, Omaha, Nebr., filed November 1, 1965. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of U.S. Highways 275 and 73 in Omaha, Nebr., over U.S. Highway 73 to Blair, Nebr., thence over U.S. Highway 30 to junction U.S. Highway 75 at Missouri Valley, Iowa, thence over U.S. Highway 75 to Sioux City, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Wakefield, Nebr., over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Sioux City, Iowa; (2) from Wakefield, Nebr., over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to Westpoint, Nebr., thence over U.S. Highway 275 to Omaha, Nebr.; and (3) from Wakefield, Nebr., over Nebraska Highway 35 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes.

No. MC 4321 (Deviation No. 11), DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill., filed November 5, 1965. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions over a deviation route as follows: From Dubuque, Iowa, over U.S. Highway 52 to junction Minnesota Highway 55, approximately 9 miles west of Hastings, Minn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From La Crescent, Minn., over U.S. Highway 61 to Dubuque, Iowa; (2) from Minneapolis, Minn., over city streets to St. Paul, Minn., thence over U.S. Highway 61 to La Crosse, Wis.; (3) from Minneapolis, Minn., over Minnesota Highway 55 to Hastings, Minn.; and (4) from St. Paul, Minn., over U.S. Highway 52 to junction Minnesota Highway 55, thence as specified above to Hastings, Minn., and return over the same routes.

No. MC 62360 (Deviation No. 1), LINCOLN MOTOR FREIGHT, INC., 1821 K Street, Post Office Box 693, Lincoln, Nebr., filed November 1, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to Lincoln, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Omaha over U.S. Highway 6 via Lincoln and Milford, Nebr., to junction unnumbered highway, 3 miles west of Milford, thence over unnumbered highway via Beaver Crossing, Nebr., to junction U.S. Highway 34, and thence over U.S. Highway 34 to Utica, and (2) from Omaha over the above-specified route to Lincoln, and thence over Nebraska Highway 2 to Utica, and return over the same routes.

No. MC 72140 (Deviation No. 2) SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind., filed November 1, 1965. Carrier's representative: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over the superhighways designated as Interstate Highway 70 to Indianapolis, Ind., (using U.S. Highway 40 to the extent which may be necessary because of the incompletion of Interstate Highway 70 until such time as that highway is completed), and thence over Interstate Highway 69 to Fort Wayne, Ind. (using Indiana Highway 37 from Indianapolis, Ind., to its junction with U.S. Highway 24 and thence over U.S. Highway 24 to Fort Wayne to the extent which may be necessary because of the incompletion of Interstate Highway 69, until such time as that highway is completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Wayne, Ind., over U.S. Highway 24 to Gilman, Ill., thence over U.S. Highway 45 to Onarga, thence over U.S. Highway 54 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction City U.S. Highway 66, and thence over City U.S. Highway 66 to St. Louis, Mo., and return over the same route.

No. MC 72140 (Deviation No. 3), SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind., filed November 2, 1965. Applicant's representative: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follow: (a) From St. Louis, Mo., over the superhighways designated as Interstate Highway 70 to Columbus, Ohio (using U.S. Highway 40 to the extent which may be necessary because of the incompletion of Interstate Highway 70 until such time as that highway is completed), thence via Interstate Highway 71 to its junction Interstate Highway 80S, thence over Interstate Highway 80S to Akron, Ohio; and (b) from St. Louis, Mo., over the superhighways designated as Interstate Highway 70 to Columbus, Ohio (using U.S. Highway 40 to the extent which may be necessary because of the incompletion of Interstate Highway 70 until such time as that highway is completed), and thence via Interstate Highway 71 to Cleveland, Ohio (using Ohio Highway 18 and U.S. Highway 42 to the extent which may be necessary because of the incompletion of Interstate Highway 71 until such time as that highway is completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: (1) From St. Louis, Mo., over City U.S. Highway 66 to its junction U.S. Highway 66; thence over U.S. Highway 66 to its junction Illinois Highway 48; thence over Illinois Highway 48 to junction U.S. Highway 54; thence over U.S. Highway 54 to Onarga, Ill., thence over U.S. Highway 45 to Gilman, Ill., thence over U.S. Highway 24 to Defiance, Ohio; and thence over U.S. Highway 6 to Fremont, Ohio; thence via U.S. Highway 20 to Norwalk, Ohio, and thence via Ohio Highway 18 to Akron, Ohio; and (2) from St. Louis, Mo., to Fremont, Ohio, over the routes set forth above, thence over U.S. Highway 6 to Cleveland, Ohio, and return over the same routes.

