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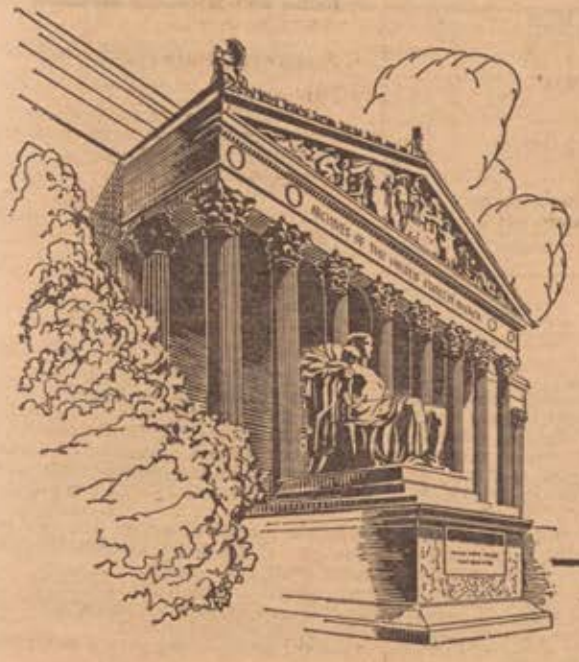

Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 3—THE PRESIDENT

Reorganization Plan No. 2 of 1965

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 13, 1965, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.[1]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION, DEPARTMENT OF COMMERCE

SECTION 1. *Transfer of functions.* All functions vested by law in the Weather Bureau, the Chief of the Weather Bureau, the Coast and Geodetic Survey, the Director of the Coast and Geodetic Survey, and any officer, employee, or organizational entity of that Bureau or Survey, and not heretofore transferred to the Secretary of Commerce, hereinafter referred to as the Secretary, are hereby transferred to the Secretary.

SEC. 2. *Abolitions.* (a) The offices of Director of the Coast and Geodetic Survey, Deputy Director of the Coast and Geodetic Survey, and Chief of the Weather Bureau are hereby abolished. The Secretary shall make such provisions as he shall deem to be necessary respecting the winding up of any outstanding affairs of the officers whose offices are abolished by the provisions of this section.

(b) The abolitions effected by the provision of subsection (a) of this section shall exclude the abolition of rights to which the present incumbents of the abolished offices would be entitled under law upon the termination of their appointments.

SEC. 3. *Environmental Science Services Administration.* (a) The Coast and Geodetic Survey and the Weather Bureau are hereby consolidated to form a new agency in the Department of Commerce which shall be known as the Environmental Science Services Administration, hereinafter referred to as the Administration.

(b) The Secretary shall from time to time establish such constituent organizational entities of the Administration, with such names, as he shall determine.

SEC. 4. *Officers of the Administration.* (a) There shall be at the head of the Administration the Administrator of the Environmental Science Services Administration, hereinafter referred to as the Administrator. The Administrator shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level V of the Federal Executive Salary Schedule (78 Stat. 419). He shall perform such functions as the Secretary may from time to time direct.

(b) (1) There shall be in the Administration a Deputy Administrator of the Environmental Science Services Administration, hereinafter referred to as the Deputy Administrator, who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Secretary may from time to time direct, and, unless he is compensated in pursuance of the provisions of paragraph (2), below, shall receive compensation in accordance with the Classification Act of 1949, as amended.

(2) The office of Deputy Administrator may be filled at the discretion of the President by appointment (by and with the advice and consent of the Senate) from the active list of commissioned

[1] Effective July 13, 1965, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

officers of the Administration in which case the appointment shall create a vacancy on the active list and while holding the office of Deputy Administrator the officer shall have rank, pay and allowances not exceeding those of a Vice Admiral.

(c) The Deputy Administrator or such other official of the Department of Commerce as the Secretary shall from time to time designate shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(d) At any one time, one principal constituent organizational entity of the Administration may, if the Secretary so elects, be headed by a commissioned officer of the Administration, who shall be designated by the Secretary. Such designation of an officer shall create a vacancy on the active list and while serving under this paragraph the officer shall have rank, pay and allowances not exceeding those of a Rear Admiral (upper half).

(e) Any commissioned officer of the Administration who has served as Deputy Administrator or has served in a rank above that of Captain as the head of a principal constituent organizational entity of the Administration, and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of Captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of Captain and such officer shall be an extra number in that grade.

SEC. 5. *Authority of the Secretary.* Nothing in this reorganization plan shall divest the Secretary of any function vested in him by law or by Reorganization Plan No. 5 of 1950 (64 Stat. 1263) or in any manner derogate from any authority of the Secretary thereunder.

SEC. 6. *Personnel, property, records and funds.* (a) The personnel (including commissioned officers) employed in the Coast and Geodetic Survey, the personnel employed in the Weather Bureau, and the property and records held or used by the Weather Bureau or the Coast and Geodetic Survey shall be deemed to be transferred to the Administration.

(b) Unexpended balances of appropriations, allocations, and other funds available or to be made available in connection with functions now administered by the Weather Bureau or by the Coast and Geodetic Survey shall be available to the Administration hereunder in connection with those functions.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the foregoing provisions of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 7. *Interim officers.* (a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this reorganization plan or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect to which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

[F.R. Doc. 65-7489; Filed, July 13, 1965; 8:50 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mexican Fruit Fly

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended (7 U.S.C. 161, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), §§ 301.64 and 301.64–1 through 301.64–9 of Part 301, Chapter III, Title 7 of the Code of Federal Regulations are hereby revised to read as follows:

QUARANTINE

Sec.

REGULATIONS

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended 30 F.R. 5801.

QUARANTINE

§ 301.64 Notice of quarantine.

(a) *Quarantined State.* Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine the State of Texas to prevent the spread of infestations of Anastrepha ludens (Loew), commonly known as Mexican fruit fly, a dangerous insect injurious to fruits and not heretofore widely prevalent or distributed within and throughout the United States, and, therefore, said State is hereby quarantined.

(b) *Regulation of movement of regulated articles*—(1) *General.* Hereafter, the articles specified as regulated articles in paragraph (c) of this section shall not be moved from the quarantined State into or through any other State, Territory, or District of the United States in any manner or method or under any conditions other than those prescribed in the regulations set forth in this subpart pursuant to the authority of the Plant Quarantine Act and the Federal Plant Pest Act.

(2) *Exceptions*—(i) *Limiting of restrictions to regulated area.* The restrictions of the regulations in this subpart, with respect to the movement of the regulated articles from the quarantined State, shall apply only to the area in the State which is designated as regulated area as provided in administrative instructions issued in accordance with the regulations in this subpart. Designation of less than the entire State as regulated area will be made if, and only if, in the judgment of the Administrator of the Agricultural Research Service, the State provides regulations for and enforces control of the movement within the State of live Mexican fruit flies and the regulated articles under substantially the same conditions as those which apply to their interstate movement under the provisions of the existing Federal Mexican fruit fly quarantine and regulations, the State provides regulations for and enforces such sanitation measures with respect to the area to be designated, or portions thereof, as are adequate to prevent the spread of Mexican fruit flies within the State, and limiting the enforcement of the regulations in this subpart to such area otherwise will be adequate to prevent the interstate spread of Mexican fruit flies.

(ii) *Relieving of restrictions by administrative instructions.* Whenever the Director of the Plant Pest Control Division finds that facts exist as to the pest risk involved in the movement of any of the regulated articles which make it safe to relieve the restrictions with respect thereto, contained in the regulations in this subpart, he shall promulgate administrative instructions relieving the restrictions in specified respects. Whenever the Director finds that such facts no longer exist, he shall revoke or modify such administrative instructions so as to reinstate the restrictions of the regulations in this subpart to the extent necessary to effectuate the purposes of this subpart.

(c) *Regulated articles.* The following are capable of carrying Mexican fruit fly infestation and therefore are regulated articles under this subpart:

(1) *Designated articles (Class "A" articles).* Mangoes; sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus Casimiroa and all other fruits commonly called sapotas or sapotes); peaches; guavas; apples; pears; plums; quinces; apricots; mameys; ciruelas; fruits of species of the genus Sargentia; avocados; and all citrus fruits except lemons and sour limes.

(2) *Articles determined to present hazards (Class "B" articles).* Any other products and articles, or means of conveyance, of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by the inspector that they present a hazard of the spread of Mexican fruit flies, and the person in possession thereof has been so notified.

REGULATIONS

§ 301.64–1 Definitions.

For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Mexican fruit fly.* The insect known as the Mexican fruit fly (Anastrepha ludens (Loew)) in any stage of development.

(b) *Infestation.* The presence of the Mexican fruit fly.

(c) *Regulated area.* The quarantined State, or the counties, and other minor civil divisions, or parts thereof, designated as the regulated area in administrative instructions authorized in § 301.64–2.

(d) *Host fruits.* Fruits susceptible to infestation by the Mexican fruit fly.

(e) *Regulated articles.* The articles designated in § 301.64(c) (1) and (2).

(f) *Inspector.* An employee of the U.S. Department of Agriculture or other person authorized to enforce the provisions of this subpart.

(g) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(h) *Interstate.* From one State, Territory, or District of the United States into or through another.

(i) *State, Territory, or District of the United States.* Any State, the District of Columbia, Guam, Puerto Rico, or the Virgin Islands of the United States.

(j) *Certificate.* A document, issued or authorized by the inspector, evidencing compliance with the requirements of this subpart.

(k) *Limited permit.* A document issued or authorized by the inspector for the movement of regulated articles to a restricted destination for limited handling, utilization or processing, or for treatment.

(l) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(m) *Director of the Plant Pest Control Division (or Director).* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of said service to whom authority to act in his stead has been or may hereafter be delegated.

(n) *Administrator of the Agricultural Research Service (or Administrator).* The Administrator of the Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of said Department to whom authority to

act in his stead has been or may hereafter be delegated.

(o) *Administrative instructions.* Published rules relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director.

§ 301.64–2 Designation of regulated area.

The Director, from time to time, in administrative instructions promulgated by him, shall designate the entire quarantined State as the regulated area or shall list the counties, or other minor civil divisions, or parts thereof, in the quarantined State in which he determines infestation of Mexican fruit fly exists or is likely to exist, or which he deems it necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, and other minor civil divisions, and parts thereof, as the regulated area. Less than the entire State will be designated as the regulated area if, and only if, in the judgment of the Administrator, limiting the enforcement of the regulations to a portion of the State will be adequate to prevent the spread of the Mexican fruit fly from the State as provided in § 301.64 (b) (2) (i). The director may revoke the designation of the entire quarantined State as the regulated area, or of any civil division, or part thereof, as part of the regulated area, by modifying the administrative instructions when he determines that adequate eradication measures have been practiced for a sufficient length of time to eradicate the Mexican fruit fly therein and that regulation of such area is not otherwise necessary under this section.

§ 301.64–3 Restrictions on the movement of regulated articles.

(a) *Applicability of restrictions.* The movement of the regulated articles is restricted from any point in the regulated area into or through any point outside of the regulated area.

(b) *Conditions of movement.* Except as provided in paragraph (c) of this section, or in § 301.64–7, or in administrative instructions of the Director under § 301.64:

(1) *Certificate or limited permit.* A certificate or limited permit is required to accompany the regulated articles when moved from any point in the regulated area into or through any point outside of the regulated area.

(2) *Inspection of regulated articles.* Persons intending to move any regulated articles required by this section to be accompanied by a certificate or limited permit shall make application to the inspector for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

(3) *Safeguards against infestation.* Subsequent to certification, as provided in § 301.64–4, regulated articles may be moved under certificate under this subpart only if they are loaded, handled, and shipped under such protections and safeguards against infestation as are required by the inspector.

(c) *Articles originating outside the regulated area.* Regulated articles which originate outside of the regulated area and are moving through or are being reshipped from any point in the regulated area may be moved from any point in the regulated area into or through any point outside of the regulated area without further restriction under this subpart when their point of origin is clearly indicated, when their identity has been maintained, when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector, and when in the judgment of the inspector such movement does not present a hazard of the spread of Mexican fruit flies. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

§ 301.64–4 Issuance and use of certificates and limited permits.

(a) *Certificates.* Except as provided in paragraph (b) of this section, certificates may be issued by the inspector for the movement of any regulated articles under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation;

(2) When they have been examined by the inspector and found to be free of infestation;

(3) When they have been treated to destroy infestation under the observation of the inspector and in accordance with administratively authorized procedures known to be effective under the conditions in which applied; or

(4) When they were grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted by such movement.

(b) *Movement to citrus-producing and other specified areas.* Certificates shall not be issued for the movement of citrus fruits or other host fruits into the States of Alabama, Arkansas, Georgia, Louisiana (other than Plaquemines Parish), Mississippi, New Mexico, Oklahoma, or South Carolina, nor into the citrus-producing States of Arizona, California, Florida, or Hawaii, nor into the following citrus-producing areas: Plaquemines Parish in Louisiana, Guam, Puerto Rico, and the Virgin Islands of the United States, except upon the basis of treatment under subparagraph (3) of paragraph (a) of this section, unless exemption from such treatment is provided in administrative instructions.

(c) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, or processing, or for treatment.

(d) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector to prevent the spread of infestation.

(e) *Attachment of certificates and limited permits.* Every container of regulated articles, or, if there is none, the article itself, required to have a certificate or limited permit under § 301.64–3, shall have such certificate or permit securely attached to the outside thereof when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required. If the certificate or limited permit is attached to the waybill it shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.64–5 Cancellation of certificates and limited permits.

Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of Mexican fruit flies.

§ 301.64–6 Inspection and disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, Territory, or District of the United States into or through any other State, Territory, or District and any plant pest and any product or article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to any regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to that act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act (7 U.S.C. 150dd, 164a).

§ 301.64–7 Shipments for experimental or other scientific purposes.

Regulated articles that may be infested and that have not been treated in an approved manner may be moved under this subpart for experimental or

other scientific purposes only on such conditions and under such safeguards as may be prescribed by the Director of the Plant Pest Control Division to carry out the purposes of this subpart. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag issued by the Director.

§ 301.64–8 Nonliability of Department.

The U.S. Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

§ 301.64–9 Movement of live Mexican fruit flies; regulations.

Regulations requiring a permit for, and otherwise governing the movement of live Mexican fruit flies are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, Hyattsville, Md., 20781, in accordance with said part.

This revision shall become effective July 14, 1965, when it shall supersede the quarantine and regulations effective October 25, 1957, as amended (§§ 301.64, 301.64–1, et seq.).

This revision changes the format of the Mexican fruit fly quarantine and supplemental regulations in the interests of clarity and simplification. It also recognizes that Hawaii is a citrus-producing State and that Guam, Puerto Rico, the Virgin Islands of the United States, and Plaquemines Parish in Louisiana are citrus producing areas and are entitled to the same protection from Mexican fruit fly infestation as afforded citrus-producing States of the continental United States. Such recognition has already been accomplished in an amendment of the then existing § 301.64–6(a)(2) which was published in the FEDERAL REGISTER (30 F.R. 2649), and which became effective March 2, 1965.

Inasmuch as the changes involved in this revision are nonsubstantive, notice and other public procedure would serve no useful purpose; and since the revision clarifies and simplifies the quarantine and supplemental regulations, it should be made effective as soon as possible. Accordingly, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public rule making procedure regarding this revision are unnecessary, impracticable, and contrary to the public interest; and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July, 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65–7445; Filed, July 13, 1965; 8:49 a.m.]

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

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On June 24, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 8110), regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1965, and ending March 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 923, as amended (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1965, through March 31, 1966, will amount to $7,845.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at $1.00 per ton of sweet cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period, and (2) such period began on April 1, 1965, and said rate of assessment will automatically apply to all such cherries beginning with such date.

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

Dated: July 9, 1965.

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

[F.R. Doc. 65–7446; Filed, July 13, 1965; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1965-Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Flaxseed Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686, 7662 and 30 F.R. 4750) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1965 crop of flaxseed as follows:

Sec.
1421.3041 Purpose.
1421.3042 Availability.
1421.3043 Eligible flaxseed.
1421.3044 Determination of quality.
1421.3045 Determination of quantity.
1421.3046 Warehouse receipts.
1421.3047 Service charges.
1421.3048 Warehouse charges.
1421.3049 Maturity of loans.
1421.3050 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421.

§ 1421.3041 Purpose.

This supplement contains program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto (referred to herein as "general regulations"), apply to loans and purchases for 1965-crop flaxseed.

§ 1421.3042 Availability.

(a) Producers desiring to participate in this program must file an application for price support not later than December 31, 1965, in Arizona and California, and not later than April 30, 1966, in all other States.

(b) Loans will be available through December 31, 1965, in Arizona and California, and through April 30, 1966, in all other States.

§ 1421.3043 Eligible flaxseed.

(a) *General.* To be eligible for a loan or a purchase, the flaxseed (1) must be merchantable for crushing into oil and feed, as determined by CCC, (2) must not contain mercurial compounds or other substances poisonous to man or animals, (3) must not have been produced on diverted acreage under the Regulations Pertaining to Wheat Diversion Program for 1964 and 1965 (28 F.R. 5133 and 29 F.R. 5507 and any amendments thereto), or on diverted acreage under the 1964 and 1965 Feed Grain Program Regulations (29 F.R. 590 and any amendments thereto), (4) if farm-stored, must not be commingled with ineligible produc-

tion, and (5) if warehouse-stored, must be represented by warehouse receipts issued on eligible production.

(b) *Warehouse-stored loan grade requirements.* To be eligible for a warehouse-storage loan, the flaxseed must also grade No. 1 or No. 2.

§ 1421.3044 Determination of quality.

Determinations of grade and all grade and quality factors, whether made prior to, or on or after July 15, 1965, shall be based on the Official Grain Standards of the United States for Flaxseed which are to become effective July 15, 1965, whether or not such determinations are made on the basis of an official inspection.

§ 1421.3045 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage.

(a) *In warehouse.* The quantity of flaxseed in an approved warehouse on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt, or on the supplemental certificate if applicable.

(b) *On farm.* The quantity of flaxseed eligible to be placed under a farm-storage loan shall be determined in accordance with § 1421.67 of the general regulations. The quantity acquired by CCC from farm storage shall be determined by weight.

§ 1421.3046 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade of flaxseed.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight, and net bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of heat damaged flaxseed or damaged flaxseed (total) when these factor(s) determine(s) the grade, (7) whether the flaxseed arrived by rail, truck, or barge, and (8) the date the flaxseed was received or deposited in the warehouse.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.3048.

(d) *Freight bill requirements.* Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the flaxseed and must reflect the total freight rate from origin to designated terminal point, including penalty for out-of-line haul, if any. The form of these certificates will be prescribed by the ASCS commodity office, shall be signed by the warehouseman, and may be made a part of the supplemental certificate.

§ 1421.3047 Service charges.

A service charge of one-half cent per bushel will be made for the quantity of flaxseed acquired by CCC and such charge shall be handled in accordance with § 1421.60(b) of the general regulations.

§ 1421.3048 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the flaxseed is deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the lien by sale of the flaxseed when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deductions for storage charges (gross weight basis) to be made from the amount of the loan or purchase price in the case of flaxseed stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date the flaxseed was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which the storage charges have been paid.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Jan. 31, 1966	Deduction (cents per bushel)	Maturity date of May 31, 1966
(1)		(1)
	14	Prior to June 2, 1965.
	13	June 2-June 28, 1965.
	12	June 29-July 25, 1965.
Prior to Apr. 24, 1965..	11	July 26-Aug. 21, 1965.
Apr. 24-May 20, 1965..	10	Aug. 22-Sept. 17, 1965.
May 21-June 16, 1965..	9	Sept. 18-Oct. 14, 1965.
June 17-July 13, 1965..	8	Oct. 15-Nov. 10, 1965.
July 14-Aug. 9, 1965....	7	Nov. 11-Dec. 7, 1965.
Aug. 10-Sept. 5, 1965..	6	Dec. 8, 1965-Jan. 3, 1966.
Sept. 6-Oct. 2, 1965.....	5	Jan. 4-Jan. 30, 1966.
Oct. 3-Oct. 29, 1965....	4	Jan. 31-Feb. 26, 1966.
Oct. 30-Nov. 25, 1965..	3	Feb. 27-Mar. 25, 1966.
Nov. 26-Dec. 22, 1965..	2	Mar. 26-Apr. 21, 1966.
Dec. 23, 1965-Jan. 31, 1966.	1	Apr. 22-May 31, 1966.