No. MC 109633 (Deviation No. 5), ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill., 60627, filed November 5, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to Columbus, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 40 to Columbus, Ohio, via Richmond, Ind. (also from Richmond, Ind., over U.S. Highway 35 to Dayton, Ohio, thence over Highway 4 to Springfield), and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 274) (Cancels Deviation No. 225), GREYHOUND LINES, INC. (Western Greyhound Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed November 1, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 101 (North Buellton Junction), over U.S. Highway 101 to junction unnumbered highway (South Buellton Junction); (2) from junction unnumbered highway and U.S. Highway 101 (Elwood Station), over U.S. Highway 101 to junction unnumbered highway (West Santa Barbara Junction); (3) from junction unnumbered highway and U.S. Highway 101 (North Santa Maria Junction), over U.S. Highway 101 to junction unnumbered highway (South Santa Maria Junction); and (4) from junction unnumbered highway and U.S. Highway 101 (North Ventura Junction), over U.S. Highway 101 to junction unnumbered highway (South Ventura Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Luis Obispo, Calif., over U.S. Highway 101 to junction California Highway 135 (North Santa Maria Junction), thence over California Highway 135 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 101 (South Santa Maria Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Buellton Junction), thence over unnumbered highway to junction U.S. Highway 101 (South Buellton Junction), thence over U.S. Highway 101 to junction unnumbered highway (Elwood Station), thence over unnumbered highway to junction U.S. Highway 101 (West Santa Barbara Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Ventura Junction), thence over unnumbered highway via Ventura to junction U.S. Highway 101 (South Ventura Junction), thence over U.S. Highway 101 to Los Angeles, Calif., and return over the same routes.

By the Commission.

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

[F.R. Doc. 65-12323; Filed, Nov. 16, 1965; 8:49 a.m.]

[Notice 843]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 12, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 110988 (Sub-No. 161), filed November 8, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and greases*, in bulk, from points in Wisconsin, to Green Bay, Wis.

HEARING: November 29, 1965, at the Loraine Hotel, 119 West Washington Street, Madison, Wis., before Joint Board No. 96.

No. MC 15877 (Sub-No. 1) (Republication), filed June 8, 1965, published FEDERAL REGISTER issue of July 9, 1965, and republished, this issue. Applicant: RELIABLE LEASING, INC., 536 West 41st Street, New York, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. By application, filed June 8, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wearing apparel (1) from the plantsite of Sheridan Creations, Inc., Inwood, N.Y., to points in the New York, N.Y., commercial zone, and returned shipments on return, restricted to traffic having a subsequent movement beyond, in interstate or foreign commerce, and (2) from points in the New York, N.Y., commercial zone to the plantsite of Sheridan Creations, Inc., Inwood, N.Y., restricted to traffic having a prior movement beyond, in interstate or foreign commerce. An order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 5, 1965, finds that the future and public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wearing apparel*, from the plantsite of Sheridan Creations, Inc., at or near Inwood, N.Y., to points in that portion of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 19227 (Sub-No. 93) (Republication), filed April 27, 1965, published FEDERAL REGISTER, issue of May 19, 1965, and republished as clarified, this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles and missile parts, and missile supplies and equipment* (except such as requires the use of special equipment), (1) between points in Florida, and (2) between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Louisiana, Mississippi, South Carolina, Tennessee, and Texas. Hearing was held on a consolidated record on November 1, 2, and 3, 1965, at Washington, D.C., with No. MC-19227 (Sub-No. 94), which seeks authority to transport *missile parts*, between Miami, Fla., and points within 25 miles of Miami, on the one hand, and, on the other, points in the States named in Sub-No. 93 above except Florida and Texas, and in addition, points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Applicant proposes to tack or join the separate operating authorities sought above, and to tack or join such authorities with its present authority in Sub-No. 54 wherein it is authorized to transport *missile parts, and supplies, materials, parts and components* used in the maintenance, servicing, repair and operation of missiles, between points in Florida, on the one hand, and, on the other, points in California, and from Burbank and Chula Vista, Calif., to Marietta, Ga. The purpose of this republication is to give notice of such proposed tacking or joinder.

No. MC 19227 (Sub-No. 94) (Republication), filed April 27, 1965, published FEDERAL REGISTER issue of May 19, 1965, and republished as clarified, this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile parts*, between Miami, Fla., and points within 25 miles of Miami, on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Hearing was held on a consolidated record on November 1, 2, and 3, 1965, at Washington, D.C., with No. MC-19227 (Sub-No. 93), which seeks authority to transport *missiles and missile parts*, and *missile supplies and equipment* (except such as require the use of special equipment), (1) between points in Florida, and (2) between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Louisiana, Mississippi, South Carolina, Tennessee, and Texas. Applicant proposes to tack or join the separate operating authorities sought above, and to tack or join the separate operating authorities above with its present authority in Sub-No. 54, to transport *missile parts, and supplies, materials, parts and components* used in the maintenance, servicing, repair, and operation of missiles, between points in Florida, on the one hand, and, on the other, points in California, and from Burbank and Chula Vista, Calif., to Marietta, Ga. The purpose of this republication is to give notice of such proposed tacking or joinder.

No. MC 80018 (Sub-No. 11) (Republication), filed July 6, 1965, published FEDERAL REGISTER issue of July 29, 1965, and republished, this issue. Applicant: EDMAC TRUCKING COMPANY, INC., 620 Dunn Road, Fayetteville, N.C. Applicant's representative: A. W. Flynn, Jr., 201-205 Jefferson Building, Greensboro, N.C. By application filed July 6, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of basket and hamper bottoms and cleats, wooden, in bundles, cut to dimensions for assembly of boxes, and hampers and crates used for packing fruits, vegetables and poultry, from Fayetteville, N.C., to Hebron, Md., Bridgeton, Califon, Millville, and Vineland, N.J., and Portsmouth and Suffolk, Va. An order of the Commission, Operating Rights Board No. 1, dated October 28, 1965, and served November 2, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *wooden containers*, and *parts* thereof, from Fayetteville, N.C., to Hebron, Md., Bridgeton, Califon, Millville, and Vineland, N.J., and Portsmouth and Suffolk, Va., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

Nos. MC 111729 (Sub-No. 79), MC 111729 (Sub-No. 95), and MC 111729 (Sub-No. 102) (Republications), filed May 14, June 17, and June 25, 1965, respectively, published FEDERAL REGISTER, issues of June 3, July 9, and July 21, 1965, respectively, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. By applications filed May 14 (as amended), June 17, and June 25, 1965, respectively, applicant seeks certificates of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and from, to, or between the points substantially as indicated in the findings of this order, and subject to the restriction that no service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. An Order of the Commission, Operating Rights Board No. 1, dated October 28, 1965, and served November 3, 1965, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *business papers and records*, and *audit and accounting media* (except cash letters) (a) between Sandusky, Ohio, on the one hand, and, on the other, Lexington, Ky., and Fort Wayne, Ind., and (b) between Cleveland, Ohio, on the one hand, and, on the other, Johnstown, Pa., and Flint, Kalamazoo, and Lansing, Mich., and (c) between Clarksburg, W. Va., on the one hand, and, on the other, Lexington, Ky., and Fort Ohio; (2) *exposed film and prints* (except motion picture film used primarily for commercial theatre and television exhibition), from Anderson, Indianapolis, Lawrenceburg, Muncie, Richmond, and Shelbyville, Ind., and Carrollton, Corbin, Covington, Cynthiana, Georgetown, Harrodsburg, Lexington, London, Louisville, Mount Sterling, Newport, Richmond, Shelbyville, Somerset, South Fort Mitchell, and Williamsburg, Ky., to Cincinnati, Ohio.