[1] Dates storage charges start, all dates inclusive.

§ 1421.3049 Maturity of loans.

Loans mature on demand but not later than: January 31, 1966, on flaxseed stored in Arizona and California; May 31, 1966, on flaxseed stored in all other States.

§ 1421.3050 Support rates.

Basic support rates, premiums, and discounts for flaxseed will be published as an amendment to this section. Farm-stored flaxseed loans will be made at the applicable basic county support rate, adjusted only for the Weed Control Law discount, where applicable. The support rate for warehouse-storage loans and for flaxseed acquired under a loan or by purchase shall be the applicable basic support rate adjusted as provided in this section, and in the case of settlements of loans and purchases, as further provided in § 1421.72 of the general regulations.

(a) *Support rates at designated terminal markets*—(1) *Minneapolis and St. Paul, Minn.* (i) The support rates established for the Minneapolis and St. Paul terminal markets apply to flaxseed shipped on a domestic interstate freight rate basis. The support rate at these terminal markets for any flaxseed shipped at other than the domestic interstate freight rate, shall be reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate.

(ii) The support rates established for the Minneapolis and St. Paul, Minn., terminal markets also apply to flaxseed which has been shipped by rail or water from a country shipping point to one of such designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. If the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the terminal support rate the amount by which the amount of freight actually paid in is less than the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the flaxseed is stored at either of such designated terminal markets and neither registered freight bills nor registered freight certificates are presented, the support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(iii) The support rate for flaxseed received by truck and stored at either of these terminal markets shall be determined by deducting from the terminal support rate 4.5 cents per bushel plus the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(2) *Port terminal markets.* In determining the support rate for flaxseed shipped by rail or water and stored at any of the port terminal markets speci-

fied in this subparagraph, there shall be deducted from the applicable terminal rate, the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the flaxseed to a tidewater facility located within the switching limits of the terminal market to which it was delivered. In determining the support rate for flaxseed delivered by truck to such terminal markets, there shall also be deducted from the terminal rate 4.5 cents per bushel:

Los Angeles and San Francisco, Calif.
Duluth, Minn.
Superior, Wis.
Corpus Christi and Houston, Tex.

(b) *Support rates for flaxseed in approved warehouse storage at other than designated terminal markets.* In determining the support rate for flaxseed which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets), there shall be deducted from the support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such flaxseed to such terminal market: *Provided*, That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate from the point of origin of such flaxseed to the point of destination or appropriate terminal market: *And provided further*, That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriate designated terminal market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

Effective date. Upon publication in the FEDERAL REGISTER.

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

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-7449; Filed, July 13, 1965; 8:49 a.m.]

[Announcement PS-CN-2, Amdt. 4]

PART 1427—COTTON

Subpart—1964–66 Cotton Equalization Program—Payment-in-Kind Regulations

REDUCTION IN REQUIRED PERFORMANCE SECURITY

In order to take into consideration the initial rate of payment announced for the 1965–66 marketing year, § 1427.1958 of the 1964–66 Cotton Equalization Program—Payment-In-Kind Regulations (Announcement PS-CN-2), dated July 1, 1964 (29 F.R. 8496), as amended, is revised to read as follows:

§ 1427.1958 Performance security.

Each cotton handler submitting Forms 854 under paragraph (b) of § 1427.1956 or desiring to assume another cotton handler's domestic consumption or export obligation as provided in § 1427.1966 must furnish CCC with performance security in the form of a cash deposit, bond, letter of credit, or other security, acceptable to CCC, to assure performance of his outstanding domestic consumption or export obligations, compliance with his inventory requirement, and payment of any liquidated damages becoming due under this subpart. Such performance security shall at all times be in an amount at least equivalent to 7.25 cents per pound for each pound of cotton on which he has outstanding domestic consumption or export obligations, as determined under § 1427.1959. It shall be the responsibility of each cotton handler to make certain that he has furnished to CCC the necessary amount of performance security.

(Sec. 4, 5, 62 Stat. 1070, as amended, sec. 101, 78 Stat. 173; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1348, 7 U.S.C. 1853)

Effective date. This amendment shall be effective on July 18, 1965.

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

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-7450; Filed, July 13, 1965; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.2 of Part 51, Subchapter B, Chapter I, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.2 Payment to owners for cattle destroyed.

Owners of cattle which are destroyed because of brucellosis, tuberculosis, or paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed one-third of the difference between the appraised value of the animal and the salvage value thereof, ascertained in accordance with the provisions of §§ 51.4 and 51.7: *Provided, however*, That no such payment for cattle destroyed shall exceed $25 for any grade animal or $50 for any purebred animal except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any animal destroyed shall exceed $50; except that the Director of Division may authorize payment of indemnity for tuberculosis not to exceed $100 for any grade animal or $200 for any purebred animal which has been found to be exposed, is a part of a known infected herd, and it has been determined by the Director of Division that destruction of all the cattle in the herd will contribute to the tuberculosis eradication program: *Provided*, That the joint State-Federal indemnity payments, plus salvage, does not exceed the appraised value of the animal: *And provided further*, That in the case of tuberculosis or paratuberculosis reactors, no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned.

(Secs. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The amendment will be of benefit to affected persons as it will permit increased payment of indemnity on animals exposed to tuberculosis where it is determined that destruction of the entire herd will contribute to the tuberculosis eradication program. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 9th day of July 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-7451; Filed, July 13, 1965; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS (REVISION 5)

Miscellaneous Amendments

The Small Business Size Standards (Revision 5) (30 F.R. 2247), as amended (30 F.R. 4252, 6778), is hereby further amended by adding § 121.3–14 thereto. The purpose of § 121.3–14 is to give the public notice of all official interpretations

of Part 121. Section 121.3–14, as added hereby, reads as follows:

§ 121.3–14 Interpretations.

(a) Section 121.3–2(b) of Part 121, "Annual Sales or Annual Receipts." When computing annual sales or annual receipts, intercompany transactions between affiliated concerns are excluded. To include such intercompany transactions, in effect, would mean that the receipts of a concern, including its affiliates, would be counted more than once.

Effective date: April 5, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65–7369; Filed, July 13, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 5061; Amdts. 21–3; 39–106]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 39—AIRWORTHINESS DIRECTIVES

The purpose of this amendment to Parts 21 and 39 of the Federal Aviation Regulations is to remove certain procedural restrictions heretofore imposed on the FAA with regard to the issue of airworthiness directives (AD's). This action was published as a notice of proposed rule making (29 F.R. 6446) and circulated as Notice 64–26 dated May 16, 1964.

That Notice contemplated, first, the nonsubstantive recodification of pertinent Civil Air Regulations and Regulations of the Administrator into the Federal Aviation Regulations and, secondly, deletion of procedural restrictions on the Administrator's authority to issue AD's. The first step was accomplished by amendment published in 29 F.R. 14403, October 20, 1964. This amendment accomplishes the second step.

Part 39 imposes two restrictions on the issue of AD's for unsafe conditions. The unsafe condition giving rise to an AD must (1) have been found as a result of service experience and (2) be with respect to a design feature, part, or characteristic. Both restrictions were originally imposed, prior to the Federal Aviation Act, by the Civil Aeronautics Board (CAB) when it delegated the authority to issue AD's to the Civil Aeronautics Administration (CAA). The Federal Aviation Act of 1958 combined the safety rule making authority of the CAB and CAA and vested it in the FAA and these carried over restrictions are contrary to the intent of that act. This amendment removes the two restrictions from the regulations and will allow AD's to be issued for unsafe conditions however and wherever found.

Most of the comments received in response to the notice of proposed rule making were directed to the remark in the preamble that "an unsafe condition that results from maintenance, as well as one due to a design defect, will be subject to the issuance of an airworthiness directive." The Notice stressed, perhaps unduly, this one cause of unsafe conditions whereas, in actuality, there are many causes. It is clear from the foregoing discussion that the responsibilities placed on the FAA by the Federal Aviation Act justify broadening the regulation to make any unsafe condition, whether resulting from maintenance, design defect, or otherwise, the proper subject of an AD. At the same time the Agency recognizes that use of AD's to correct improper or inadequate maintenance on the part of particular persons or organizations would impose an unreasonable burden on the vast majority of persons who comply with the regulations and properly maintain their aircraft. The Agency, accordingly, will not issue AD's as a substitute for enforcing maintenance rules. In addition, the present provision that the unsafe conditions must be likely to exist or occur in other aircraft effectively precludes the issue of AD's to correct problems arising from poor maintenance practices on the part of an individual operator.

Two other comments, suggesting that the revised regulations go beyond the minimum standards and reasonable rules and regulations authorized by the Federal Aviation Act, opposed deletion of the restrictions on the ground that the way would thus be open for abuses by individual FAA personnel. This amendment, as such, imposes no additional requirements on anyone. Only when it is implemented through the issue of future AD's will it have any regulatory effect. The issue of AD's is governed by the Administrative Procedure Act and its provisions relating to public notice and procedure. In addition, we agree with the commentators that the Federal Aviation Act of 1958 allows only the issue of minimum standards and reasonable rules and regulations. AD's are no different than the other types of rules issued by this Agency and we cannot and will not issue an AD unless we are convinced that its need and scope are fully justified.

Since service experience would now be only one of several bases that may generate an AD requiring a design change, the § 21.99 catchline is being amended to read "Required design changes."

Interested persons have been afforded the opportunity to participate in making this amendment. All relevant material submitted has been fully considered.

In consideration of the foregoing, Parts 21 and 39 of the Federal Aviation Regulations are amended as follows effective August 13, 1965.

1. By amending the section heading of § 21.99 to read as follows:

§ 21.99 Required design changes.

* * * * *

2. By amending § 39.1(a) to read as follows:

§ 39.1 Applicability.

* * * * *

(a) An unsafe condition exists in a product; and

* * * * *

(Secs. 601 and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1421 and 1423)

Issued in Washington, D.C., on July 7, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65–7370; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 64–WE–32]

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

Designation of Control Zone and Transition Area, Alteration of Transition Areas

On December 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 16995) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Corvallis, Oreg., and alter the Kings Valley and Eugene, Oreg., transition areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 16, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581), the Corvallis, Oreg., control zone is added as follows:

CORVALLIS, OREG.

Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17643), the Corvallis, Oreg., transition area is added as follows:

CORVALLIS, OREG.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.); within 2 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 7 miles NE of the Fischer FM and within 2 miles each side of the 044° bearing from latitude 44°33'25" N., longitude 123°16'22" W., extending from the 7-mile radius area to 5 miles NE of latitude 44°33'25" N., longitude 123°16'22" W.; that airspace extending upward from 1,200 feet above the surface within 6 miles NW and 8 miles SE of the Corvallis VOR 029° and 209° radials, extending from 6 miles SW to 17 miles NE of the VOR.

3. In § 71.181 (29 F.R. 17674) the Kings Valley, Oreg., transition area is amended to read:

KINGS VALLEY, OREG.

That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° radial, extending from 9 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 347° radials, and that airspace N of

Kings Valley INT bounded on the NW by V-99, on the SE by V-23W and on the SW by a line 39 miles NW of and parallel to the Eugene VORTAC 295° radial, excluding the portion within the Corvallis, Oreg., transition area.

4. Section 71.181 (29 F.R. 17643) is amended as follows:

In the Eugene, Oreg., transition area, "excluding the portion within the Kings Valley, Oreg., transition area." is deleted and, "excluding the portion within the Corvallis, Oreg., transition area." is substituted therefor.

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

Issued in Los Angeles, Calif., on July 2, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7371; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-69]

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

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the description of the Burley, Idaho, control zone.

The Burley control zone is presently designated, in part, with reference to the Burley radio range N course. The Federal Aviation Agency has scheduled the conversion of this facility to a nondirectional radio beacon on or about September 16, 1965. Action is taken herein to substitute the 037° bearing from the radio beacon for the N course of the radio range in the description of the control zone.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective September 16, 1965.

Section 71.171 (29 F.R. 17588) is amended as follows:

In the Burley, Idaho, control zone, "and within 2 miles each side of the Burley RR N course, extending from the 5-mile radius zone to 8 miles N of the RR" is deleted and "and within 2 miles each side of the 037° bearing from the Burley RBN, extending from the 5-mile radius zone to 8 miles N of the RBN" is substituted therefor.

(Sec. 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 July 2, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7372; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-74]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Concord, Calif., control zone.

The Concord control zone is presently designated as a full-time control zone. The Concord Airport traffic control tower, which provides weather reporting and communications services within the control zone, now operates from 0700 to 2300 hours, local time, daily. Therefore, action is taken herein to redesignate the Concord, Calif., control zone with effective hours coincident with those within which weather and communications services are provided.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

In § 71.171 (29 F.R. 17592), the Concord, Calif., control zone is amended as follows:

CONCORD, CALIF.

Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.), from 0700 to 2300 hours, local time, daily.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 49; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on July 2, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7373; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-62]

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

Transition Area Description; Correction

On page 7886 of the FEDERAL REGISTER for June 18, 1965, the Federal Aviation Agency promulgated regulations to establish transition areas over Dublin, Va. It has been determined that the description of the transition areas had minor errors which do not substantially effect the rule. To eliminate these errors the description will be amended as hereinafter provided.

Because the correction is minor in nature the public interest does not require the 30 day notice.

The subject regulation is hereby amended as follows:

1. In the second paragraph of the text material, fourth line, delete the coordinates "37°20'00" N., 80°49'00" W." and insert in lieu thereof "37°19'25" N., 80°49'10" W."

2. In the text material, second paragraph, fifth line, delete the words "15 mile arc" and insert in lieu thereof "15 NMI arc."

3. In the second paragraph of the text material, eighth line, delete the coordinate "80°25'20" W." and insert in lieu thereof "80°25'10" W."

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 29, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-7374; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-84]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Vandalia, Ill., transition area.

The following controlled airspace is presently designated in the Vandalia, Ill., terminal area:

The Vandalia, Ill., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 2 miles either side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR; the airspace S and SW of the Vandalia VOR extending upward from 1,200 feet above the surface within a 15-mile radius of the Vandalia VOR extending clockwise from the Vandalia VOR 100° radial to the Vandalia VOR 239° radial; within 10 miles NW and 7 miles SE of the Vandalia VOR 074° and 254° radials extending from 20 miles NE to 9 miles SW of the VOR; and within 8 miles W and 5 miles E of the Vandalia VOR 003° radial extending from the VOR to 12 miles N, excluding the portion within V-12.

The holding pattern predicated on the Vandalia, Ill., VOR is no longer required for air traffic control purposes and has been canceled. There is no longer any requirement for that portion of the Vandalia, Ill., transition area which was designated to provide controlled airspace for the holding pattern. Therefore, that portion of the transition area is herein released.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Vandalia, Ill., transition area is amended to read:

VANDALIA, ILL.

The airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR; and the airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Vandalia Municipal Airport and within 5 miles E and 8 miles W of the Vandalia 003° and 183° radials extending from the 10-mile radius area to 12 miles N of the VOR, excluding the portion within V-12.

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

Issued in Kansas City, Mo., on June 29, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-7375; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-64]

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

Transition Area Description; Correction

On page 7880 of the FEDERAL REGISTER for June 18, 1965, the Federal Aviation Agency promulgated regulations to designate 700 and 1,200 foot transition areas over Roanoke, Va. It has been determined that the description of said transition areas had minor errors which do not substantially effect the rule. To eliminate these errors the descriptions will be amended as hereinafter provided.

Because the corrections are of a clarifying nature the public interest does not require the 30 day notice.

The subject regulation is hereby amended as follows:

1. Under item 2 of the text material, second paragraph, sixth line, delete the coordinate "80°25'20" W." and insert in lieu thereof "80°25'10" W."

2. Under item 2, second paragraph, sixth line, insert the word "counterclockwise" after the word "thence."

3. Under item 2, second paragraph, eighth line, delete the coordinates "37°-20'00" N., 80°49'00" W.", and insert in lieu thereof "37°19'25" N., 80°49'10" W."

4. Under item 2, first paragraph, 12th line, delete the phrase "from the 7 mile radius."

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y. on June 29, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-7376; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-68]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to eliminate the ambiguity created by the existence of two transition points from Jet Route No. 82 to Jet Route No. 16, and located at Sioux Falls, S. Dak., and Pendleton, Oreg.

Jet aircraft operated from or over Chicago, Ill., to Portland, Oreg., frequently file flight plans via J-82 and J-16. As stated above, there are two possible transitions from J-82 to J-16, the first at Sioux Falls and the second at Pendleton. This not only presents a potentially hazardous situation, but it creates a considerable workload increase in the Chicago and Minneapolis centers.

Therefore, action is taken herein to alter J-82 to eliminate one of the transitions to J-16. This is accomplished by redesignating that portion of J-82 that lies between McCall, Idaho, and Pendleton, Oreg., as Jet Route No. 54.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 16, 1965, as hereinafter set forth.

1. In § 75.100 (29 F.R. 17776, 30 F.R. 1036) the caption of J-82 is amended by deleting "Pendleton, Oreg.," and substituting "McCall, Idaho," therefor. In the text of J-82 "From Pendleton, Oreg., via McCall, Idaho.;" is deleted and "From McCall, Idaho, via" substituted therefor.

2. In § 75.100 (29 F.R. 17776) the following is added:

Jet Route No. 54 (Pendleton, Oreg., to McCall, Idaho). From Pendleton, Oreg., to McCall, Idaho.

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

Issued in Washington, D.C., on July 7, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-7377; Filed, July 13, 1965; 8:45 a.m.]

[Docket No. 3055; Amdt. No. 159-5]

PART 159—NATIONAL CAPITAL AIRPORTS

Rules Governing Mobile Lounge Service at Dulles International Airport

The purpose of this amendment is to insert in Part 159—National Capital Airports of the Federal Aviation regulations those rules governing the use of the mobile lounges at Dulles International Airport which legally affect, or are binding on, members of the general public. This amendment is based on notice of proposed rule making 64-3, 29 F.R. 576.

Notice 64-3 also proposed regulations to govern ramp access at both National Capital Airports of certain malfunctioning aircraft. This project will be processed separately.

The mobile lounge regulations proposed in Notice 64-3 were objected to in part in some comments. The objections to proposed §§ 159.171 (a) and (b) and 159.173(d) need not be discussed since it has been decided not to insert these provisions in Part 159.

The comment that the carriers should be permitted to transport more than 90 persons in the lounge in "unusual circumstances" cannot be acceded to since 90 persons is considered the maximum safe load. To meet the objection that the restrictions on carriage on the mobile lounges might prevent the carriers from carrying categories of persons whom they are required to carry on the aircraft under applicable law and tariffs, changes have been made in subdivisions (4) and (6) of paragraph (b) of proposed § 159.173, now § 159.175. Subdivision (4), the prohibition against intoxicated persons, was made to read like its counterpart in the air carrier operations rules. A new paragraph (e) has been added which empowers the Airport Operations Manager to grant exceptions from the restrictions of paragraphs (b) and (c) in cases of unusual hardship. Furthermore, it is not correct that, as asserted in comments, the carriers have no means other than the mobile lounge for transporting passengers to the aircraft at Dulles International Airport. Passengers acceptable for transportation in the aircraft but excluded from the mobile lounges by these regulations may be carried by such other means as the carrier may reasonably select.