(3) *Processed film and prints, complimentary replacement film, labels, envelopes, packaging materials and advertising literature moving therewith* (except motion picture film used primarily for commercial theatre and television exhibition), from Cincinnati, Ohio, to the points listed as origin points in (2) above; (4) *whole human blood* and *blood derivatives*, (a) between Louisville, Ky., on the one hand, and, on the other, Cincinnati, Ohio, and points in Daviess, Decatur, Dubois, Gibson, Johnson, Knox, Marion Morgan, and Shelby Counties, Ind., (b) between Columbus, Ohio, on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., and Louisville, Ky.; (c) between Huntington, W. Va., on the one hand, and, on the other, Ashland, Covington, Flemingsburg, Fort Thomas, Frenchburg, Lexington, Louisa, Louisville, Martin, Maysville, McDowell, Moorehead, Mount Sterling, Paintsville, Pikeville, Prestonburg, Russell, South Williamson, West Liberty, and Winchester, Ky., and Cincinnati, Columbus, Cleveland, Gallipolis, Georgetown, Ironton, Marietta, Oak Hill, Pomeroy, Portsmouth, Toledo, Waverly, and West Union, Ohio; (5) *commercial papers* (except cash letters) and *ophthalmic goods*, (a) between Cincinnati, Ohio, on the one hand, and, on the other, Anderson, Evansville, Kokomo, Lafayette, Marion, Muncie, Terre Haute, and Vincennes, Ind.; Danville, Louisville, Maysville, and Pikeville, Ky., and Beckley and Bluefield, W. Va.; and (b) between Cleveland, Ohio, on the one hand, and, on the other, points in Allegheny (except Pittsburgh, Pa., and points in its commercial zone) Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa., points in Adams, Allen, Blackford, Carroll, Cass, De Kalb, Delaware, Elkhart, Fulton, Grant, Howard, Huntington, Jay, Kosciusko, La Grange, La Porte, Madison, Marshall, Miami, Noble, Pulaski, Randolph, St. Joseph, Starke, Steuben, Tipton, Wabash, Wells, White, and Whitley Counties, Ind., points in Allegany, Chautauqua, Cattaraugus, Erie, Genesee, Monroe, Orleans and Wyoming Counties, N.Y., and points in Harrison, Marion, Monongalia, Pleasants, Preston, Taylor, Wetzel, and Wood Counties, W. Va.; and (6) *impressions, models and bites, articulators, dentures*, and *products* relating to restorative dentistry, between Omaha, Nebr., on the one hand, and, on the other, points in Iowa. Because it is possible that other parties, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authorities described in the findings in this order, a notice of the authorities actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publications.

No. MC 115215 (Sub-No. 5) (Republication), filed May 10, 1965, published FEDERAL REGISTER issue of June 3, 1965, and republished, this issue. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. By application filed May 10, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bottle carrying crates from Perry, Fla., to points in Arkansas, Florida, Mississippi, and Alabama, except points in Alabama, within 65 miles of Birmingham, including Birmingham. An Order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 5, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *bottle carrying crates*, from Perry, Fla., to points in Arkansas, Florida, Mississippi, and points in Alabama (except points in Bibb, Blount, Cullman, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 124774 (Sub-No. 14) (Republication), filed April 5, 1965, published FEDERAL REGISTER issue of April 21, 1965, and republished, this issue. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Station, Lincoln, Nebr. By application filed April 5, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities in the findings below, from Norfolk, Gordon, and Hastings, Nebr., and 5 miles thereof, to points in Tennessee (except Memphis and the commercial zone thereof), and "exempt" commodities on return. An order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 5, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except (1) hides and (2) commodities in bulk, in tank vehicles), from Norfolk, Nebr., and points in Madison and Adams Counties, Nebr., to points in Tennessee (except points in the commercial zone of Memphis); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127200 (Republication), filed April 23, 1965, published FEDERAL REGISTER issue of May 19, 1965, and republished, this issue. Applicant: WEST BEND IMPLEMENT COMPANY, INC., 1200 North Main Street, West Bend, Wis., 53095. Applicant's representative: Leo F. Schlaefer, Corner of Sixth and Hickory, West Bend, Wis., 53095. By application filed April 23, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of farm machinery, (1) between points in Dodge, Fond du Lac, Jefferson, Milwaukee, Ozaukee, Sheboygan, Washington, and Waukesha Counties, Wis., and (2) between Waupaca, Wis., on the one hand, and, on the other, points in Outagamie, Waupaca, Waushara, and Winnebago Counties, Wis. An order of the Commission, Operating Rights Board No. 1, dated October 29, 1965, and served November 4, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *farm machinery*, between Waupaca, Wis., on the one hand, and, on the other, points in Dodge, Fond du Lac, Jefferson, Milwaukee, Ozaukee, Sheboygan, Washington, and Waukesha Counties, Wis., under a continuing contract with New Holland Machine Co., a division of Sperry Rand Corp., of New Holland, Pa., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING PETITION