Improvements of arrangement and language, without substantive change of the proposal, have also been made. Thus it was made clear that the prohibitions are addressed to both the carriers and members of the public who use the mobile lounges. No person may do anything prohibited by these provisions on board the mobile lounges, and the carriers may not allow such conduct. Provisions not addressed to the public have been omitted.

In consideration of the foregoing, effective August 14, 1965, Part 159 of Chapter I of Title 14 of the Code of Federal Regulations is amended as hereinafter set forth.

Issued in Washington, D.C. on July 8, 1965.

D. D. THOMAS,
Deputy Administrator.

Part 159 is amended by redesignating existing Subpart G—Enforcement as Subpart I, and § 159.171 as § 159.191, and by adding a new Subpart G to read as follows:

Subpart G—Mobile Lounges at Dulles International Airport

Sec.
159.171 Scope.
159.173 Rules of conduct.
159.175 Rules governing mobile lounge service.

AUTHORITY: The provisions of this Subpart G issued under sec. 4 of the Act of Sept. 7, 1950, 64 Stat. 770, as amended.

§ 159.171 Scope.

(a) This subpart contains the rules specifically applicable to the mobile lounge service provided by the FAA at Dulles International Airport.

(b) "Carrier" means any person at whose request mobile lounge service is provided.

§ 159.173 Rules of conduct.

Subpart D—Rules of Conduct of this part applies on board the mobile lounges except where inconsistent with this subpart.

§ 159.175 Rules governing mobile lounge service.

(a) Not more than 90 persons may enter a mobile lounge to be carried on any trip, and the carrier may not admit more than this number to a mobile lounge.

(b) No person may enter a mobile lounge unless he is admitted by the carrier. The carrier may admit any person to a mobile lounge except—

(1) An unaccompanied child under 5 years of age, unless the carrier accepts him for transportation in the aircraft

and he is attended by the carrier or its agent;

(2) A person in a wheelchair, unless he is in an "aircraft-type" portable seat and is attended to insure his mobility;

(3) A person on a stretcher;

(4) A person who appears to be intoxicated;

(5) A person whose clothing or equipment is in such a condition that it might soil, stain, or otherwise damage the lounge; and

(6) Any other person who is not acceptable for transportation by the carrier and whose physical or mental condition creates a hazard for himself or other persons in the lounge.

(c) No carrier may carry in a mobile lounge any baggage, pet or animal, equipment, or other property, and no person may bring any of these things on board a lounge, except—

(1) Checked baggage of a passenger who arives at the check-in counter after the baggage carts have departed for the aircraft and there is no other practical method of transportation;

(2) Domestic pets and animals that are allowed by the carrier to travel in the passenger compartment of the aircraft;

(3) Firearms, rifles, or sporting guns that are disassembled or in cases and are acceptable for transportation by the carrier; and

(4) "Carry-on" baggage that, when carried by the passenger, meets any size, weight, and number-of-pieces requirements set by the carrier.

(d) No person may display, serve, or consume any food or beverage in a mobile lounge and no carrier may allow any person to do so.

(e) The Airport Manager may grant exceptions from paragraphs (b) or (c) of this section in any case on a showing that the use of other means of conveyance between terminal building and aircraft would constitute an unusual hardship, and that the persons or property to be transported on the mobile lounge have been or will be transported on the carrier's aircraft. Such an exception is granted only under conditions that will prevent danger or discomfort for any persons or injury to any property.

[F.R. Doc. 65-7426; Filed, July 13, 1965; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation No. ER-437]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Allocation of Income Taxes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July, 1965.

The Board by publication in 30 F.R. 757 and by circulation of a notice of proposed rule making EDR-78, dated January 15, 1965, Docket 15792, gave notice that it had under consideration amendments to Part 241 of the Economic Regulations and related schedules of CAB Form 41 to clarify and realign certain income tax accounting and reporting practices.

The amendment proposed in EDR-78 was designed to disclose separately: (1) Provisions for taxes currently payable both before and after investment tax credits utilized; (2) provisions for deferred taxes; (3) amortization of deferred investment tax credits; and (4) allocations of income taxes between accounts. Under the proposal, account 91 "Normal Income Taxes and Surtaxes" would include all income taxes, with those assignable to special items and to nontransport ventures transferred therefrom through a new account 94 "Income Taxes Allocated to Other Accounts." Investment tax credits not allocated to cost of service would have been so transferred to a new subaccount under the "Special Items" classification.

Comments were submitted by three airlines,[1] a firm of certified public accountants, and the Committee of the American Institute of Certified Public Accountants on Relations with the Civil Aeronautics Board (AICPA). The three carriers commented that the investment tax credits not allocated to the cost of service are not appropriately classified as special items; that the separation of investment tax credits as between those allocated to cost of service and those not so allocated is superfluous; and they recommended simplifications in the accounting and reporting. One member of the AICPA Committee also objected to the "special item" classification of investment tax credits not allocated to cost of service. The AICPA Committee and the firm of certified public accountants, however, commented that the proposal is constructive and worthwhile in that it presents a segregation of debit and credit income tax provisions along with allocation principles, all of which provide for a fair and reasonable presentation of the results of operations and special items, and will facilitate analysis of the various elements making up the provision for income taxes.

Upon consideration of the foregoing comments, the Board has decided to simplify the proposed accounting and reporting. Income taxes would continue to be allocated on the Income Statement as between "Income Taxes for Current Period" and "Special Items." Investment tax credits whether or not allocated to the cost of service would remain in the amount reported for current period taxes. However, the various elements making up total income taxes, including the investment tax credit, would be disclosed on new Schedule P-3(a). Provision is also made for a memorandum allocation of income taxes and investment tax credits as between operating and nonoperating income. Although the memorandum allocation of the investment tax credits as between operating and nonoperating income does not commit the carriers to such allocations in any future commercial rate proceedings,[2] it does permit the Board's staff to make interim computations of the rate of return on an approximate basis. For the latter purpose, the rule also provides that, before allocating the income taxes, operating profit and loss and nonoperating income and expense shall be adjusted to reflect interest expense. Thus, operating income is to be reduced by the amount of interest expense for the period for purposes of making the income tax allocation.

No comments were received on the proposal to change the captions "Dividends Declared" and "Retained Earnings Adjustments" on Form 41 Schedule P-1 "Income Statement" to "Cash Dividends and Other Asset Distributions" and "Stock Dividends and Retained Earnings Adjustment," respectively, or on the proposal to substitute the word "issued" for "outstanding" in the capital stock section of Schedule B-1 "Balance Sheet." These proposals are therefore adopted.

Since the schedules of CAB Form 41 affected by this amendment are quarterly reports filed 40 days after the close of the reporting period and, hence, actual notice of 130 days would be afforded the carriers if the amendment were made effective as of the first day of the next calendar quarter, the Board finds that 30 days' formal notice is not required and the amendment will become effective July 1, 1965.

Accordingly, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective July 1, 1965, as follows:

1. Amend section 6-2131 "Accrued Federal Income Taxes" by revising paragraphs (b) and (c) to delete references to account 97.2, the revised paragraphs to read:

(b) The amount of any potential investment tax credit, computed pursuant to section 46(a)(1) of the U.S. Internal Revenue Code, applicable to property placed in service during each accounting period, and not used as an offset against income tax liabilities, shall be debited to a memorandum account under balance sheet account 2390 Other Deferred Credits titled "Investment Tax Credits Available" and shall be credited to a memorandum account, also under balance sheet account 2390, titled "Unrealized Investment Tax Credits." As investment tax credits are utilized in the reduction of tax liabilities, or expire, these two memorandum accounts shall be adjusted to the remaining outstanding balance of unused and unexpired credits. Concurrently with the utilization of investment tax credits, this account 2131 shall be charged, and profit and loss account 91 Provision for Income Taxes shall be credited. At the option of the air carrier, credits utilized in the reduction of income tax liabilities may be carried through profit and loss account 93.1 Investment Tax Credits Deferred, on a consistent basis from year to year, to balance sheet account 2345

[1] American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[2] It should be noted that, for subsidy purposes, the Board has determined to include tax credits as an offset to tax expense (Order E-21227, Aug. 28, 1964), and nothing herein is intended to alter that decision.

Deferred Investment Tax Credits for amortization over the service life of related property to profit and loss account 93.2 Amortization of Deferred Investment Tax Credits.

(c) In the event that investment tax credits utilized in the reduction of tax liabilities are later disallowed as a result of premature disposition of the property, or otherwise, such disallowed amounts shall be credited to this account 2131 and charged to profit and loss account 91 Provision for Income Taxes. The amount charged to account 91 shall then be cleared through profit and loss account 93.1 to balance sheet account 2345 Deferred Investment Tax Credits to the extent of any related unamortized balance therein.

2. Amend section 7 "Chart of Profit and Loss Accounts" by adding under "Income Taxes," accounts or subaccounts 91.1, 91.2, 93, 93.1, and 93.2, and by deleting from "Special Items" subaccounts 97.1 and 97.2, so that the revised portions of the chart read:

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
INCOME TAXES			
91 Provision for income taxes.	91	91	91.
91.1 Income taxes before investment tax credits	91	91	91.
91.2 Investment tax credits utilized			
92 Provisions for deferred Federal income taxes.	91	91	91.
92.1 Current provisions for deferred taxes	91	91	91.
92.2 Application of deferred taxes	91	91	91.
92.3 Adjustment of deferred taxes			
93 Investment tax credits deferred and amortized.	91	91	91.
93.1 Investment tax credits deferred	91	91	91.
93.2 Amortization of deferred investment tax credits			
SPECIAL ITEMS			
96 Special income credits and debits (net)	97	97	97.
97 Special income tax credits and debits (net)	97	97	97.

3. Amend section 8 by revising paragraph (d)(5) to read:

(5) *Special items.* This primary classification (9700) shall include extraordinary credits and debits, exclusive of ordinary adjustments of a recurring nature, that are of sufficient magnitude to materially distort the total operating revenues or total operating expenses and permit misleading inferences to be drawn therefrom (see sec. 2-7).

4. Amend section 15—Objective Classification—Income Taxes for Current Period by changing the title of account 91 to "Provision for Income Taxes"; adding two new subaccounts to account 91 to "Provision for Income Taxes"; and adding new account 93 "Investment Tax Credits Deferred and Amortized", so that the section reads:

91 Provision for Income Taxes.

(a) Record here quarterly provisions for accruals of Federal, State, local and foreign taxes based upon net income, computed at the normal tax and surtax rates in effect during the current accounting year. In general, this account shall reflect provisions within each period for currently accruing tax liabilities as actually or constructively computed on tax returns, and any subsequent adjustments. This account shall include credits for refund claims arising from the carryback of losses in the year in which the loss occurs, credits for the carryforward of losses in the year to which the loss is carried, and investment tax credits in the year in which each credit is utilized to reduce the liability for income taxes. (See section 2-6.)

(b) This account shall be subdivided as follows by all carrier groups:

91.1 Income Taxes Before Investment Tax Credits. Record here accruals of income taxes based upon taxable income of the period.

91.2 Investment Tax Credits Utilized. Record here investment tax credits utilized to reduce the accrued liability for income taxes.

92 Provisions for Deferred Federal Income Taxes.

* * * * *

93 Investment Tax Credits Deferred and Amortized.

(a) Record here investment tax credits of the current period which are transferred to balance sheet account 2345 Deferred Investment Tax Credits in accordance with the provisions of balance sheet account 2131 Accrued Federal Income Taxes. This account shall also include amounts for previously deferred investment tax credits amortized during the current period.

(b) This account shall be subdivided as follows by all carrier groups:

93.1 Investment Tax Credits Deferred.

93.2 Amortization of Deferred Investment Tax Credits.

5. Amend section 16—Objective Classification—Special Items by deleting reference to investment tax credits and subaccounts of account 97, so that the instructions read:

97 Special Income Tax Credits and Debits (Net).

Record here income taxes allocable to items of income included in profit and loss account 96 Special Income Credits and Debits (Net) and other extraordinary income tax assessments that do not constitute ordinary adjustments of a recurrent nature, in accordance with the provisions of section 2-7. Records supporting entries to this account shall be maintained with sufficient particularity to identify the nature and gross amount of each special credit and each special debit.

6. Amend section 22(a), the table of schedules, by deleting "income taxes" from the title of Schedule P-3 and by adding a line for new Schedule P-3(a), so that the amended portions read:

Schedule No.		Filing	
		Frequency	Postmark interval (days)
P-3	Transport revenues; depreciation and amortization; nonoperating income and expense (net).		45
P-3(a)	Income taxes		45

7. Amend section 24—Profit and Loss Elements by deleting mention of "income taxes" in the title and paragraph (d) of Schedule P-3 so that the amended portions read:

Schedule P-3—Transport Revenues; Depreciation and Amortization; Nonoperating Income and Expense (Net)

* * * * *

(d) Depreciation and Amortization, and Nonoperating Income and Expense (Net), respectively, shall reflect the indicated detail applicable to the corresponding amounts reported in Schedule P-1—Income Statement.

8. Amend section 24 by inserting the heading and text for new Schedule P-3(a), immediately following the text for Schedule P-3, to read:

Schedule P-3(a)—Income Taxes

(a) This schedule shall be filed by all route air carriers.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Report in accounts 91.1 through 93.2, respectively, the amount for each as reflected in the books of account. Accounts 93.7, 93.8, and 93.9 shall reflect income taxes for the current period, income taxes on special items, and total income taxes, respectively. Lines 1 through 16 shall reflect a memorandum allocation of income taxes and investment tax credits as between operating profit and loss and nonoperating income and expense (net). Before computing the allocation, operating profit and loss (line 1) and nonoperating profit and loss (line 9) shall be adjusted as indicated for the impact of interest expense (lines 2 and 10). Income taxes on operating income and nonoperating income, thus adjusted, shall be allocated on the basis of the proportion of each to the total and entered on lines 4 and 12, respectively. Investment tax credits allocated

to the cost of service and amortizations thereof shall be entered on lines 5 and 6 and those *not* allocated to the cost of service shall be entered on lines 13 and 14.

9. Amend section 24 by revising paragraph (d) of Schedule P-41—Taxes to read:

(d) The "Grand Total" of taxes reported on this schedule shall agree with the sum of the amounts reported in accounts 68, 69, and 93.9 for the 12 months ended December 31.

10. Amend the "Stockholder Equity" section of Schedule B-1 of CAB Form 41, incorporated herein by reference, by changing the lines "Preferred ---------- Shares outstanding" and "Common ---------- Shares outstanding" to "Preferred ---------- Shares issued" and "Common ---------- Shares issued," respectively.

11. Amend the "Unappropriated Retained Earnings" section of Schedules P-1.1 and P-1.2 of CAB Form 41, incorporated herein by reference, to read:

UNAPPROPRIATED RETAINED EARNINGS

Beginning of period.
Cash and other asset dividends.
Stock dividends and retained earnings adjustments.
End of period (including net income).

12. Amend Schedule P-3 of CAB Form 41, incorporated herein by reference, by deleting the "Income Taxes" section.

13. Add to CAB Form 41 a new Schedule P-3(a) "Income Taxes," incorporated herein by reference, to read as follows:

Income taxes		Quarter	12 months to date
Income taxes before investment tax credits	91.1	9100	9100
Investment tax credits utilized	91.2		
Deferred income taxes (see Schedule B-3)	92.9		
Investment tax credits deferred	93.1		
Amortization of deferred investment tax credits	93.2		
Income taxes for current period (to Schedule P-1, Account 9100)	93.7		
Income taxes on special items (to Schedule P-1, Account 97)	93.8		
Total income taxes	93.9		

Line	Memo allocation of income taxes	Quarter	12 months to date
1	Operating profit or loss (per Schedule P-1)		
2	Add: Account 87 interest expense		
3	Total		
4	Income taxes allocated to operating profit or loss after interest expense		
5	Investment tax credits allocated to cost of service		
6	Amortization of investment tax credits allocated to cost of service		
7	Total lines 4, 5, and 6		
8	Operating profit or loss after income taxes		
9	Nonoperating income and expense-net (8199)		
10	Less: Account 87 interest expense		
11	Total		
12	Income taxes allocated to nonoperating income and expense-net		
13	Investment tax credits not allocated to cost of service		
14	Amortization of investment tax credits not allocated to cost of service		
15	Total lines 12, 13, and 14		
16	Nonoperating income and expenses after income taxes		

Schedule P-3(a) CAB Form 41

(Secs. 204 and 407 of the Federal Aviation Act of 1958, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-7441; Filed, July 13, 1965; 8:49 a.m.]

No. 134——3

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Banana River, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.171e is hereby redesignated as § 207.171f and a new § 207.171e is hereby prescribed to govern the use and navigation of a restricted area in the Banana River, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.171e Banana River near Orsino, Fla.; restricted area.

(a) *The area.* That part of Banana River N of the NASA Banana River Causeway near Orsino and extending above the head of said river to the N and westerly to Kennedy Parkway North.

(b) *The regulations.* (1) All unauthorized craft and personnel shall stay clear of the area at all times.

(2) The regulations in this section shall be enforced by the Director, John F. Kennedy Space Center, NASA, Cocoa Beach, Fla.

§ 207.171f Atlantic Ocean near Port Everglades, Fla., Naval restricted area.

[Redesignated]

(Regs., 15 June 1965, 1507-32 (Banana River, Fla.)-ENGCW-ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 65-7398; Filed, July 13, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-12—LABOR

Subpart 9-12.8—Equal Opportunity in Employment

Subpart 9-12.52—Nondiscrimination in Employment

MISCELLANEOUS AMENDMENTS

The following section is added:

§ 9-12.000-50 Policy, cost-type contractor procurement.

This part and FPR 1-12 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices, in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203.

Subpart 9-12.52, Nondiscrimination in Employment, is deleted and the following substituted therefor:

Subpart 9–12.8—Equal Opportunity in Employment

AUTHORITY: The provisions of this Subpart 9–12.8 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9–12.8—Equal Opportunity in Employment

§ 9–12.800 Scope of subpart.

This subpart implements FPR 1–12.8, Equal Opportunity in Employment.

§ 9–12.805 Administration.

(a) The Assistant to the General Manager is the AEC Contracts Compliance Officer.

(b) Heads of Divisions and Officers, Headquarters having contract authority and Managers of Field Officers are Deputy Contracts Compliance Officers.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 6th day of July 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65–7309; Filed, July 13, 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 3726]

[Wyoming 0315942 (Nebr.)]

NEBRASKA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of May 3, 1904, withdrawing lands for reclamation purposes is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 22 N., R. 52 W.,
Sec. 15, N½NW¼NE¼ and N½NE¼NW¼.