No. MC 125648 (Petition for Modification of Permit), filed November 4, 1965. Petitioner: C. WHITE & SON, INC., Wethersfield, Conn. Petitioner's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103. Petitioner states that it holds authority from this Commission in No. MC 125648 to transport petroleum and petroleum products as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except liquefied petroleum gases, in containers and in bulk), in tank vehicles, and automobile accessories, from Rocky Hill, Conn., to points in that part of Massachusetts on and west of Massachusetts Highway 12, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract or contracts with Tenneco Oil Co. By the instant petition, petitioner requests that its permit be modified so as to add the authority to perform the presently authorized service for the Phillips Petroleum Co. in addition to the Tenneco Oil Co. within the identical territory. Any person or persons desiring to oppose the relief sought by the instant petition, may within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-9250. Authority sought for purchase by CASSENS TRANSPORT COMPANY, Post Office Box 473, Edwardsville, Ill., 62025, of a portion of the operating rights of AUTOMOBILE SHIPPERS, INCORPORATED, 9760 Van Dyke Avenue, Detroit, Mich., 48213, and for acquisition by ALBERT CASSENS, 302 Banner, Edwardsville, Ill., and ARNOLD CASSENS, Post Office Box 65, Hamel, Ill., of control of such rights through the purchase. Applicants' attorneys: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., 46204, and George S. Dixon, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Operating rights sought to be transferred: *Passenger automobiles*, in initial movements, in driveaway and truckaway service, as a *common carrier*, over irregular routes, from the site of the Chrysler Corp. assembly plant in St. Louis County, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Indiana, Kentucky, Iowa, Nebraska, Wisconsin, Idaho, Montana, North Dakota, South Dakota, Kansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Virginia, California, Colorado, Wyoming, Arkansas, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9251. Authority sought for purchase by O'DONNELL'S EXPRESS, 5 Davis Street, Presque Isle, Maine, of the operating rights of BILL'S CITY TRANSFER, INC., 66 Von Hillern Street, Dorchester (Boston), Mass., and for acquisition by JOSEPH H. O'DONNELL, individually, 251 Corporation Way, Medford, Mass., MORRISON A. HAY, 5 Davis Street, Presque Isle, Maine, and JOSEPH H. O'DONNELL and NORTHERN NATIONAL BANK (coexecutors and cotrustees of the estate of GEORGE C. O'DONNELL), Presque Isle, Maine, of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, and Jeanne M. Hession, 5 Potosi Street, Boston, Mass., 02122. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98014 (Sub-No. 3), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts, New Hampshire, Vermont, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-14659 (Sub-No. 4) is a matter directly related.

No. MC-F-9252. Authority sought for purchase by COLONIAL MOTOR FREIGHT LINE, INC., Uwharrie Road, High Point, N.C., of a portion of the operating rights of BRUCE JOHNSON TRUCKING COMPANY, INC., 125 East Craighead Road, Charlotte, N.C., and for acquisition by R. L. HONBARRIER, SR., also of High Point, N.C., of control of such rights through the purchase. Applicants' attorney and representative: Harry C. Ames, Jr., and E. Stephen Heisley, both of 529 Transportation Building, Washington, D.C., 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Charlotte, N.C., and points in that part of North Carolina within 40 miles of Charlotte and south and east of a line beginning at the western boundary of said territory and extending along U.S. Highway 29 to Charlotte, thence along U.S. Highway 21 to the northern boundary of said territory, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in that part of Virginia south and west of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to Stuart, Va., thence along U.S. Highway 58 to Hillsville, Va., thence along U.S. Highway 52 to junction U.S. Highway 11, and thence along U.S. Highway 11 to Bristol, Va., including points on the indicated portions of the highways specified, between Charlotte, N.C., and points in North Carolina within 40 miles of Charlotte, on the one hand, and, on the other, Charleston, S.C., and points in that part of Virginia south of a line beginning at Cape Henry, Va., and extending along U.S. Highway 60 to Richmond, Va., thence along U.S. Highway 250 to Staunton, Va., thence along U.S. Highway 11 to junction U.S. Highway 52, thence along U.S. Highway 52 to Hillsville, Va., thence along U.S. Highway 58 to Stuart, Va., and thence along Virginia Highway 8 to the Virginia-North Carolina State line, those on U.S. Highway 11 between Bristol, Va., and junction U.S. Highway 52, and those in South Carolina west of U.S. Highway 1, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in North Carolina, Maryland, Virginia, Georgia, South Carolina, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9253. Authority sought for purchase by BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham 5, Ala., of the operating rights and certain property of GULF COAST EXPRESS, INC., Post Office Box

105, Bay St. Louis, Miss., and for acquisition by W.D. SELLERS, JR., 2 South 32d Street, Birmingham 5, Ala., of control of such rights and property through the purchase. Applicants' attorney and representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005, and Pitts Smith, Post Office Box 1522, Mobile, Ala. Operating rights sought to be transferred: *General commodities*, except household goods as defined by the Commission, and articles requiring special equipment, as a *common carrier*, over regular routes, between New Orleans, La., and Mobile, Ala., serving all intermediate points, except those in Louisiana, and serving the off-route points of Logtown, Waveland, Pine Hill, Clermont Harbor, Lake Shore, Kiln, Fenton, De Lisle, and Hansboro, Miss., points within 10 miles of Mobile, Ala., those within 10 miles of New Orleans, and Slidell, La., except traffic between New Orleans, and Slidell. Vendee is authorized to operate as a common carrier in all States in the United States (except Alaska, California, Hawaii, Idaho, Nevada, and Oregon), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9254. Authority sought for control by UNITED TRANSIT COMPANY, 101 South Davis Avenue, Post Office Box 1635, Richmond, Va., of ATWOOD'S TRANSPORT LINES, INC., 419 New Jersey Avenue NW., Washington 1, D.C., and for acquisition by AMERICAN TRANSPORTATION ENTERPRISES, INC., 14 East 75th Street, New York, N.Y., and, in turn by MARC HAAS, C. ROBERT ALLEN, TERRY ALLEN KRAMER, BRUCE J. ALLEN, and HAROLD ALLEN, as TRUSTEE for HERBERT ANTHONY ALLEN, JR., and SUSAN ALLEN ROBERTS, all of 30 Broad Street, New York, N.Y., of control of ATWOOD'S TRANSPORT LINES, INC., through the acquisition by UNITED TRANSIT COMPANY. Applicants' attorney and representative: L. C. Major, Jr., 2001 Massachusetts Avenue, Washington, D.C., 20036, and Charles E. Thomas, 208 Walnut Street, Harrisburg, Pa. Operating rights sought to be controlled: Passengers and their baggage, as a *common carrier*, over regular routes, between Washington, D.C., and the site of the U.S. Atomic Energy Commission, near Germantown, Md., serving no intermediate points; passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Washington, D.C., and Point Lookout, Md., between Jarboesville, Md., and Piney Point, Md., and all intermediate points; passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, over irregular routes, from Washington, D.C., to Alexandria, Arlington National Cemetery, and Mount Vernon, Va., and return; and passengers and their baggage, restricted to traffic originating and terminating at the same point, in special operations, on round-trip sightseeing or pleasure tours, from Washington, D.C., to Alexandria, Arlington National Cemetery, and Mount Vernon, Va., and return. UNITED TRANSIT COMPANY holds no authority with this Commission. However, it is affiliated with (A) KEYSTONE CHARTER SERVICE, INC., (B) PENN STAGES, INC., (C) DELAWARE BUS COMPANY, and (D) CINCINNATI NEWPORT AND COVINGTON TRANSPORTATION COMPANY which are authorized to operate as *common carriers* in (A) Pennsylvania, Ohio, New Jersey, New York, Maryland, Delaware, Virginia, and the District of Columbia; (B) Pennsylvania, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, and the District of Columbia; (C) Delaware, Pennsylvania, Maryland, Virginia, New York, New Jersey, and the District of Columbia; and (D) Kentucky and Ohio. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 65-12324; Filed, Nov. 16, 1965; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 12, 1965.