The areas described aggregate approximately 40 acres, in Morrill County. The lands are included in an allowed homestead entry.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65–7316; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3727]

[Washington 05787]

WASHINGTON

Revocation of Withdrawals for National Forest Administrative Sites

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

The departmental orders which reserved national forest administrative sites, are hereby revoked, so far as they reserved the following described lands:

WILLAMETTE MERIDIAN

OKANOGAN NATIONAL FOREST

Castle Rock Ranger Station Administrative Site

T. 33 N., R. 17 E., unsurveyed,
Sec. 35, NE¼NE¼.

SNOQUALMIE NATIONAL FOREST

Tilton Ranger Station Administrative Site

T. 13 N., R. 3 E., unsurveyed,
Sec. 16, lot 4.

River Bar Ranger Station Administrative Site

T. 17 N., R. 7 E.,
Sec. 4, lots 2, 3.

Bear Prairie Ranger Station Administrative Site

T. 14 N., R. 8 E.,
Sec. 8, S½NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, SE¼SE¼.

Mount Persis Administrative Site

T. 27 N., R. 9 E.,
Sec. 28, N½SW¼.

Williamson Creek Administrative Site

T. 29 N., R. 9 E.,
Sec. 24, SW¼.

Klickitat Ranger Station Administrative Site

T. 11 N., R. 13 E., unsurveyed,
Sec. 4, SW¼NE¼, S½NW¼, NE¼SW¼, W½SE¼, NE¼SE¼, lot 3.

White Horse Ranger Station Administrative Site

T. 13 N., R. 13 E., unsurveyed,
Sec. 10, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.

Scenic Administrative Site

T. 26 N., R. 13 E.,
Sec. 28, SW¼.

WENATCHEE NATIONAL FOREST

Manastash Administrative Site

T. 18 N., R. 14 E., unsurveyed,
Sec. 1.

Little Creek Ranger Station Administrative Site

T. 19 N., R. 14 E.,
Sec. 4, lot 8.

Keechelus Administrative Site

T. 21 N., R. 12 E.,
Sec. 14, SE¼NE¼, NW¼SE¼, E½SE¼.

Whittier Ranger Station Administrative Site

T. 21 N., R. 12 E.,
Sec. 22, S½SE¼SE¼.

Teanaway Ranger Station Administrative Site

T. 22 N., R. 16 E., unsurveyed,
Sec. 30, NW¼NE¼, E½NE¼.

Park Administrative Site

T. 22 N., R. 17 E., unsurveyed,
Sec. 8, NE¼.

Little Camas Ranger Station Administrative Site

T. 22 N., R. 18 E.,
Sec. 4, S½NE¼NE¼SE¼, SE¼NW¼NE¼SE¼, E½SW¼NE¼SE¼, SE¼NE¼SE¼, E½SE¼SE¼, E½W½SE¼SE¼.

Sicakane Ranger Station Administrative Site

T. 24 N., R. 19 E.,
Sec. 2, SE¼.

Deep Hole Ranger Station Administrative Site

T. 25 N., R. 15 E.,
Sec. 34, SE¼SW¼NE¼, SW¼SE¼NE¼, NW¼NE¼SE¼, NE¼NW¼SE¼.

Eagle Creek Ranger Station Administrative Site

T. 25 N., R. 18 E.,
Sec. 12, NW¼SW¼, S½SW¼, W½W½SW¼SE¼.

Stevens Pass Administrative Site

T. 26 N., R. 13 E.,
Sec. 12, S½SE¼NW¼.

Natapoc Ranger Station Administrative Site

T. 26 N., R. 16 E.,
Sec. 4, NE¼SE¼.

Suspension Ranger Station Administrative Site

T. 26 N., R. 17 E.,
Sec. 34, lot 9.

Napequa Ranger Station Administrative Site

T. 27 N., R. 16 E.,
Sec. 4, lot 4, W½SW¼NW¼, W½SE¼SW¼, NW¼;
Sec. 5, lot 1.

Wenatchee Lake Ranger Station Administrative Site

T. 27 N., R. 17 E.,
Sec. 28, lot 8.

Stormy Creek Administrative Site

T. 27 N., R. 19 E.,
Sec. 22, E½SE¼.

Wenatchee Ford Administrative Site

T. 28 N., R. 14 E., unsurveyed,
Sec. 22, E½NE¼.

Meadow Creek Ranger Station Administrative Site

T. 28 N., R. 17 E.,
Sec. 32, S½SE¼NW¼.

Maple Creek Ranger Station Administrative Site

T. 29 N., R. 16 E., unsurveyed,
Sec. 11, NW¼.

The areas described aggregate approximately 1,863.05 acres.

At 10 a.m., on August 11, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65–7317; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3728]

[Arizona 034980]

ARIZONA

Revocation of Executive Order No. 1238 of August 20, 1910

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:

Executive Order No. 1238 of August 20, 1910, reserving the following-described lands as a rifle range, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 6 E.,
Secs. 4 and 5.

The areas described aggregate 1,279 acres.

The lands have been disposed of as authorized by the Act of July 3, 1926 (48 Stat. 831).

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7318; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3729]

[Los Angeles 0135993]

CALIFORNIA

Correction of Public Land Order No. 2460

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:

Public Land Order No. 2460 of August 11, 1961 (26 F.R. 7701), so far as it describes lands in Sec. 12, T. 16 S., R. 6 E., withdrawn for the McCain Valley National Cooperative Land and Wildlife Management Area, as the E½S½NW¼, is corrected to read "E½, S½NW¼," subject to valid existing rights.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7319; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3730]

[New Mexico 0556788]

NEW MEXICO

Withdrawal for Department of Agriculture 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 public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved under the jurisdiction of the Secretary of Agriculture as an addition to the Coyote Administrative Site:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 N., R. 3 E.,
Sec. 2, Lots 24 and 25;
Sec. 11, N½NW¼.

The areas described aggregate 130.27 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7320; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3731]

[Colorado 0124534]

COLORADO

Withdrawal for Fort Carson Military Reservation

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 public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and reserved under jurisdiction of the Department of the Army for the expansion of Fort Carson:

SIXTH PRINCIPAL MERIDIAN

T. 17 S., R. 67 W.,
Sec. 35, NW¼.
T. 18 S., R. 66 W.,
Sec. 9, S½SE¼, NE¼SE¼, SE¼NE¼, SW¼SW¼;
Sec. 14, NE¼NE¼;
Sec. 20, S½N½.
T. 18 S., R. 67 W.,
Sec. 12, SE¼SW¼;
Sec. 17, NW¼;
Sec. 19, lots 3 and 4, NE¼SW¼, SE¼NW¼;
Sec. 23, NW¼NW¼;
Sec. 28, SE¼NW¼ and NE¼SW¼;
Sec. 29, SW¼;
Sec. 30, lots 1, 3, and 4, E½, E½SW¼;
Sec. 31, lots 1, 2, 3, and 4, E½W½, W½E½.
T. 18 S., R. 68 W.,
Sec. 13, W½SW¼, NE¼SE¼;
Sec. 24, NW¼, W½SW¼, NW¼NE¼, and SE¼SE¼;
Sec. 25, N½N½ and E½SE¼.

The areas described aggregate 2871.17 acres in El Paso, Pueblo, and Fremont Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7321; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3732]

[Fairbanks 030048]

ALASKA

Revocation of Air Navigation Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 2958 of March 4, 1963, which withdrew 12.96 acres described by metes and bounds at Barrow, for use of the Federal Aviation Agency as an air navigation facility, is hereby revoked.

2. The land is in Naval Petroleum Reserve No. 4.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7322; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3733]

[Idaho 016387]

IDAHO

Exclusion of Lands From St. Joe National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355, of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to existing valid rights the following-described lands are hereby excluded from the St. Joe National Forest, and the boundaries of said forest adjusted accordingly:

BOISE MERIDIAN

T. 41 N., R. 4 E.,
Secs. 16 and 36.

Containing 1,280 acres, in Clearwater County.

The lands restored by this order are subject to the grant to the State of Idaho made by the act of July 3, 1890 (26 Stat. 215).

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7323; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3734]

[Arizona 034453]

ARIZONA

Modifying Wildlife Withdrawal To Permit Grant of Highway Right-of-Way

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:

Public Land Order No. 1015 of October 1, 1954, reserving public lands for use in connection with the Gila River Waterfowl Area Project, is hereby modified to the extent necessary to permit the granting of a highway right-of-way under R.S. 2477 (43 U.S.C. 932), to Maricopa County, over the following described lands, as delineated on maps filed with the Bureau of Land Management in Arizona 034453:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 1 W.,
Sec. 35, the W 55 feet, the E 55 feet, and the S 55 feet of the S½.

Containing approximately 13 acres.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7324; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3735]

[Colorado 019069]

COLORADO

Reclamation Withdrawal (Juniper Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the proposed Juniper Project:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 6 N., R. 91 W.,
Sec. 18: Lot 19;
Sec. 29: Lot 3;
Sec. 30: Lots 5, 6, and 8;
Sec. 31: Lot 9.
T. 5 N., R. 92 W.,
Sec. 1: Lots 7 and 8, SW¼NW¼, SW¼;
Sec. 2: Lots 8 and 13;
Sec. 3: Lots 13 and 15, SE¼SE¼;
Sec. 4: Lots 5 and 9, SE¼NE¼, NE¼SE¼, SW¼SE¼;
Sec. 5, S½SE¼;
Sec. 6: Lots 10 to 14, inclusive;
Sec. 7: Lots 5 to 10, inclusive, 12 to 14, inclusive, NE¼NW¼, SE¼SW¼;
Sec. 8: Lots 1, 2, N½N½, SE¼NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 9: Lots 2, 3, NW¼;
Sec. 10: Lot 1;
Sec. 11: Lots 1, 3, 4, 5, 6;
Sec. 12, NW¼;
Sec. 17, SW¼NW¼, W½SW¼;
Sec. 18, E½E½, NW¼NE¼.
T. 6 N., R. 92 W.,
Sec. 31: Lots 7, 8, S½NE¼, E½SW¼, SE¼;
Sec. 33, NE¼SE¼;
Sec. 34: Lot 1;
Sec. 35: Lot 1;
Sec. 36: Lots 5, 7, SE¼SW¼.
T. 5 N., R. 93 W.,
Sec. 1: Lots 5 to 7, inclusive, S½N½, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 2: Lots 7, 9, S½NW¼, SE¼SW¼, N½SW¼, SE¼;
Sec. 4: Lots 5, 6, S½NE¼, NW¼SW¼, S½SW¼;
Sec. 5: Lots 6 to 8, inclusive, S½N½, S½;
Sec. 6: Lots 8 to 14, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼
Sec. 7: Lots 5 to 8, inclusive, E½, E½W½;
Sec. 8, N½, NE¼SE¼, S½SE¼;
Sec. 9, W½NE¼, NW¼, S½;
Sec. 12, E½NE¼;
Sec. 15, W½W½;
Sec. 17, N½NE¼;
Sec. 18: Lot 5, NE¼NW¼.
T. 6 N., R. 93 W.,
Sec. 11, SW¼, SW¼SE¼;
Sec. 14, NW¼NW¼;
Sec. 15, NE¼NE¼, S½N½, NW¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 20, S½SE¼;
Sec. 21, NE¼NE¼, S½NE¼, S½;
Sec. 22, N½NW¼, SW¼NW¼;
Sec. 24, SW¼, NW¼SE¼;
Sec. 25, NW¼, N½SW¼;
Sec. 26, E½NE¼, S½SW¼, SE¼;
Sec. 28: Lots 1, 3, N½N½, SW¼NE¼, S½SW¼, W½SE¼;
Sec. 29: Lot 1, 2, and 4 to 7, inclusive, N½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 30: Lots 5, 6, 7, 10, 13, 14, NE¼NE¼, S½NE¼, SE¼NW¼, N½SE¼
Sec. 31: Lots 8, 9, 11, 14, 17;
Sec. 32: Lots 1 to 4, inclusive, and 6 to 9 inclusive, NE¼NE¼, SE¼SW¼, S½SE¼;
Sec. 33, All;
Sec. 34, NE¼, NE¼NW¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 35, NW¼NE¼, SE¼NE¼, W½NW¼, N½SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 36, NE¼SE¼, S½SE¼.
T. 5 N., R. 94 W.,
Sec. 1: Lots 5 to 8, inclusive, S½N½, S½;
Sec. 2: Lots 5 to 8, inclusive, S½N½, S½;
Sec. 3: Lots 5, 6, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 4: Lots 5, 6;
Sec. 10, E½NE¼;
Sec. 11, N½;
Sec. 12, NE¼, NE¼SE¼, S½SE¼;
Sec. 13, NE¼.
T. 6 N., R. 94 W.,
Sec. 3, SW¼;
Sec. 7, SE¼;
Sec. 9: Lots 1, 4, E½NE¼, N½S½;
Sec. 10: Lot 1, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 11, SW¼NW¼, SW¼, W½SE¼;
Sec. 13, W½NE¼, NE¼NW¼, S½NW¼, SW¼;
Sec. 14: Lot 1, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 15: Lots 1, 3, 4, 6, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 16: Lot 6;
Sec. 20: Lots 2 to 4, inclusive, NW¼NE¼, S½N½, SW¼;
Sec. 21: Lots 2, 4, 5, 7, SW¼NE¼, S½NW¼, NE¼SW¼, NW¼SE¼;
Sec. 22: Lot 8;
Sec. 23: Lots 1, 6, NE¼, N½SE¼;
Sec. 24: Lots 1, 3, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 25: Lots 1, 10;
Sec. 26: Lot 9;
Sec. 27: Lots 2, 3, 5, 7, 8, NE¼NW¼, S½NW¼, SW¼;
Sec. 28: Lot 2, NW¼NE¼, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 33, E½E½, SW¼SE¼;
Sec. 34: Lot 2, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 35: Lot 1, N½NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 36: Lots 2 to 6, inclusive.

The area described aggregate 23,308.64 acres.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws, supra, including the use of the lands under lease, license, or permit, at such time as the Juniper Project is authorized by Congress.

3. Pending authorization of the Juniper Project, the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or the disposal of their mineral or vegetative resources, other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

4. By virtue of the authority contained in the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered that the above-described lands in townships 5 and 6 N., R. 94 W., except for lands within the high waterline of the reservoir and for a distance of 300 feet, measured horizontally from the perpendicular to the proposed high waterline, shall, at 10 a.m., on August 11, 1965, be open to location, entry, and patenting under the U.S. mining laws, subject to the condition that if and when the lands are actually required for reclamation purposes, they may be utilized by the United States without payment, and any structures or improvements placed on the lands which may interfere with contemplated reclamation work will be removed, or relocated without expense to the United States, its successors, or assigns.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7325; Filed, July 13, 1965; 8:45 a.m.]

[Public Land Order 3736]

[Colorado 011495]

COLORADO

Reclamation Withdrawal (Juniper Project)

By virtue of the authority contained in the act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the proposed Juniper Project:

SIXTH PRINCIPAL MERIDIAN

T. 5 N., R. 91 W.,
Sec. 6, lots 13 and 14.
T. 5 N., R. 92 W.,
Sec. 1, lots 5, 6, 10, SW¼NE¼, SE¼NW¼, NW¼SE¼, S½SE¼;
Sec. 3, lot 17;
Sec. 4, S½SW¼;
Sec. 5, lots 11 and 13;
Sec. 6, lot 19;
Sec. 7, N½NE¼;
Sec. 8, SW¼NE¼, SE¼SW¼, N½SE¼;
Sec. 9, N½S½;
Sec. 10, lot 3, NE¼, SE¼NW¼, N½S½;
Sec. 11, SW¼NW¼, N½S½;
Sec. 12, NE¼, N½S½;
Sec. 17, E½W½, NW¼NW¼;
Sec. 18, lot 5, SW¼NE¼, NE¼NW¼;
Sec. 19, lots 10, 11, SE¼SE¼;
Sec. 20, W½.
T. 6 N., R. 92 W.,
Sec. 25, lot 1;
Sec. 29, S½NW¼, NW¼SW¼, SE¼SW¼;
Sec. 35, E½NW¼.
T. 5 N., R. 93 W.,
Sec. 1, lot 8, SE¼SW¼, SW¼SE¼;
Sec. 2, lot 8, SW¼SW¼;
Sec. 3, lots 5, 6, 7, 8;
Sec. 5, lot 5;
Sec. 8, NW¼SE¼;
Sec. 9, SE¼NE¼;
Sec. 10, W½SW¼;
Sec. 11, N½N½;
Sec. 12, NW¼NE¼, N½NW¼, E½SE¼;
Sec. 15, E½SW¼;
Sec. 17, S½NE¼, S½;
Sec. 18, lots 6, 7, 8, E½, SE¼NW¼, E½SW¼;
Sec. 21, lots 3, 8, 9, W½NW¼.
T. 6 N., R. 93 W.,
Sec. 11, N½SE¼;
Sec. 15, NW¼NE¼, NE¼NW¼, NW¼SW¼;
Sec. 19, lot 6, S½SE¼;
Sec. 20, SE¼SW¼, N½SE¼;
Sec. 21, NW¼NE¼;
Sec. 22, SW¼SW¼;

Sec. 24, SW¼SE¼;
Sec. 27, W½NW¼, NW¼SW¼, S½S½;
Sec. 28, SE¼NE¼, E½SE¼;
Sec. 30, NW¼NE¼;
Sec. 34, NW¼NW¼, NE¼SE¼, S½SE¼;
Sec. 35, NE¼NE¼, SW¼SW¼.
T. 6 N., R. 95 W.,
Sec. 12, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 13, NE¼, E½NW¼, NE¼SE¼.
T. 5 N., R. 94 W.,
Sec. 3, lots 7, 8, S½NW¼, SW¼, SW¼SE¼;
Sec. 4, lots 7, 8, S½N½, SE¼;
Sec. 9, N½NW¼;
Sec. 10, W½NE¼, NW¼, S½;
Sec. 11, S½;
Sec. 12, W½, NW¼SE¼;
Sec. 13, NW¼, E½SW¼, N½SE¼, SE¼SE¼;
Sec. 24, NE¼NE¼.
T. 6 N., R. 94 W.,
Sec. 7, lots 7, 8, S½NE¼, E½SW¼;
Sec. 8, SW¼NE¼;
Sec. 9, W½NE¼, NW¼;
Sec. 10, NE¼NE¼;
Sec. 11, NE¼, N½NW¼, SE¼NW¼, E½SE¼;
Sec. 13, NW¼NW¼, W½SE¼;
Sec. 14, NE¼NE¼;
Sec. 19, lots 5, 6, NW¼NE¼, SE¼NE¼, NE¼NW¼;
Sec. 21, S½SW¼, SW¼SE¼;
Sec. 24, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 28, SW¼NE¼, SW¼SE¼;
Sec. 30, lot 10;
Sec. 33, W½SE¼, SW¼, NW¼SE¼.

The areas described aggregate 10,621.99 acres.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws, supra, including the use of the lands under lease, license, or permit, at such time as the Juniper Project is authorized by Congress.

3. Pending authorization of the Juniper Project, the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or the disposal of their mineral or vegetative resources, other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

4. By virtue of the authority contained in the act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154), it is ordered that the above-described lands in townships 5 and 6 N., R. 94 W., except for lands within the high waterline of the reservoir and for a distance of 300 feet, measured horizontally from the perpendicular to the proposed high waterline, shall, at 10 a.m., on August 11, 1965, be open to location, entry, and patenting under the U.S. mining laws, subject to the condition that if and when the lands are actually required for reclamation purposes, they may be utilized by the United States without payment, and any structure or improvements placed on the lands which may interfere with contemplated reclamation work will be removed or relocated without expense to the United States, its successors, or assigns.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7326; Filed, July 13, 1965; 8:46 a.m.]

[Public Land Order 3737]
[Sacramento 059322]

CALIFORNIA

Partly Revoking Public Land Order No. 26 of August 12, 1942, as Amended, Which Withdrew Lands for Use of the Department of the Air Force for a Campsite; Rewithdrawal From Mineral Entry

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. Public Land Order No. 26 of August 12, 1942, as amended by Executive Order No. 9526 of February 28, 1945, and by Public Land Order No. 1709 of August 6, 1958, and which withdrew lands for use of the Department of the Air Force as a campsite, is hereby revoked so far as it withdrew the public lands in the following-described areas:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 6 E.,
Sec. 8.
T. 15 N., R. 6 E.,
Secs. 1, 12, 13, and 24.
T. 14 N., R. 7 E.,
Secs. 8 and 18.

The areas described, including the public and nonpublic lands, aggregate approximately 4,480 acres, of which 559.55 acres are public lands.

2. Subject to valid existing rights, the minerals in the public lands in the areas described above are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States as a public safety measure.

3. Subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals, the public lands released from withdrawal by this order are hereby opened to filing of applications and selections in accordance with the following:

(a) Until 10 a.m., on January 4, 1966, the State of California shall have a preferred right of application to select the lands, in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

(b) All other valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, presented at or prior to 10 a.m., on August 11, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

4. The area has been utilized by the Department of the Air Force as a bombing range. That Department has completed explosive contamination surveys of all areas. However, the United States cannot and does not give any assurance that contamination does not exist in any part of the area.

5. All leases and permits shall be issued with the understanding that the United States neither warrants nor represents that the lands are safe or suitable for such use. All leases and permits shall contain provisions absolving and releasing the United States from any and all liability of whatever nature for damages for personal injury, death, or damage to property arising out of operations, under such lease or permits, which may be suffered by the lessee, or permittee, his successors and assigns, and the agents, servants, and employees of either.

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

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7327; Filed, July 13, 1965; 8:46 a.m.]

[Public Land Order 3738]
[Arizona 034084]

ARIZONA

Partial Revocation of Reclamation Withdrawal, and of Special Stipulations (Salt River Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, and the Act of April 23, 1932 (47 Stat. 136), it is ordered as follows:

1. The departmental order of August 21, 1909, and any other order or orders withdrawing lands for reclamation purposes, are hereby revoked so far as they affect the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 1, lots 1, 5, 6, 7, 8, S½NE¼, SE¼NW¼, and SE¼.

The areas described, including the public and nonpublic lands aggregate approximately 459.45 acres, in Pinal County.

The lands are situated about 4 miles NE of Apache Junction, Ariz. Topography is undulating to broken. Soils vary from very shallow to moderately deep.

2. Until 10 a.m., on January 4, 1966, the State of Arizona shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 4, 1966, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

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

tion prescribed by the departmental order of September 16, 1939, opening lands to mining location, entry, and patent. The said stipulation, as to the lands described in paragraph 1 above, is hereby revoked.

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

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7328; Filed, July 13, 1965; 8:46 a.m.]

[Public Land Order 3739]

[Arizona 034977]

ARIZONA

Modification of Stock Driveway Withdrawal

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental order of February 4, 1919, creating Stock Driveway Withdrawal No. 56, Arizona No. 2, as modified by the departmental order of November 3, 1933, is hereby further modified to the extent necessary to permit the grant of a highway right-of-way under R.S. 2477 (43 U.S.C. 932) to the County of Maricopa, Ariz., over the following-described lands, as delineated on a map on file with the Bureau of Land Management in Arizona 034977:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 2 E.,
Sec. 4, E 40 feet of lot 3, and E 40 feet of SE¼NW¼.
T. 7 N., R. 2 E.,
Sec. 33, E 40 feet of SW¼ and W 40 feet of SE¼ lying S of existing Lake Pleasant Road.

Containing 7.5 acres.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7329; Filed, July 13, 1965; 8:46 a.m.]

[Public Land Order 3740]

[Idaho 09685]

IDAHO

Withdrawal for Virgil Borden Lakes Game Management Area

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 and to existing withdrawals for water power purposes, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for management in cooperation with the State of Idaho for the Virgil Borden Lakes Game Management Area:

BOISE MERIDIAN

T. 5 S., R. 4 E.,
Sec. 27, W½SW¼;
Sec. 28, SE¼;
Sec. 33, lot 3.

The areas described aggregate 254.9 acres, in Elmore County.

2. Upon execution of a cooperative agreement with the Secretary of the Interior, or his delegate, the State of Idaho is authorized to manage the withdrawn lands for the conservation of small game and waterfowl and as a public hunting and fishing ground, consistent with Federal programs for the management of the lands.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses, contracts, or permits, will be issued only if the proposed use of the lands will not interfere with the proper management of the Virgil Borden Lakes Game Management Area.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JULY 6, 1965.

[F.R. Doc. 65-7330; Filed, July 13, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 65-31]

PART 171—STANDARDS FOR NUMBERING

Subpart 171.10—Application for Number

TENNESSEE SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32 dated September 23, 1958 (23 F.R. 7605), the Commandant, U.S. Coast Guard, on July 1, 1965, approved the Tennessee system for numbering of undocumented mechanically propelled vessels.

As provided in this approval, the Tennessee system shall be operative on and after July 1, 1965. On that date the authority to number undocumented vessels propelled by machinery which are principally used in the State of Tennessee passes to the State of Tennessee, and simultaneously the Coast Guard discontinues to number such vessels. Coast Guard issued certificates of number continue to be valid until date of expiration contained thereon or until ownership, or state of principal use changes or other cause voids such certificates. The Tennessee Game and Fish Commission, Cordell Hull Building, Nashville, Tenn., is the agency which will administer the program for the numbering of motorboats in the State of Tennessee.

On and after July 1, 1965, the "reports of boating accidents," which involves vessels numbered in the State of Tennessee, will be reported to the Tennessee Game and Fish Commission, Cordell Hull Building, Nashville, Tenn., pursuant to the Tennessee Boating Safety Act of 1965 (Chapter 334 of Public Acts of 1965) and the implementing regulations adopted by the Tennessee Game and Fish Commission.

Because the amendment to § 171.10-1 (a)(1) and (b), as set forth in this document, is an informative rule about official acts performed by the Commandant, it is hereby found that compliance with the Administrative Procedures Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167-17 dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited, the following amendment is prescribed:

In § 171.10-1 *To whom made*, paragraph (a)(1) is amended by deleting from the list of states the name "Tennessee," and paragraph (b) is amended by inserting in the list of states having approved numbering systems the name "Tennessee" to follow after the State of "South Dakota."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 1, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-7414; Filed, July 13, 1965; 8:47 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 14; Amdt. 1]

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

Resident Representative

JULY 9, 1965.

Take notice that the Federal Maritime Commission has amended its Part 527 of Title 46, CFR, to provide that conferences required to appoint a resident representative under § 527.5 can satisfy the reporting requirements of § 527.4 by reporting only those requests and complaints which are lodged with said resident representative. The purpose of this minor amendment is to clarify the reporting requirements of § 527.4 by explicitly setting forth the intention of the Commission when it issued its original order and thus forestall any possible misinterpretation of the requirements as set forth in §§ 527.4 and 527.5. For these reasons the Commission is of the opinion that the procedure under

which interested parties may comment on proposed rules is unnecessary for the purposes of this minor amendment and that the provisions of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(b)) should be waived.

Therefore, pursuant to sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820 and 841a), § 527.5 is amended by adding the following sentence at the end thereof:

§ 527.5 Resident representative.

* * * Conferences and other rate-making groups subject to this section may satisfy the reporting requirements of § 527.4 by reporting those requests and complaints filed with the resident agent appointed pursuant to the provisions of this section.

Effective date. This amendment shall become effective on the effective date of the original order, that is, July 9, 1965.

By the Commission[1] (John Harllee, Chairman, James V. Day, Vice Chairman, Ashton C. Barrett, Commissioner).

THOMAS LISI,
Secretary.

[F.R. Doc. 65-7409; Filed, July 13, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-597]

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Applications for Amateur Operator Examinations and Additional Amateur Operator Examination Point at Gettysburg, Pa.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 7th day of July 1965;

The Commission having under consideration further provision for examining applicants for General and Extra Class amateur radio operator licenses; and

It appearing, that the Commission's offices and personnel at Gettysburg, Pa., can be utilized for examining said applicants, and that examinations thus conducted would assist field offices to keep abreast of their workload, would better serve applicants in central Pennsylvania and western Maryland, and would be in the public interest; and

It further appearing, that Parts 0 and 97 of the Commission's rules should be amended to add an amateur license examination office at Gettysburg, Pa., and that Part 97 of the Commission's rules should be further amended to properly state the procedures applicable to filing of applications for examinations at Commission offices or examination points; and

It further appearing, that the amendments herein ordered are procedural in nature and not substantive and that therefore compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, Effective September 1, 1965, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, that Parts 0 and 97 of the Commission's Rules are amended as set forth below.

Adopted: July 7, 1965.

Released: July 9, 1965.

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

1. Section 0.121 Location of field offices and monitoring stations, is amended by adding new paragraph (f) as follows:

§ 0.121 Location of field offices and monitoring stations.

* * * * *

(f) An examination office for amateur operator license applicants is located at 334 York Street, Gettysburg, Pa.

2. New § 0.318 is added as follows:

§ 0.318 Authority delegated to operator examiner.

The operator examiner at the examination office in Gettysburg, Pa., is authorized to act on requests for waiver of the waiting time requirement applying to applicants for amateur radio operator licenses who have failed a previous examination (§ 97.33 of this chapter).

3. Section 0.445(b) is amended to read as follows:

§ 0.445 Amateur and commercial operator examination points.

* * * * *

(b) Examinations for amateur radio operator licenses are given frequently, by appointment, at the Commission's offices in Gettysburg, Pa. Examinations for all classes of radio operator licenses are given frequently, by appointment, at the Commission's offices in the following cities:

Mobile, Ala.
Anchorage, Alaska
San Diego, Calif.
Tampa, Fla.
Savannah, Ga.
Beaumont, Tex.

4. Section 97.11(a) is amended to read as follows:

§ 97.11 Application for operator license.

(a) An application (FCC Form 610) for a new operator license, including an application for change in operating privileges, which will require an examination supervised by Commission personnel at a regular Commission examining office shall be submitted to such office in advance of or at the time of the examination, except that, whenever an examination is to be taken at a designated examination point away from a Commission office, the application, together with the necessary filing fee (see § 97.55) should be submitted in advance of the examination date to the office which has jurisdiction over the examination point involved.

* * * * *

5. Part 97, Appendix I, paragraph 2, is amended by adding Gettysburg, Pa.

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

[F.R. Doc. 65-7433; Filed, July 13, 1965; 8:48 a.m.]

[1] Commissioner George H. Hearn's dissent filed as part of the original document.

[FCC 65-594]

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of July 1965:

The Commission having under consideration its procedures governing the reconsideration of orders designating a case for hearing; and

It appearing, that the rules should be revised to make clear that petitions for reconsideration of orders which designate cases for hearing will be entertained only in particular instances where there is a final effect; and

It further appearing, that authority for the amendments herein adopted is contained in sections 4 (i) and (j), 303(r) and 405 of the Communications Act of 1934, as amended; and

It further appearing, that the amendments herein adopted are procedural in nature, and hence that the public notice provisions of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective July 16, 1965, that sections 1.106(a) and 1.111 of the rules of practice and procedure are amended as set forth below.

Released: July 9, 1965.

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

1. Section 1.106(a) is amended to read as follows:

§ 1.106 Petitions for reconsideration of final action taken by the Commission en banc or by a designated authority pursuant to a delegation.

(a) Petitions requesting reconsideration of a final action taken pursuant to delegated authority will be acted on by the designated authority. Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of an interlocutory ruling made by the Commission, the Review Board or the Chief Hearing Examiner will not be entertained. See § 1.115(e)(2). For purposes of reconsideration, an order disposing of a petition to deny is not an interlocutory ruling. For provisions pertaining to reconsideration of an order designating a case for hearing, see § 1.111.

* * * * *

2. Section 1.111 is amended to read as follows:

§ 1.111 Petitions for reconsideration of an order designating a case for hearing.

(a) A petition for reconsideration of an order designating a case for hearing will be entertained only in the following circumstances:

(1) Where the petition relates to an adverse ruling with respect to the petitioner's participation in the proceeding;

(2) Where the petition is filed by an applicant and asserts that his application should have been granted without hearing.

(b) A petition for reconsideration under paragraph (a) of this section will be acted upon by the Commission. All questions raised in the petition and relating to the designation order will be considered.

(Secs. 4, 303, 405, 48 Stat. 1066, 1082, 1095, as amended; 47 U.S.C. 154, 303, 405)

[F.R. Doc. 65-7436; Filed, July 13, 1965; 8:48 a.m.]

[Docket No. 15579; FCC 65-596]

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

PART 87—AVIATION SERVICES

Licensing of Radionavigation Land Test Stations

1. The Commission on July 24, 1964, released a notice of proposed rule making in the above-entitled matter (FCC 64-683) which made provision for the filing of comments and was duly published in the FEDERAL REGISTER on July 29, 1964 (29 F.R. 10525). Pursuant to a petition filed by Aerospace Flight Test Radio Coordinating Council (AFTRCC), the time for filing comments and reply comments was extended by Commission Order released on September 10, 1964. The time for filing comments and reply comments has expired.

2. The notice of proposed rule making was issued to provide for a more orderly and efficient administration of the Aviation Radio Services by specifically providing in Part 87 of the Commission's rules for the licensing of radionavigation land test stations. This requirement arises from the increasing use of radionavigational facilities aboard aircraft and the necessity for this equipment to be tested during development, production, and maintenance and prior to takeoff.

3. Comments in response to this proposal were filed by National Pilots Association (NPA), Aircraft Electronics Association (AEA), Aerospace Flight Test Radio Coordinating Council (AFTRCC), Collins Radio Co., State of Minnesota, Aeronautical Radio, Inc. (ARINC) and Air Transport Association of America (ATA). In general, the comments favored the proposal; however, there were requests for changes of specific sections and questions raised which are discussed in the succeeding paragraphs.

4. ARINC, ATA, and AFTRCC point out that radionavigation land test stations, in effect, are comprised of two subordinate categories; namely, maintenance test facilities (MTF) and operational test facilities (OTF), and recommend that this distinction be shown in the rules. The primary purpose of a maintenance test facility would be to permit maintenance testing by aircraft radio service personnel of the airborne system or subsystem aboard the aircraft. This normally would be a portable device and there may be multiple facilities at any one airport. On the other hand, the operational test facility would permit the pilot to check the radionavigation system aboard the aircraft prior to takeoff. This service would be available to all users of the airport. Included in this OTF category would be the VOR operational test facility (VOT) which would be used in the checking of the VOR radionavigation system aboard an aircraft prior to takeoff. The designation of subcategories of radionavigation land test stations becomes necessary because not all sections of the rules in Subpart P will apply to each type of facility. The definitions, accordingly, are amended to reflect this distinction.

5. Various respondents urge the following points be considered: (a) Allow persons holding a restricted radiotelephone operators permit to operate these stations; (b) provide for a single application and license for all equipment used by an applicant at one location; and (c) exempt application for these stations from the fee requirement. The rules do not require any special class of operator permit; accordingly, a restricted radiotelephone permit or any other class of radio operator license issued by the Commission will suffice. A single application may include all the navigational test equipment to be used by a licensee at any one location. This is an administrative matter which does not necessitate a rule amendment as such. The application form makes provision for listing all of the equipment; however, MTF and OTF facilities may not be included on one form. A separate application for each of these types of facility is necessary for administrative reasons. With respect to fees, the notice specifically stated that this new station will be considered a radionavigation station and, therefore, will not be subject to the fee requirement under the existing exemption for radionavigation stations. This is not changed in this report and order.

6. ARINC, ATA, AEA, and AFTRCC request that these stations be exempt from the log keeping requirements contained in Part 87. ARINC and ATA limit their objections to log requirements for Maintenance Test Facilities (MTF) and agree that logs should be required at Operational Test Facilities (OTF). The Commission feels that the present log requirements are minimal and would not be burdensome or impractical to either type of station (MTF/OTF). The information required in the station log is necessary if efficient administration, regulation, and enforcement is to be maintained.

7. The applicability of the present requirement for posting station licenses is raised with respect to radionavigation land test stations. The Commission agrees with respondents that the use of a FCC Form 452-C, or a plate of metal or other durable substance to indicate pertinent information concerning the licensee should be allowed. The provisions which govern the posting of station licenses will be amended to allow for the substitutions presently available in § 87.95(c). ARINC and ATA suggest further that rules be amended to allow the information to be stenciled on the equipment. This is a departure from the posting requirement presently allowed for any station licensed in the Aviation Services. Such a departure does not appear warranted in this rule making.

8. AFTRCC, ARINC, and ATA feel that these stations, in particular MTF, should be exempt from the station identification requirements of § 87.115. With respect to MTF stations, the transmission of specific identification is considered to be impracticable and they are exempted from identification as are other such stations as set forth in § 87.115(f). A suitable amendment will be made to § 87.115(f) to include this type of station. The OTF stations do not come within this category. Identification is practicable and considered necessary; therefore, OTF stations will be required to identify in accordance with § 87.115.

9. It is urged that radionavigation land test stations be exempt from the frequency measurement requirements of § 87.111. Respondents feel that the requirements of § 87.111 are pointless for the following reasons: (1) Much of the test equipment does not operate on a single frequency and is not crystal controlled; (2) it is, by function, a form of frequency standard and calibration accuracy is a requirement of the service being performed; and, (3) many of these devices are checked routinely by reference to radio shop frequency standards. The Commission does not agree. The fact that licensees in the normal use of these stations will in all probability perform checks and measurements which exceed the requirements of § 87.111 does not render this section pointless. This regulation assures a minimum acceptable standard. The Commission cannot predicate its rules or exemptions from rules on the hope that all licensees will perform up to acceptable standards. It has a statutory obligation to require that they do so. If licensees in the usual course of business perform checks and measurements which exceed this standard, it cannot be said that the requirement is a burden.

10. Comments were directed to the need for more frequencies for use by the test stations. These comments appear for the most part to be based on a misunderstanding of the Commission's proposal. The rule making is not limited to 108.0 and 108.1 Mc/s for the testing of VHF omnirange (VOR) and localizer (ILS) equipment, respectively. These are the frequencies that normally will be assigned. The Commission will authorize other frequencies where appropriate after a showing of need by the

applicant and after coordination with interested Government agencies. Also, the rule making is not limited to stations used for the testing of VOR/ILS equipment. All radionavigation stations licensed in the Aviation Services may be tested by this type of station. The frequencies or bands authorized for the operational use of a specific type of radionavigation station will be assigned upon application to a corresponding test station.

11. Collins and AEA do not agree with the proposed requirements for type acceptance. AEA urges that present test equipment should be licensed without regard to the requirement for type acceptance. Collins takes the position that the time scale is unrealistic and unnecessary because (1) the Commission has not yet established technical specifications which are appropriate for type acceptance of test equipment and (2) there is no present indication that harmful interference results from the use of existing test equipment. Licensing of nontype accepted equipment is not compatible with the Commission's type acceptance program. The fact that certain existing equipment will be rendered unlicensable is recognized; however, the 10-year amortization period is considered ample time in which to minimize any economic loss. Collins asserts that there are no established technical standards. We do not agree. Subpart A—Part 87 sets forth technical standards for transmitters used in the Aviation Services. Demonstration, in accordance with the type acceptance procedures, that a particular transmitter meets these standards will result in type acceptance for the transmitter. No special technical specifications for radionavigation land test stations appear necessary. Nor has respondent pointed out any specific deficiency in the technical standards. Accordingly, the position taken in the notice that type acceptance will be required approximately 1 year after finalization of the rules with existing nontype accepted equipment allowed a 10-year amortization period will be incorporated in the rules in § 87.77.

12. The State of Minnesota requests that the eligibility of § 87.525 be expanded to include States and other political subdivisions that have a substantial interest in an airport as they may wish to establish such a station for public use. The Commission agrees that the proposed eligibility is too restrictive insofar as operational test facilities are concerned. An appropriate change has been made in § 87.525.

13. Since the notice in this proceeding was released, the Commission adopted an amendment to Subpart N—Radionavigation Land Stations (§ 87.501) which requires, in the interest of facilitating frequency coordination, that an applicant for such a station give notice to the appropriate FAA regional office prior to submission of an application to the Commission. This procedure is equally applicable to Radionavigation Land Test Stations and appropriate changes have been made in Section 87.521(a).

14. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in section 303 (e), (f), and (r) of the Communications Act of 1934, as amended, that effective August 16, 1965, Parts 2 and 87 of the Commission's rules are amended as set forth below.