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

State docket number assigned MC 4286 Sub-No. 2, filed October 14, 1965. Applicant: WEST TENNESSEE MOTOR EXPRESS, INC., 1221 Faydur Court, Nashville, Tenn. Applicant's representative: James C. Havron, 513 Nashville Bank & Trust Building, Nashville, Tenn., 37201. Authority sought to extend applicant's certificate of public convenience and necessity, No. 1864 so as to authorize service to and from Camden and New Johnsonville, Tenn., on Tennessee Highway No. 1, and the off-route points of Hustburg and Plant, Tenn., so that the fourth paragraph of Certificate No. 1864 as set out in amendatory order of the Tennessee Public Service Commission dated June 15, 1964, in Docket No. MC 4610 which presently reads "Limited so as to operate with closed doors between Nashville and Bruceton, Tenn., serving Bruceton" shall read "Limited so as to operate with closed doors between Nashville and New Johnsonville, serving New Johnsonville and the off-route points of Hustburg and Plant." Certificate No. 1864, as amended, to be used in conjunction with applicant's existing authority so as to authorize service between all points presently authorized and the new points covered by this amendment.

HEARING: January 5, 1966, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State docket number assigned 17582, filed October 25, 1965. Applicant: WILSON TRUCKING CORPORATION, Post Office Box 340, Waynesboro, Va. Applicant's representative: Jno. C. Goddin, 10 South 10th Street, Richmond, Va. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Staunton and Harrisonburg, Va., via U.S. Highway 250 and Virginia Highway 42, and (2) between Timberville and Woodstock, Va., via Virginia Highway 42, serving Orkney Springs, Va., via Virginia Highway 263 as an off-route point.

HEARING: January 11, 1966, at 10 a.m., Courtroom, State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information including time for filing protests concerning this application should be addressed to the Virginia State Corporation Commission, Post Office Box 1158, Richmond, Va., 23209, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 65-12325; Filed, Nov. 16, 1965; 8:49 a.m.]

[Rev. S.O. 947; Second Rev. Pfahler's Car Distribution Direction 3]

NEW YORK CENTRAL RAILROAD CO. AND CHICAGO & NORTH WESTERN RAILWAY CO.

Freight Car Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by paragraph (a) (5)(ii) of the Interstate Commerce Commission Second Revised Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220 and 7522).

It appearing, that there exists a shortage of boxcars in sections of the country served by the Chicago & North Western Railway Co. because of inequitable distribution, and it appearing that the present carrier rules, regulations, and practices with respect to the use, supply control, movement, distribution, exchange, interchange, and return of cars to the railroads owning such cars are ineffective; this agent is of the opinion that an emergency exists requiring immediate action, and that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this direction effective upon less than 30 days' notice.

It is ordered, That:

(1) The New York Central Railroad Co. and the Chicago & North Western Railway Co. shall observe, enforce, and obey the following directions, rules, regulations, and practices with respect to freight car distribution:

(a) The New York Central Railroad Co. shall deliver to the Chicago & North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

(b) The rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

(c) Cars applied under this direction shall be carded to the Chicago & North Western Railway Co. and each car shall be identified by the New York Central Railroad Co. on its empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(2) No common carrier by railroad subject to the Interstate Commerce Act shall intercept, appropriate, or divert any empty cars moving under the provisions of this direction.

(a) The New York Central Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m., to the Chicago & North Western Railway Co.

(b) The Chicago & North Western Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, received from the New York Central Railroad Co. during the preceding week, ending each Sunday at 11:59 p.m.