It is further ordered, That this proceeding is terminated.

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

Adopted: July 7, 1965.

Released: July 9, 1965.

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

1. Section 2.1 is amended by adding the following definitions in alphabetical order:

§ 2.1 Definitions.

* * * * *

Radionavigation land test station (MTF). A radionavigation land station (Maintenance Test Facility) in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment, and interrogators at predetermined surface locations. The primary purpose of this facility is to permit maintenance testing by aircraft radio service personnel.

Radionavigation land test station (OTF). A radionavigation land station (Operational Test Facility) in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment, and interrogators at predetermined surface locations. The primary purpose of this facility is to permit the pilot to check a radionavigation system aboard the aircraft prior to takeoff.

* * * * *

2. Section 87.5 is amended to add the following definitions in alphabetical order:

§ 87.5 Definition of terms.

* * * * *

Radionavigation land test station (MTF). A radionavigation land station (Maintenance Test Facility) in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment, and interrogators at predetermined surface locations. The primary purpose of this facility is to permit maintenance testing by aircraft radio service personnel.

Radionavigation land test station (OTF). A radionavigation land station (Operational Test Facility) in the aeronautical radionavigation service which is used as a radionavigation calibration station for the transmission of essential information in connection with the testing and calibration of aircraft navigational aids, receiving equipment, and interrogators at predetermined surface locations. The primary purpose of this facility is to permit the pilot to check a radionavigation system aboard the aircraft prior to takeoff.

* * * * *

3. A new subparagraph (7) is added to § 87.77(d) to read as follows:

§ 87.77 Acceptability of transmitters for licensing.

* * * * *

(d) * * *

(7) All transmitters for use in radionavigation land test stations after October 1, 1966, must be of a type which has been type accepted by the Commission for use in these services: *Provided, however*, That nontype accepted equipment authorized for use in a radionavigation land test station before October 1, 1966, may continue to be used until October 1, 1976.

4. Section 87.115(f) is amended to read as follows:

§ 87.115 Station identification.

* * * * *

(f) Radio systems, where the transmission of specific identification is considered to be impracticable, are exempted from the provisions of this section; e.g., airborne weather radar, radio altimeter, air traffic control transponder, distance measuring equipment, collision avoidance equipment, racon, radiosonde, radio relay, and radionavigation land test station (MTF).

5. Section 87.123 is amended to read as follows:

§ 87.123 Permissible communications.

All ground stations in the aviation services shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air: *Provided, however*, That aeronautical public service stations, aeronautical advisory stations, Civil Air Patrol land and mobile stations, and radionavigation land test stations may communicate in accordance with the particular section of these regulations which govern the operation of these classes of stations, and any station in the aviation services in Alaska, regardless of class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions, or other matters relating to safety of life and property if:

(a) There is no established means of communication between the points in question;

(b) No charge is made for the communication service; and,

(c) A copy of each message so transmitted is kept on file at the transmitting station in accordance with § 87.103.

6. Part 87 is amended by the addition of the following new Subpart P:

Subpart P—Radionavigation Land Test Stations

Sec.
87.521 Frequencies available.
87.523 Scope of service.
87.525 Eligibility.

AUTHORITY: The provisions of this Subpart P issued under sec. 4, 48 Stat. 1066, as

amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

§ 87.521 Frequencies available.

(a) In applying for a radionavigation land test station authorization, the applicant need not specify the proposed operating frequencies inasmuch as the assigned frequencies are determined by the Commission after coordination with other agencies of the Government. In order to facilitate coordination of frequencies, the appropriate Regional Office of the Federal Aviation Agency must be notified prior to submission to the Commission of an application for a new radionavigation land station or an application for modification of an existing radionavigation land station to change frequency, power, location, or emission. Each such application, when submitted to the Commission, shall be accompanied by a statement showing the name of the FAA Regional Office notified and the date of such notification.

(b) Normally, frequency assignments to radionavigation land test stations will be shared by other stations of the same class. Licensees are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

(c) The frequencies set forth in §87.183 (m) through (z) may be assigned to radionavigation land test stations for the testing of aircraft transmitting equipment which normally operates on those frequencies and for the testing of ground-based receiving equipment which operates in association with airborne radionavigation equipment.

(d) 108.0 Mc/s and the frequencies set forth in Subpart N of this part may be assigned to radionavigation land test stations for the testing of airborne receiving equipment. The frequencies 108.0 and 108.1 Mc/s will normally be assigned for the testing of VHF omnirange and localizer equipment, respectively. The power authorized on these frequencies normally will be 1 watt or less. The assignment of 108.0 Mc/s is subject to the conditions that no interference shall be caused to the reception of FM broadcasting stations and stations using this frequency are not protected against interference from FM broadcasting stations.

§ 87.523 Scope of service.

Transmissions by radionavigation land test stations shall be limited to the necessities of the testing and calibration of aircraft navigational aids and associated equipment when such testing must be performed by means of radio transmissions.

§ 87.525 Eligibility.

Authorizations for radionavigation land test stations (MTF) will be granted only to applicants engaged in the development, manufacture, or maintenance of aircraft radionavigation equipment. Authorizations for radionavigation land test stations (OTF) will be granted only to an applicant who agrees to establish the facility at an airport for the use of the public.

[F.R. Doc. 65-7434; Filed, July 13, 1965; 8:48 a.m.]

[Docket Nos. 14895, 15233; FCC 65-601]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 91—INDUSTRIAL RADIO SERVICES

Memorandum Opinion and Order

In the matter of amendment of Subpart L, Part 11,[1] to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895; amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233.

1. The Commission has before it petitions for partial reconsideration of the First Report and Order in this proceeding (38 FCC 683, 30 F.R. 3038), filed by American Telephone and Telegraph Co. (A.T. & T.) on May 21, 1965, and by United States Independent Telephone Association (USITA) on May 24, 1965.[2] Petitioners seek reconsideration of the First Report and Order insofar as it amended Part 21 of the Commission's rules to impose restrictions on the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for stations used to relay television broadcast signals to community antenna television (CATV) systems. A.T. & T. requests that the amendments to Part 21 be vacated in their entirety to the extent that they apply to common carriers furnishing varied communication services to the general public, and that § 21.714 of the rules be revised, in any event. USITA requests modification of § 21.712 through § 21.716 along the lines proposed in an appendix to its petition for reconsideration. The stated grounds for these requests, together with our conclusions, are discussed below.

2. A.T. & T. renews the contentions made in previous comments in this proceeding that the amendments to Part 21 constitute an unwarranted extension of Carter Mountain Transmission Corp. v. Federal Communications Commission, 321 F. 2d 359 (CADC), cert. den. 375 U.S. 951, insofar as they apply to general common carriers. It urges that the amendments exceed the Commission's statutory authority, require an unlawful discrimination between customers, and abridge free speech in violation of the First Amendment to the Constitution and section 326 of the Communications Act. Trese contentions raise nothing which was not considered and rejected in the First Report and Order, paragraph 7, fn. 5. We adhere to those determinations here.

3. A.T. & T. further urges that the Commission should not, as a matter of policy, proceed with the amendments to Part 21 pending the outcome of the rule making in Docket No. 15971 (Notice of Inquiry and Notice of Proposed Rule Making issued on April 23, 1965, FCC 65-334, 30 F.R. 3078) and possible legislative action on H.R. 7715, 89th Cong., 1st Sess. It asserts that the basic thrust of the rules is to accomplish an indirect regulation of CATV systems by means which impose unwarranted and unduly burdensome obligations on general common carriers. Since the Commission is proposing to regulate CATV systems directly and its authority to do so may be clarified by Congress, A.T. & T. contends that the rules governing the grant of microwave authorizations to common carriers for end use by CATV systems are "unnecessary as well as a wholly undesirable imposition upon the general common carriers of a task which the Commission should properly perform itself" (A.T. & T. Petition, p. 9).

4. Insofar as A.T. & T. urges that the amendments to Part 21 are now unnecessary, this matter too was considered and decided in the First Report and Order. The reasons for our decision to proceed in the face of proposed direct regulation of CATV systems and possible legislative action are set forth in paragraphs 4-6 of that Report. The basis for our determination that the public interest requires the adoption of rules governing the grant of microwave facilities to serve CATV systems is set forth at some length in paragraphs 40-82. The essential point is that microwave facilities subject to a license under the public interest standard of the Communications Act are being used to transmit television signals to CATV systems who, in turn, distribute these signals to the public in a manner that would be inconsistent with the public interest "in the larger or more effective use of radio" (S-303(g)), in the absence of the carriage and nonduplication requirements as to local television broadcast service. If and when these requirements have been imposed on CATV systems directly, as we have proposed, then some modification of the rules governing microwave grants for CATV end use may become appropriate. Under present circumstances, however, we cannot make the statutory public interest finding as to microwave grants except under the conditions specified in the amended Part 21 of the rules. Carter Mountain Transmission Corp. v. Federal Communications Commission, 321 F. 2d 359 (C.A.D.C.), cert. den. 375 U.S. 951.

5. With respect to the asserted burden of the conditions to the carrier licensee, both A.T. & T. and USITA state that the revisions in the rules originally proposed to take account of this factor (First Report and Order, pars. 151-154, 157), do not fully meet their objections. Paragraph 157 of the First Report and Order acknowledges the merit of A.T. & T.'s argument that a general common carrier should not be required to undertake the

[1] Subsequent to the institution of these proceedings, Part 11 was redesignated as Part 91.

[2] Companion petitions of A.T. & T. and USITA for a stay of the effectiveness of the First Report and Order in this proceeding were denied by a Memorandum Opinion and Order released on May 28, 1965, FCC 65-475. No pleadings in response to the petitions for reconsideration have been filed by any party.

interpretation, application and enforcement of rules which may be subject to considerable dispute between the CATV customer and affected broadcasters. Accordingly, the rules adopted provide in §21.716 that the carrier may at any time refer any dispute to the Commission for a ruling. In addition, § 21.714 modifies the proposed rules to provide that the CATV customer, rather than the carrier, shall carry out the notification to local broadcasters of the filing of the microwave applications (par. 151–154 of the First Report and Order). We discuss first petitioners' contentions with respect to the dispute aspect, and then their proposals as to notification.

DISPUTES PROVISION

6. USITA and A.T. & T. claim that the provision in § 21.716, that the carrier may at any time refer a dispute to the Commission for a ruling, does not in fact relieve the carrier of an enforcement burden. According to USITA (pet., p. 4):

> * * * since the carrier would be required to have these conditions in its tariff or a contract, it would appear to be obligated to withdraw service if in its view a violation of the requirements was occurring by the CATV operator. If a violation of the tariff by the subscriber occurred and the common carrier did nothing, it might well be liable in damages to a broadcasting company under section 206. On the other hand, it would cut off service to the subscriber at its peril of a claim by the subscriber under the same section of the Communications Act.

A.T. & T. interprets the rules similarly; i.e., that the carrier remains responsible for fulfillment of the requirements. It states that a general common carrier could ascertain the nature and extent of each dispute only after thorough investigation and by exercise of constant surveillance over matters unrelated to its service to the public. It further asserts in this connection that the rules use terms and concepts familiar to the broadcasting and CATV industries, but largely alien to common carriers. In addition, A.T. & T. urges that the processing of dispute referral cases and appearances required in this connection would impose substantial additional burdens on the carrier, and that all these burdens could be discharged by the carrier only at the expense of all the users of its services.

7. Since we adhere to our original determination that the general common carrier should not be required to undertake the interpretation, application and enforcement of the substantive provisions of the rules, it appears that some modification of the disputes provision of the rules may be appropriate. However, we are unable to adopt the suggestions of petitioners in this respect.

8. A.T. & T. made no proposal concerning the disputes matter other than its unacceptable request that the amendments to Part 21 be vacated in their entirety for general common carriers. USITA proposes that its objections be met by rewriting the rules to make the substantive portions of § 21.712, applicable to CATV systems directly in a new section. This new section would be prefaced by a statement that "Any CATV system utilizing common carrier microwave service to relay television signals to CATV subscribers or any CATV system shall comply with the following requirements", consisting of the present provisions of § 21.712 (a)–(g). Under USITA's revised § 21.712, the obligation of the carrier licensee would be only to obtain from its subscriber at least 30 days prior to commencing service a certification that the subscriber has notified the relevant local broadcasters of the request for service and that each CATV system to be served will comply with the Commission's rules. With respect to disputes, USITA proposes that either a local broadcaster or a CATV system could refer any dispute to the Commission for a ruling and that the Commission could, after notice and hearing on a formal complaint against any CATV system, order a suspension of service by the carrier.

9. In view of the pending proposal in Part I of Docket No. 15971 to make the substantive provisions of the carriage and nonduplication rules directly applicable to all CATV systems, we do not think it appropriate (or indeed procedurally proper) to adopt rules of this nature for microwave-served CATV systems in advance of public comment on, and a resolution of, the issues in Part I of that proceeding. USITA's proposal will be considered in connection with our disposition of Part I of Docket No. 15971. Accordingly, copies of its petition herein will be placed in that Docket to afford interested persons an opportunity to submit reply comments.

10. It nevertheless appears to us that § 21.712 should be revised to make it clear that the licensee carrier does not have the burden of interpreting, applying, and enforcing the carriage and nonduplication provisions of the rules. Thus, § 21.716 will be deleted, and a new paragraph (j) will be added to § 21.712 to read as follows:

(j) *Disputes between television broadcast stations and CATV systems.* In the event that a dispute should arise, at any time, between a television broadcast station and a CATV system served under an authorization subject to this section, on the question of whether the CATV system is complying with the applicable requirements, the matter may be referred to the Commission for a ruling, either by the licensee carrier or by the station or CATV system, with notice to the licensee carrier. Where a dispute has been referred to the Commission, microwave service to the relevant subscriber will not be commenced or terminated until thirty (30) days after the Commission's ruling has been received by the licensee carrier.

11. We do not believe that the carrier would be liable under section 206 of the Communications Act if the disputes provision were embodied in a separate section of the rules. However, incorporation of this revised provision in the licensing requirments of § 21.712 will make it clear that the carrier need not itself determine whether a subscriber, who has indicated willingness to comply with the applicable requirements, is in fact doing so. The carrier's enforcement role will be purely ministerial, since there is no obligation to commence or suspend service in the event of dispute until 30 days after the carrier has received the Commission's determination of the applicability of the carriage and nonduplication requirements to the particular situation. The 30 days provision will accord the subscriber an opportunity to achieve compliance with the requirements before service is commenced or suspended, or to seek review or other appropriate relief.[3]

NOTIFICATION

12. A.T. & T. and USITA further urge that § 21.714 affords only partial relief to the carrier in modifying the proposed rules to provide that the CATV customer, rather than the carrier, shall carry out the notification involved as to the filing of the microwave application (see par. 153 of the First Report and Order). Since § 21.714 requires the carrier to make a statement in its application that the CATV customers served or to be served have notified the relevant broadcasters of the filing of the application, supported by their letters of notification, A.T. & T. believes that the carrier is still responsible to the Commission for the correctness of the customer's representations. It states that verification of the information required in the letter of notification would be burdensome to the carrier, if not impossible in some instances.

13. A.T. & T. states that its objection could be met by revising § 21.714 to read as follows: "An application for any authorization subject to § 21.714 shall include a statement from each CATV system served or to be served that it has notified the licensee or permittee of any television broadcast station, within whose predicted Grade B contour the CATV system operates or will operate, of the filing of the application and that it is willing to comply with the provisions of § 21.712. Such statement shall be supported by copies of the letters of notification directed to such television broadcast licensees or permittees. The notice shall include the fact of intended filing by the applicant, identification of each CATV system served or to be served under the authorization sought, identification of the community served or to be served by each such CATV system, and the television station(s) whose programs will be distributed by each such CATV system."

14. USITA's proposed § 21.714 with respect to notification provides: "At least 30 days prior to the date on which service of a common carrier microwave system

[3] USITA's proposal that the Commission may order a suspension of service upon formal complaint, after notice and hearing, will not be incorporated in the rules. Such a procedure is available in any event. No Commission order to the carrier is necessary except where it fails to carry out its obligation following a Commission ruling on the dispute. Where a dispute involves issues requiring evidentiary hearing, the appropriate procedures will be followed. However, in many instances where the facts are not in dispute and the only question is, for example, an interpretation of the rules or the appropriateness of a waiver, hearing procedures are not required.

is proposed to be utilized, any CATV system or other subscriber proposing to utilize such service to relay television signals to a CATV system shall notify the licensee or permittee of any television broadcast station, within whose predicted Grade B contour the CATV system operates or will operate, of the request for service and that the CATV system understands and is willing to comply with the provisions of § 21.713 of these rules. The notice shall include the fact of the request for service, identification of each CATV system to utilize the service requested, the identification of the community served or to be served by each such CATV system and the television station(s) whose programs will be distributed by each such CATV system."

15. The requirement in § 21.714 that the carrier make a statement in its application that all CATV customers have notified the relevant broadcasters, supported by their letters of notification, is not intended to impose upon the carrier the obligation of verifying the contents of the supporting letters. Rather, its purpose is to insure that the letters submitted in fact include all CATV customers served or to be served. Since the carrier is in the best position to know who its customers are, we believe that the requirement for a statement of this nature should be retained.

16. However, there does appear to be merit in the contention that a general common carrier may not be in a position to know, at the time the application is filed, all of the CATV systems to be served, directly or indirectly, by the facilities requested. Thus, if the application is for facilities in excess of those necessary to meet the current requirements of persons who have ordered service at the time the application is filed, the carrier probably will not know the identity of persons who may request service subsequent to a grant. Moreover, as A.T. & T. points out, it may not know whether the CATV customer will subsequently furnish the signals received to other CATV systems by cable extensions. We believe that a revision of the rules partially along the lines suggested by USITA is warranted to take care of these situations.

17. Accordingly, §§ 21.712 and 21.714 will be revised to read as set forth below. As so revised, these sections gear the notification requirement to the subscriber's request for service and substantially alleviate any burden to the carrier. The obligations of the carrier are only: (1) To obtain from the relevant subscriber a certification, together with the supporting letters of notification to the broadcasters and the statements by CATV systems to be served of willingness to comply with the rules, and to forward copies to the Commission at least 30 days prior to commencing service; and (2) to state to the Commission, when a microwave application is filed, that it has such material from all relevant subscribers and that copies have been furnished to the Commission. No verification by the carrier is entailed beyond the duty to ascertain whether the material supplied by the subscriber on its face comports with the requirements of the rules (revised § 21.712 (a) and (b)). In the event that some challenge is made as to the sufficiency or current accuracy of the subscriber's representations to the carrier, the matter can be handled pursuant to the disputes procedure of § 21.712(j), which also imposes no verification burden on the carrier, since it has no obligation to commence or suspend service until 30 days after receiving the Commission's ruling.

18. In light of the foregoing, we conclude that the public interest would be served by partial reconsideration of the First Report and Order to modify the amendments to Part 21 of the rules as set forth below.[4] Authority for the modified rules adopted herein is contained in sections 4(i), 303, 307(b), 308, 309, 310, and 319 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, This 7th day of July 1965, that the petitions for reconsideration filed by American Telephone and Telegraph Co. and United States Independent Telephone Association are granted in part, to the extent reflected herein, and are otherwise denied; and

It is further ordered, That rules adopted in the First Report and Order herein on April 22, 1965, are modified as set forth below, effective August 16, 1965, as to applications for new or changed microwave facilities, assignments of license or transfers of control filed on or after August 16, 1965.

It is further ordered, That the modified rules shall be made effective as to other applications, permits, or licenses by further order of the Commission.

Released: July 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

Part 21 is amended as follows:

1. In § 21.710, the opening clause and paragraphs (c) and (g) are amended to read as follows:

§ 21.710 Definitions.

As used in §§ 21.712 and 21.714:

* * * * *

(c) *Principal community contour.* The term "principal community contour" means the signal contour which a television station is required to place over its entire principal community by § 73.685(a) of this chapter.

* * * * *

(g) *Priority.* The term "priority" means the priority among stations established in § 21.712(c).

* * * * *

2. Section 21.712 is amended to read as follows:

§ 21.712 Authorizations for fixed stations to relay television signals to CATV systems.

Authorizations (including initial grants, modifications, assignments or transfers of control, and renewals) in this service to establish or operate fixed stations used to relay television signals to community antenna television systems (CATV systems), either directly or indirectly, shall contain the condition that the licensee carrier shall offer service by means of such stations in accordance with the following requirements, which the licensee carrier shall also include, or cause to be included, in its tariffs for service to any CATV system or other subscriber proposing to utilize such service to relay television signals to any CATV system, either directly or indirectly:

(a) *Certification.* The carrier shall require that any subscriber ordering service indicate whether the service is to be utilized for relaying television signals to any CATV system, either directly or indirectly, and in such event the carrier shall require that the subscriber at least thirty (30) days prior to receiving service file a certification with the carrier, and a copy for the Federal Communications Commission, stating that he has complied with the notification provisions set forth in paragraph (b) of this section, and that each such CATV system will comply with the provisions set forth in paragraphs (c) through (i) of this section. Such certification to the carrier and copy for the Federal Communications Commission shall be supported by copies of the letters of notification sent to television broadcast licensees or permittees pursuant to the requirements of § 21.712(b), and by a statement from each such CATV system indicating willingness to comply with § 21.712. Such copies for the Federal Communications Commission shall be forwarded to the Commission by the carrier at least thirty (30) days prior to commencing service.

(b) *Notification of request for service.* Any such CATV system or other subscriber proposing to utilize such service to relay the television signals to any CATV system, either directly or indirectly, shall notify the licensee or permittee of any television broadcast station, within whose predicted Grade B contour the CATV system operates or will operate in whole or in part, of the request for service. Such notice shall include the fact of the request for service, identification of each CATV system to utilize the service requested (either directly or indirectly), identification of the community served or to be served by each CATV system, and the television station(s) whose programs will be distributed by each such CATV system.

(c) *Stations required to be carried.* Within the limits of its channel capacity, any such CATV system shall carry the signals of operating or subsequently authorized and operating television broadcast stations in the following order of

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[4] Section 21.710(c) is restated here because of an erratum in the rule as originally promulgated. The same erratum appears in section 91.557(c), which should also refer to § 73.685(a). A further erratum appears in section 91.561, which was inadvertently designated as section 91.961.

[5] Dissenting statement of Commissioner Robert T. Bartley in which Commissioner Lee Loevinger joins; and concurring statement of Commissioner James J. Wadsworth filed as part of original document.

priority, upon the request of the licensee or permittee of the relevant station:

(1) First, all commercial and noncommercial, educational stations within whose principal community contours the system operates, in whole or in part;

(2) Second, all commercial and noncommercial, educational stations within whose Grade A contours the system operates, in whole or in part; and

(3) Third, all commercial and noncommercial, educational stations within whose Grade B contour the system operates, in whole or in part.

(d) *Exceptions.* Notwithstanding the requirements of paragraph (c) of this section,

(1) The system need not carry the signal of any station, if (i) that station's network programing is substantially duplicated by one or more stations of higher priority and (ii) carrying it would, because of limited channel capacity, prevent the system from carrying the signal of an independent commercial station or a noncommercial, educational station.

(2) In cases where (i) there are two or more signals of equal priority which substantially duplicate each other, and (ii) carrying all such signals would, because of limited channel capacity, prevent the system from carrying the signal of an independent commercial station or a noncommercial, educational station, the system need not carry all such substantially duplicating signals, but may select among them to the extent necessary to preserve its ability to carry the signals of independent commercial or noncommercial, educational stations.

(3) In cases where the system operates within the Grade B or higher priority contour of both a satellite station and its parent station, carriage of the signal of one of these stations will relieve the system of any obligation to carry the signal of the other.

(e) *Special requirements in the event of noncarriage.* Where the system does not carry the signals of one or more stations within whose Grade B or higher priority contour it operates, the system shall offer and maintain, for each subscriber, an adequate switching device to allow the subscriber to choose between cable and noncable reception, unless the subscriber affirmatively indicates in writing that he does not desire this device.

(f) *Manner of carriage.* Where the signal of any station is required to be carried under this section,

(1) The signal shall be carried without material degradation in quality (within the limitations imposed by the technical state of the art);

(2) The signal shall, upon request of the station licensee or permittee, be carried on the system on the channel on which the station is transmitting (where practicable without material degradation); and

(3) The signal shall, upon the request of the station licensee or permittee, be carried on the system on no more than one channel.

(g) *Stations entitled to program exclusivity.* Any such CATV system which operates, in whole or in part, within the Grade B or higher priority contour of any commercial television broadcast station and which carries the signal of such station shall, upon request of the station licensee or permittee, maintain the station's exclusivity as a program outlet in the manner and to the extent specified in paragraph (h) of this section: *Provided,* That:

(1) The system is not required to maintain the exclusivity of the network programing of any such station if the system carries the signal(s) of one or more equal or higher priority stations (other than a satellite or parent of the station requesting exclusivity) which substantially duplicate the network programing of the station requesting exclusivity; and

(2) The system is not required to maintain the exclusivity of the nonnetwork programing of any such station if the system carries the signal(s) of one or more equal or higher priority stations (other than a satellite or parent of the station requesting exclusivity) which operate in what are normally and usually considered other markets for purposes of television program distribution.

(3) In cases where the system operates within the Grade B or higher priority contour of both a satellite station and its parent station, protection of the program exclusivity of one of these stations wil relieve the system of any obligation to protect the program exclusivity of the other.

(h) *Program exclusivity; extent of protection.* Where a station is entitled to program exclusivity, the CATV system shall, upon the request of the station licensee or permittee, refrain from duplicating any program broadcast by such station, simultaneously or within a period commencing 15 days prior to its broadcast by the station and ending 15 days after such broadcast, if the CATV operator has received notification from the requesting station of the date and time of its broadcast of the program and the date and time of any broadcast to be deleted, as soon as possible and in any event no later than 48 hours prior to the broadcast to be deleted.

(i) *Exceptions.* Notwithstanding the requirements of paragraph (f) of this section,

(1) The CATV system need not delete reception of a network program if, in so doing, it would leave available for reception by subscribers, at any time, less than two network programs (including those broadcast by any stations whose signals are being carried and whose program exclusivity is being protected pursuant to the requirements of this section);

(2) The system need not delete reception of a network program which is scheduled by the network between the hours of 6 and 11 p.m., eastern time, but is broadcast by the station requesting deletion, in whole or in part, outside of the period which would normally be considered prime time for network programing in the time zone involved; and

(3) The system need not delete reception of any program consisting of the broadcast coverage of a speech or other event as to which the time of presentation is of special significance, except where the program is being simultaneously broadcast by a station entitled to program exclusivity.

(j) *Disputes between television broadcast stations and CATV systems.* In the event that a dispute should arise, at any time, between a television broadcast station and a CATV system served under an authorization subject to this section, on the question of whether the CATV system is complying with the applicable requirements, the matter may be referred to the Commission for a ruling, either by the licensee carrier, or by the station, or CATV system, with notice to the licensee carrier. Where a dispute has been referred to the Commission, microwave service to the relevant subscriber shall not be commenced or terminated until thirty (30) days after the Commission's ruling has been received by the licensee carrier.

NOTE 1: As used in § 21.712(b), the term "predicted Grade B contour" means the field intensity contour defined in § 73.683(a) of this chapter, the location of which is determined exclusively by means of the calculations prescribed in § 73.684 of this chapter.

NOTE 2: Whether or not a particular station which does not present a significant amount of locally originated programing is a "satellite", as that term is used in § 21.712, will be determined on the facts of the particular case.

3. Section 21.714 is amended to read as follows:

§ 21.714 Statement required with filing of applications subject to § 21.712.

An application for any authorization subject to § 21.712 shall contain a statement that each subscriber for service to be utilized for relaying television signals to any CATV system, either directly or indirectly, has filed or will be required to file with the carrier the certification required by § 21.712 (a) and (b) at least thirty (30) days prior to receiving service, and that the Federal Communications Commission has been, or will be, timely furnished with a copy of each such certification.

§ 21.716 [Deleted]

4. Section 21.716, "Disputes between television broadcast stations and CATV systems as to requirements under § 21.712", is deleted.

(Secs. 4, 303, 307, 308, 309, 310, 319, 48 Stat. 1066, 1082, 1083, 1084, 1085, 1086, 1089, as amended; 47 U.S.C. 154, 303, 308, 309, 310, 319)

[F.R. Doc. 65-7435; Filed, July 13, 1965; 8:48 a.m.]

[Docket No. 15858; FCC 65-615]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

High Power TV Translators on Unoccupied Assignments

1. The Commission has before it for consideration its notice of proposed rule making, FCC 65-129 issued in this proceeding on February 19, 1965 (30 F.R. 2473), and the comments, reply comments, and data submitted by numerous interested parties. See Attachment A for a list of those filing comments and

data. The notice briefly outlined our previous efforts to promote an efficient broadcasting service to all the people in the United States and the methods we employed in the past to help bring television service to remote isolated communities and rural areas by means of the present low power (1 watt) VHF translators, high power (100 watt) UHF translators on channels 70–83, UHF boosters (on-channel), and satellite stations. In this proceeding we are attempting to investigate a further step in this direction; i.e., the utilization of high power (100 watt) VHF translators and UHF translators on all UHF channels, where the channels are in the Table of Assignments in section 73.606 and are as yet unoccupied due to the fact that they are in communities which found it economically infeasible to build and operate regular TV stations or even satellite stations.

2. The proposal made in the notice looked toward the following actions:

(a) It would permit VHF translators of 100 watts transmitter output power (after manufacturers had submitted information needed for type acceptance) on any channel listed in the Table of Assignments unoccupied by a regular TV station or satellite.[1]

(b) It similarly would permit UHF translators of 100 watts transmitter power on any channel listed in the Table of Assignments and unoccupied by a regular station or satellite. The present rules limit such translators to the upper 14 UHF channels, Channels 70–83.

(c) High power translators would be licensed to regular TV station licensees or to other qualified parties upon a showing that they have available technical personnel qualified to insure that no interference will occur to other radio services.

(d) The high power translator would in no way preclude the grant of an application for a regular or satellite television station on the channel but the licensee of the translator would be given an opportunity to file a competing application to convert the translator to a regular broadcast station also.

(e) The present rule prohibiting existing TV stations to extend their Grade B coverage by means of VHF translators would be modified to the extent that such translators could be used on the remaining VHF assignments in the table (about 65 in the conterminous United States).

(f) Objections to high power translators from regular TV stations would be treated on a "case-by-case" basis just as are similar complaints concerning conventional translators.

3. Approximately 65 parties filed comments in this proceeding. These included TV broadcast station licensees, translator licensees, educational interests, networks, and manufacturers. Most of the comments filed support the Commission's proposals. However, both the proponents and the opponents of the proposals made numerous suggestions related to the proposal but not under consideration in this proceeding. Many of these suggestions appear to have merit and warrant further consideration, but we believe that these are not properly before us in this proceeding and should be explored in a new proceeding which would look toward further improving the present translator system in this country.

ARGUMENTS IN FAVOR OF THE PROPOSAL

4. Among the contentions of the proponents of the amendments outlined above are that the proposal represents an economical and simple method of providing TV service to areas receiving inadequate broadcast service; that it would promote the fuller use of all 82 TV channels and wide-area television service, both commercial and educational; that the establishment of low cost broadcast stations would check "the increasing threat of CATV to the survival of free off-the-air TV"; that it would implement public policy underlying the all-channel receiver legislation; that it would advance the objectives of the Sixth Report and Order; that it could provide the multiple off-the-air network service, which is presently provided by CATV at a cost to the public; and that it may be the only way that primary service can develop in some financially marginal areas and that local TV service will eventually develop. Others pointed out that programs of local and regional interest to viewers will be available whereas distant stations are "imported" by CATV systems; that increased audiences for small and medium market TV stations would be a stabilizing economic factor which would result in better quality operation; and that no problems of interference with regular TV broadcast stations would exist since the high power translators would operate on assignments in the Table of Assignments, at standard separations. Translator interests urged that the proposal would be an efficient use of available spectrum since it would replace low power translators with high powered ones which would deliver a better quality signal and that many small groups of local people would be freed of the financial burden of constructing and maintaining low power translators.

5. In response to our question whether the proposal would adversely affect the ability of communities to find sufficient channels to operate low power translators (because of interference from the new high power operations) several parties urged that it would not. They claim that the number of signals available for rebroadcast are limited and that the number of unoccupied VHF channels are also limited. For example, they point out that in Montana and Wyoming there are no more than two available and unoccupied VHF assignments in any one community. One manufacturer of translator equipment points out that changing channels (if it should be necessary to avoid interference) is a well-established routine and estimates that the cost of changing the transmitting or receiving channel of a typical existing VHF translator is about $400–$600, including the antennas. A number of parties gave examples of places where high power translators could and would be installed in the event the proposal is adopted. These include communities in Montana, North Dakota, and Michigan among others.

EDUCATIONAL COMMENTS

6. Several educational interests state that the notice did not indicate whether the proposal was confined to commercial stations only and ask that our report make it clear that the same provisions for high power translators on reserved assignments apply as on unreserved or commercial assignments. They urge that such translators would provide a significant method for extending signals of existing educational TV stations and that such stations would eventually develop into regular ETV stations. One party quotes a figure of $340,000 for the cost of a 12-kilowatt transmitter installation and states that a 100-watt translator installation would cost only about $20,000. Thus, it is indicated that a large number of high power translators could be installed for the price of one regular ETV station. The use of reserved assignments by commercial interests was opposed. Finally, a suggestion is made that regular reports be required from 100-watt translator operators on the feasibility of regular TV operation, or that licenses be limited to 1 or 2 years to insure that there be no permanent substitution of regular local TV transmission service by a series of translator links over large distances.

OPPOSITION ARGUMENTS

7. A few parties objected to the proposal to permit high power translators on assigned but unoccupied assignments on various grounds. These include television licensees and nonbroadcast radio users. It is urged that because of the dilution of audiences the proposal would have an adverse effect on stations in small markets, would depress the chances of local television stations in marginal markets, and would further big city dominance if "leap frogging" is permitted. The use of such translators, it is contended, would be contrary to the principles stated in the Sixth Report and Order and that it would represent unfair competition to regular stations which devote time and expense in developing local news and other local programs. The proposal, it is argued, would discourage the use of UHF channels.[2] It is submitted that the proposal is unnecessary since conventional low power translators are said to be adequate to perform the intended function, and that

[1] There was a misunderstanding of our proposal on the part of some of the parties filing comments. A few were of the view that we were proposing to permit all VHF translators, including the present 1 watt VHF translators, to increase their power to 100 watts, whereas the proposal referred only to those VHF assignments presently in the Table of Assignments in sec. 73.606(b) and not now occupied by a regular or satellite TV station.

[2] The argument as to retarding effect on UHF is not entirely clear. Presumably, what is meant is that any move making use of VHF more attractive will have a corresponding dampening effect on use of UHF channels. As we have stated repeatedly, encouraging the development of UHF is a most important factor in our consideration of TV allocations. But in the limited context involved here, we do not believe the "discouragement" would be substantial so as to warrant denial of the proposal for this reason.

in States with large numbers of existing translators, it would result in dislocation of service. Procedurally these parties urged that the proposal would create hearings where more than one party seeks a high power translator in the same channel adding to the already existing processing problems of the Commission. One party expressed the opinion that harmful interference to the aeronautical and public safety radio services may result because of the lack of a definite program of maintenance checks.

8. Representatives of nonbroadcast radio users submit that the proposed use of the UHF band may make it difficult to share with other services. They urge that "The Commission's purpose can be accomplished by establishing appropriate legal and technical criteria to assure that areas now deprived of TV service, and only those areas, will be able to obtain TV translator service."

Other Proposed Changes

9. Various suggestions on additional needed rules are made by both proponents and opponents of the proposal. Some would place various restrictions on the use of high power translators such as the following: (1) Prohibit the use of a high power translator by an existing station beyond its Grade B contour; (2) provide that no duplication of programs be permitted within the Grade A (or Grade B) contour of any station or at least any station in cities with only one station; (3) provide standards for minimum signal to be provided over the principal community to be served; (4) require notice to be given to all existing translator operations within a 50-mile radius; (5) require a showing that no interference will result to any existing translator[3] and provide that in the event any such interference is caused the high power translator must cease operation; (6) require showing of need due to lack of adequate TV service; (7) require written consent of station being rebroadcast; (8) limit the eligibility for such stations to TV licensees only for a period of 1 year; and (9) limit the distance from the primary station to 200 miles to prevent "leap frogging".

10. On the other hand several proposals are made which would liberalize the Commission's proposal in a number of ways. Some parties urge that greater power than 100 watts be authorized where needed to provide service. Others proposed that no limit, up to the maximums permitted in the rules for regular stations, be placed on the high power translators. It is suggested that the multiple ownership and duopoly rules be amended to allow potential 100-watt translator operators to convert these to regular stations and to encourage TV station licensees to apply for them. A number of proposals were advanced which we believe are beyond the scope of the instant rule making proceeding. Some or all of them may be considered in a future proceeding. These include proposals for increased power for existing translators on other channels (proposals range from 5 watts to 100 watts); removing the restriction in § 74.732(e) (1) on the use of VHF translators by TV station licensees beyond their Grade B contours; permitting the relaying of programs to translators by means of microwave frequencies[4]; permitting translators to be used as relay stations (only) where the need exists; and permitting multiple RF amplifiers in the UHF as well as VHF (§ 74.735). One party proposed that UHF stations be permitted to use VHF translators within their Grade B contours.

Conclusions

11. After careful consideration of all the comments and data filed and the various proposals and suggestions made in these pleadings, we are of the view that the proposal made in the notice should be adopted substantially as outlined and that it would serve the public interest. We are fully cognizant of the fact that the instant proposal is in no way a solution to the problem of inadequate television service to all parts of the country, but we view it merely as another step in the direction of a solution to this problem. Under the present rules any interested party can apply for an unused TV assignment and construct a regular or satellite TV station thereon. It has been urged that these assignments are unused because of the financial problems associated with the small markets but that if a simple and economical way could be found they would be used by existing licensees and possibly others, to provide service to the people in and around them on a translator basis until such time as a regular station may become economically feasible. We believe that the proposal provides such a simple and inexpensive means.

Impact on TV Broadcast Service

12. We stated in our notice that in the event we receive objections to the use of 100-watt translators from regular TV stations we will treat these on a "case-by-case" basis just as we do objections to other translators. Several parties were concerned with the problem of possible impact on regular stations, especially those in small or marginal markets, and requested various safeguards such as nonduplication of programs of other stations, etc. We do not believe that we should at this time attempt to foresee all the problems which may occur and to cure them in this proceeding. As we stated in our notice of inquiry and notice of proposed rule making in Docket 15971 (FCC 65-334) "More generally, we are of the opinion that all of our rules and policies should be reexamined to see if they are holding back or encouraging a variety of off-the-air services". Pending the formulation of a definitive policy with respect to these matters, we have in recent actions on translator requests, adopted the policy of generally conditioning grants upon the outcome of Docket 15971, and further that the translator, upon the request of a television broadcast station within whose Grade A contour the translator will operate, will not duplicate a program broadcast by the TV station, simultaneously or within 15 days. See Memorandum Opinion and Order, FCC 65-483, Lee Co. TV, Inc., Fort Myers, Fla., adopted June 2, 1965. In light of these decisions concerning conventional translators we believe that we should treat the proposed high power translators in the same way and not write different rules for them at this time. This would apply to such matters as duplication of programs, limitations on the distance from the primary station, and the multiple ownership and duopoly rules. In the event future study reveals that some or all of the proposed restrictions are in the public interest we can apply these at that time. In the meantime we shall continue to review the individual applications in the light of present policy and procedures.