(3) Application: The provisions of this direction shall apply to intrastate, interstate, and foreign commerce.

(4) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(5) Effective date: This direction shall become effective at 12:01 a.m., November 15, 1965.

(6) Expiration date: This direction shall expire at 11:59 p.m., November 30, 1965, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 10, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-12326; Filed, Nov. 16, 1965; 8:49 a.m.]

[Notice 86]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 10, 1965.

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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) 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 64994 (Sub-No. 70 TA), filed November 8, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except moving in bulk, from Milton, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: American Home Foods, 685 Third Avenue, New York, N.Y., 10017. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 106688 (Sub-No. 12 TA), filed November 8, 1965. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, W. Va., 25419. Applicant's representative: Mr. Francis J. Ortman, National Press Building, Washington, D.C., 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper slabs and cupronickel plates enclosed in metal frames* (a) from Pompton Lakes, N.J., to Barksdale, and then to The Barrens, Wis. (which is about 35 miles from Barksdale, Wis.), (b) from Pompton Lakes, N.J., to Dunbar, Pa., (2) *Copper slabs and cupronickel plates in bonded or fused form*, (a) from The Barrens, Wis., via Barksdale, Wis., to Ansonia, Conn., with authority to stop off at Coatesville, Pa., if required by shipper, (b) from The Barrens, Wis., via Barksdale, Wis., to Detroit, Mich., (c) from Dunbar, Pa., to Pompton Lakes, N.J., (d) from Pompton Lakes, N.J., to Ansonia, Conn., and Detroit, Mich., (3) *Metal clad strips for coins*, from Waterbury, Conn., and Detroit, Mich., to the U.S. Mint, Philadelphia, Pa., for 120 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, J. E. Sylvanus, assistant traffic manager. Send protests to: H. Forrest White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va., 26003.

No. MC 106707 (Sub-No. 4 TA), filed November 8, 1965. Applicant: O. T. ADAMS, doing business as MIKE ADAMS, 801 Second Street North, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral blocks and protein blocks*, from Des Moines, Iowa, to points in Wyoming and Montana, for 180 days. Supporting shipper: Nebraska Consolidated Mills Co., Omaha, Nebr. Send protest to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 425 TA), filed November 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fats*, in bulk, from Denver, Colo., to points in Arizona and California, for 150 days. Supporting shipper: National By-Products, Inc., 810 Bankers Trust Building, Des Moines, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 426 TA), filed November 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plantsite of Tuloma Gas Products Co., at or near Janesville, Wis., to points in Illinois and Iowa, for 180 days. Supporting shipper: Tuloma Gas Products Co., Post Office Box 566, Tulsa, Okla., 74102. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 427 TA), filed November 8, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar*, and *blends of corn syrup, and liquid sugar*, in bulk, in tank vehicles, from Sioux City, Iowa, to Sioux Falls and Watertown, S. Dak., and Hastings, Nebr., for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., Decatur, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 111434 (Sub-No. 63 TA), filed November 8, 1965. Applicant: DON WARD, INC., Mail: 241 West 56th Avenue, Denver, Colo. Official address: Post Office Box 1488, Durango, Colo. Applicant's representative: Peter J. Crouse, 730 Equitable Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Denver, Colo., to Gillette, Casper, and Rock Springs, Wyo.; Vernal, Utah; and Farmington, N. Mex., for 150 days. Supporting shipper: Dowell Division of the Dow Chemical Co., 1579 East 21st Street, Tulsa, Okla., 74114. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 111729 (Sub-No. 120 TA), filed November 8, 1965. Applicant: ARMORED CARRIER CORPORATION 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion and negotiable securities), and *audit and accounting media of all kinds*, between points in Cumberland County, Pa., on the one hand, and, on the other, points in Allegheny, Baltimore, Carroll, Frederick, Montgomery, and Washington Counties, Md.; Fairfax and Frederick Counties, Va.; Berkeley, Jefferson, and Mineral Counties, W. Va.; and the District of Columbia, for 180 days. Supporting shipper: The Philadelphia National Bank, Philadelphia, Pa., 19101. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

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

[F.R. Doc. 65-12256; Filed, Nov. 15, 1965; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.