Interference Considerations

13. Under our present rules translators are required to correct any conditions of interference to direct reception of the signals of a television broadcast station. This is not expected to be a problem since the unused assignments which would be available for 100-watt translators are all at standard spacings and should offer the same if not a greater degree of protection than would regular stations at maximum facilities permitted by the rules. Since translators operate with no requirement for offset operation there is some loss of protection capability. However, the difference in power between a full power station and the 100-watt translator would generally make up for the difference. The same rule (§ 74.703 (b)) provides that if interference develops between VHF translators, the problem shall be resolved by mutual agreement among the licensees involved. We shall continue this policy with respect to the 100-watt translators. Since the 100-watt translator will be operating on an assigned channel in the table, an application for a regular TV station could be filed for maximum power and antenna height by any interested party, including the operator of the 100-watt translator. In the event this were to happen, a grant could be made under our rules without regard to any interference to a conventional low power translator. If interference should occur between a conventional translator and a 100-watt translator, consideration will be given to this aspect of the situation before any decision is made in a particular case. We therefore will not require an applicant for a high power translator to notify other translators in the area of its application, nor will we require a showing of proof that interference will not occur as requested by some parties.

14. With regard to other services, we shall enforce the rule as written at present. In fact, we are also adopting a stricter requirement for out of band radiation as proposed by one party. This party, a manufacturer of translator equipment, points out that the most likely spurious product causing out of

[3] In discussing the possible impact of interference from the proposed 100-watt translators on existing VHF translators several parties did not take into account the fact that some of the nearby translators so affected would have their service replaced by the 100-watt translators.

[4] The party advancing this suggestion recognized that a revision of the definition of a translator would be needed in the event this proposal were to be adopted.

band radiation is that due to the intercarrier beats found at 4.5 Mc/s (and multiples of this frequency) above the aural carrier and below the visual carrier, and that these may cause interference when they fall in a received channel on other TV channels or in other services. This party recommends that § 74.750(c)(2)(ii) be amended to require such radiation to be attenuated 50 decibels rather than the 40 decibels provided for in the present rule. We are adopting this suggestion as a further means to insure that no interference results to other stations and services. As a further precaution in this regard we are retaining our proposal to license such stations to TV station licensees and other parties who can show that they have available personnel qualified to insure that no interference will occur to other radio services and that satisfactory operation will obtain. With this condition we see no reason to limit the eligibility to station licensees only, even for a period of a year, as suggested by some parties.

POWER TO BE AUTHORIZED

15. Our proposal was to limit the power of high power translators to 100 watts. There were several factors which led to this choice. Equipment is already available for such powers and can quickly be designed by other manufacturers so that service can be brought to the public where it is needed as soon as possible. This is the present lower limit on power for regular stations. There is some point reached where the saving over a regular transmitter is not very great so that the translator does not represent sufficient inducement for a prospective applicant. Since these stations are to be operated unattended and since, especially in the VHF band, where adjacent frequencies are occupied by aeronautical and safety radio services and the chances of interference are greatest, we feel that this power limit is required by considerations of safety, even in view of our requirement that technically qualified personnel be available at all times.

16. Some parties urged that no limit be placed on these translators but rather they be permitted any power and antenna height up to the maximum in the rules. Installation in other countries, notably Canada, are cited as examples of high power translator operation. In fact, some of the examples given in Canada were of sophisticated installations ranging in cost up to about $350,000. We believe that we should retain our 100-watt limit (antenna gains would permit effective radiated powers in the order of 1 kilowatt with such a transmitter power) at the present time. As one party pointed out, actual experience over a period of time will provide the best indication whether the power limitation we have proposed should be relaxed or changed. While there is some question as to whether the stations in Canada cited as "translators" are in reality translators,[5] we believe that in any event the situations in the two countries are so different as to require different treatment. In all of Canada there are only about 135 translators and satellite repeater stations, about 70 of which are low power (equivalent to our 1 watt stations). In five States in this country there are more than this number of translators alone. Thus the problem of accommodating high power translators here is of much greater consequence than in Canada. We believe that 100-watt VHF translators can be assigned without substantial disruption of existing translators (though there will be some which will have to change frequencies and some VHF translators may have to move to UHF channels). But we would need more actual experience before we can make the same kind of conclusion with respect to greater power. For the present we have decided that the limit of power should be 100 watts.

MINIMUM TRANSMITTER POWER

17. In order to make the most efficient use of the new high power translator assignments on channels assigned in the table, we are of the view that 100 watts should be the minimum, as well as the maximum power for both VHF and UHF. Thus satisfactory service over a fairly wide area will be provided. There are now a few 1-watt VHF translators operating on channels listed in the Table of Assignments; these will not be required to increase power, but their operations will be subject to termination if a 100-watt translator operation is authorized on the assignment, just as is now the case if a regular station is authorized.

MISCELLANEOUS CONSIDERATIONS

18. There were a number of other comments and suggestions which merit further discussion. Some parties requested us to require a set of standards for high power translators such as a minimum required signal over the principal community to be served; i.e., the city listed in the table. While this is a worthwhile objective we do not believe we should impose such conditions on the stations. In many of these communities it may be necessary to place antennas on high peaks outside the city and this may necessitate the use of directional antennas. The requirement for a minimum signal over the entire city may place a burden on the licensee which would make the only logical site unavailable. It is expected that such licensees will do their best to cover as much of the city and its population as possible since it is in their interest to do so. We will not, however, permit unused assignments to be applied for in cities other than the ones listed in the table. Thus, for this purpose the "15-mile rule" (§ 73.607(b)) will not be operable. Beyond this, we see no need for special rules or "standards".

19. With respect to the educational comments submitted we agree that the high power translators should also be available to educational stations and groups and that the eligibility and other present rules concerning educational TV should not be disturbed. Thus, we will not permit commercial applicants to request reserved and unused assignments in the table to apply for 100-watt translators on these assignments. The present rules permit an educator to apply for an assignment on any channel in the table, whether reserved or not. We will continue this policy with respect to unused assignments for translator use.

20. Our present rules preclude the use of a conventional 1-watt VHF translator by a TV station licensee where the proposed translator is intended to provide service beyond the Grade B contour of the television station. Until we have adopted an overall policy decision in Docket 15971 concerning translator policies we shall continue this prohibition. This prohibition is relaxed to some degree by the decision made herein to license 100-watt VHF translators (as well as UHF translators) to TV licensees even if they are intended to serve beyond their Grade B contours. However, due to the limited number of unoccupied VHF assignments this departure does not render the overall policy ineffective in carrying out our objectives for the general rule.

21. Representatives of nonbroadcast services have objected to the proposal on the grounds that we are using up valuable radio spectrum and this will prejudge any future requests for sharing the UHF band with nonbroadcast services. We have on numerous occasions stated that both the VHF and UHF bands are needed for a nationwide competitive television system and for a television service which would obtain the objectives of our allocation plan envisioned in the Sixth Report and Order. The matter of sharing a portion or all of the television channels with other services is not at issue in this proceeding. Nor is the action taken herein determinative either way. We are here taking another small step in the direction of providing service to persons in rural areas and communities not now receiving adequate television signals.

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

23. In view of the foregoing: *It is ordered*, That effective August 16, 1965, Part 74, Subpart G, of the Commission's rules and regulations is Amended as set forth below.

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

Adopted: July 7, 1965.

Released: July 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

ATTACHMENT A

Tri-State TV Translator Association, Butte, Mont.
Valley TV Club, Inc., Glasgow, Mont.
North Tillamook County TV Translators, Inc., Tillamook County, Oreg.
Laramie Plains Antenna TV Association, Inc., Laramie, Wyo.
Gunnison County Chamber of Commerce, Gunnison, Colo.

[5] For stations with powers in excess of 5 watts pedestal level output all the standards and specifications for regular TV stations must be met. All such stations are assigned channels in the Canadian Table of Assignments.

[6] Chairman Henry.

Howard TV Club, Forsythe, Mont.
People's TV, Inc., Leadville, Colo.
San Juan Non-Profit TV Association, Farmington, N. Mex.
W. C. Whitechurch, Panonia, Colo.
Four Corners TV Club, Cortez, Colo.
Ira V. MacDaniel, Department of Radio and TV, Oklahoma State University.
Voice and Vision of New Hampshire, West Lebanon, N.H.
Mount Washington TV, Inc. (WMTW-TV), Poland Spring, Maine.
W. Day, Inc. (WDAY-TV), Fargo, N. Dak.
D. H. Overmyer, Toledo, Ohio.
Chico TV Club, Emigrant, Mont.
Shields River Free TV, Inc., Clyde Park, Mont.
Park Non-Profit TV, Inc., Livingston, Mont.
Sweet Grass TV Club, Big Timber, Mont.
Mia Enterprises, Inc. (K71BE, K75BC), Beatrice, Nebr.
Frontier B/g Co. (KFBC-TV), Cheyenne, Wyo.
Watts L. Wood, Douglas, Ga.
Lynchburg B/g Corp. (WLVA-TV), Lynchburg, Va.
High Rock Television Association, Inc., Keyser, W. Va.
Circle TV Booster Club, Inc., Circle, Mont.
K & M Electronics Co., Minneapolis, Minn.
NBC, Inc.
NAM Communications Committee.
Association of Maximum Service Telecasters, Inc.
Tele-Beam Corp., Dallas, Tex.
Wometco Enterprises, Inc. (WTVJ), Miami, Fla.
Kentuckiana Television, Inc. (WLKY-TV), Louisville, Ky.
Communications Honolulu, Ltd. (transferee of KONA), Honolulu, Hawaii.
Springfield Television Broadcasting Corp. (WWLP), Springfield, Mass.
NAB, Washington, D.C.
Mid-America Broadcasting Co., Inc. (KSLN-TV), Salina, Kans.
WJRT, Inc. (WJRT-TV), Flint, Mich.
Montana Network (KOOK-TV), Billings, Mont. and Garryowen Butte TV, Inc. (KXLF-TV), Butte, Mont.
The Brockway Co. (WCNY-TV), Carthage, N.Y.
Idaho Radio Corp. (KID-TV), Idaho Falls, Idaho.
Florida Educational Television Commission by W. J. Kessler, Construction Engineer.
The Klix Corp. (KMVT), Twin Falls, Idaho.
KUTV, Inc. (KUTV), Salt Lake City, Utah.
NAEB.
Ohio Educational Television Network Commission.
TAME, Inc.
Screen Gems Broadcasting Corp. (KCPX-TV), Salt Lake City, Utah.
Western Slope Broadcasting Co., Inc. (KREX-TV), Grand Junction, Colo.
Northern Television, Inc. (KTVA), Anchorage, Alaska.
Tribune Publishing Co. (KTNT-TV), Tacoma, Wash.
ABC.
KXMC-TV, Inc. (KXMC-TV), Minot, N. Dak.
Duhamel Broadcasting Enterprises (KOTA-TV), Rapid City, S. Dak.
Land Mobile Communications Section of EIA.
Upper Peninsula TV Systems, Iron Mountain, Mich.
Television Advisory Committee of State of California, Sacramento, Calif.
KIRO, Inc. (KIRO-TV), Seattle, Wash.
KSL, Inc. (KSL-TV), Salt Lake City, Utah.
BI-States, Co. (KHOL-TV), Kearney, Nebr.
Boise Valley Broadcasters, Inc. (KBOI-TV), Boise, Idaho.
Electronics, Missiles & Communications, Inc., Mount Vernon, N.Y.
KMSO-TV, Inc. (KGVO-TV), Missoula, Mont.
Gerity Broadcasting Co. (WNEM-TV), Bay City, Mich.
Savannah Broadcasting Co. (WTOC-TV), Savannah, Ga.

ATTACHMENT B

Part 74, Subpart G, Television Broadcast Translator Stations, is amended in the following respects:

1. In § 74.702, new paragraphs (g) and (h) are added as follows:

§ 74.702 Frequency assignment.

* * * * *

(g) A VHF translator will also be authorized on any VHF assignment in the television table of assignments (§ 73.606 (b) of this chapter) provided it has not been assigned to a television broadcast station and provided a transmitter power of 100 watts is used in the listed city. Section 73.607(b) of this chapter will not be applicable to such assignments.

(h) A UHF translator will also be authorized on any UHF channel provided the assignment is listed in the television table of assignments (§ 73.606(b) of this chapter) and has not been assigned to a television broadcast station, and provided a transmitter power of 100 watts is used for the assigned translator. Section 73.607(b) of this chapter will not be applicable to such assignments.

2. In § 74.732 paragraph (e)(1) is amended and paragraph (i) is added as follows:

§ 74.732 Eligibility and licensing requirements.

* * * * *

(e) * * *

(1) Where the proposed translator is intended to provide reception beyond the Grade B contour of the television broadcast station proposed to be rebroadcast except those using 100 watts on assignments listed in the television table of assignments (§ 73.606(b) of this chapter).

* * * * *

(i) VHF and UHF translators proposed to be operated with powers of 100 watts on an assignment and in a city listed in the television table of assignments (§ 73.606(b) of this chapter) will normally be authorized to licensees of regular television broadcast stations. Other parties may be authorized to operate such stations upon a satisfactory showing that they have available personnel of sufficient technical knowledge to insure that no interference will occur to other radio services and that satisfactory technical performance will be maintained.

3. Section 74.735 is amended to read as follows:

§ 74.735 Power limitations.

(a) The power output of the final radio frequency amplifier of a VHF translator (except as provided for in paragraph (d) of this section) shall not exceed 1 watt peak visual power. This power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or antenna arrays in any manner found useful or desirable by the licensee. In individual cases, the Commission may authorize the use of more than one 1-watt final radio frequency amplifier at a single VHF translator station under the following conditions:

(1) Each such amplifier shall be used to serve a different community or area. More than one final radio frequency amplifier will not be authorized to provide service to all or a part of the same community or area.

(2) Each final radio frequency amplifier shall feed a separate transmitting antenna or antenna array. The transmitting antennas or antenna arrays shall be so designed and installed that the outputs of the separate radio frequency amplifiers will not combine to reinforce the signals radiated by the separate antennas or otherwise achieve the effect of radiated power in any direction in excess of that which could be obtained with a single antenna of the same design fed by a 1-watt radio frequency amplifier.

(3) VHF translators employing multiple final radio frequency amplifiers will be licensed as a single station. The separate final radio frequency amplifiers will not be licensed to different licensees.

(b) The transmitter power output of a UHF translator shall be limited to a maximum of 100 watts peak visual power. In no event shall the transmitting apparatus be operated with power output in excess of the manufacturer's rating.

(c) No limit is placed upon the effective radiated power which may be obtained by the use of horizontally or vertically directive transmitting antennas.

(d) VHF and UHF translators authorized on assignments listed in the table of assignments in § 73.606(b) of this chapter will be authorized power output of the final radio frequency amplifier of 100 watts peak visual power only. VHF translators authorized before August 16, 1965, on such assignments need not operate with as much as 100 watts peak visual power, but if they operate with less, their operation will be subject to termination upon grant of an application for the assignment using 100 watts.

4. In § 74.750 paragraph (c)(2)(ii) is amended to read as follows:

§ 74.750 Equipment and installation.

* * * * *

(c) * * *

(2) * * *

(ii) 50 decibels for transmitters rated at 10 watts or more power output.

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

[F.R. Doc. 65-7437; Filed, July 13, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 54]

PART 8—COMPETITIVE BIDS

Examination

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of June A.D. 1965.

Regulations relative to bids of carriers subject to the Clayton Antitrust Act for securities, supplies, or other articles of commerce.

It appearing, that the Commission's order dated October 6, 1919 (as amended October 4, 1920), 56 ICC 847, as supplemented by orders of January 29, 1938, and March 25, 1942, and as further amended May 18, 1954, and October 22, 1964, prescribed regulations to govern bids of common carriers subject to section 10 of the Clayton Antitrust Act, for securities, supplies, or other articles of commerce;

It further appearing, that the requirement contained in the last sentence of 49 CFR 8.5 which provides as follows:

> Such files shall not be broken or any part destroyed by the carrier or any officer or agent of the carrier without written authorization from the Interstate Commerce Commission.

is unduly restrictive under present conditions and may be relaxed under certain circumstances;

And it further appearing, that the amendment under consideration is designed to relax existing requirements and imposes no new requirement, and therefore, the rule making procedure as provided by the Administrative Procedure Act, 5 U.S.C. 1003 is considered unnecessary; and good cause appearing:

It is ordered, That the last sentence in 49 CFR 8.5, quoted above, be deleted and that the following sentence be substituted in lieu thereof:

§ 8.5 Examination.

* * * Carriers subject to the requirements of section 10 of the Clayton Antitrust Act, 15 U.S.C. 20 may destroy such contracts or other records required thereby 10 years after the expiration thereof, without permission of the Commission: *Provided*, There is no litigation pending involving these records: *And further provided*, That the carrier has informed the Commission of its intended action at least 2 weeks prior to the date the records are to be destroyed.

It is further ordered, That notice of this order be given to all common carriers subject to the Interstate Commerce Act and to the general public by depositing a copy thereof in the Office of the Secretary, Washington, D.C., and by filing a copy thereof with the Director, Division of the Federal Register.

(Sec. 10, 38 Stat. 734; 15 U.S.C. 20; secs. 201–227, 49 Stat. 543–567, as amended; 49 U.S.C. 301–327; sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. (Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20); sec. 10, 38 Stat. 734, as amended; 15 U.S.C. 20)

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-7415; Filed, July 13, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Washita National Wildlife Refuge, Okla.

On page 7249 of the FEDERAL REGISTER of May 29, 1965, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Washita National Wildlife Refuge, Okla., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i; sec. 4, 48 Stat. 402; 16 U.S.C. 664)

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

OKLAHOMA

Washita National Wildlife Refuge

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JULY 8, 1965.

[F.R. Doc. 65-7406; Filed, July 13, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

INVOICING OF WATCHES AND WATCH MOVEMENTS

Notice of Proposed Rule Making

On March 16, 1965, notice was given in the FEDERAL REGISTER (30 F.R. 3459) that in the case of Benrus Watch Company, Inc., et al. v. United States, decided June 30, 1964, and published in the weekly Treasury Decisions of July 9, 1964, as C.D. 2469, the United States Customs Court held that a watch movement has not been adjusted to position unless the following three conditions have been met:

(1) Testing for time in not less than three positions;

(2) Testing for not less than 24 hours in each of the three or more positions in which it has been tested; and

(3) After testing the movement meets a tolerance of not more than 15 seconds of perfect time in 24 hours in each of the three or more positions in which it has been tested.

In the case of a movement so tested the number of position adjustments equals the number of positions in which the movement was so tested and in which the 15-second tolerance was met. Thus, if the movement were tested in three positions in the manner set out above, the number of adjustments would be three. If there were such tests in four positions, the number of position adjustments would be four, and so forth.

In the notice referred to, interested persons or firms were requested to submit to the Bureau suggestions as to what information it would be practicable to obtain from manufacturers, assemblers, and others having knowledge of the facts for submission to customs officers to assist them in determining whether or not imported watch movements have been adjusted within the meaning of the Benrus case. All data, views, and arguments submitted in response to that notice have been fully considered.

It appears that in order to facilitate the determination of whether or not imported watch movements or other mechanisms, devices, or instruments provided for under Schedule 7, Part 2, Subpart E, Tariff Schedules of the United States, have been adjusted and to ascertain the number of position adjustments, if any, certain changes should be made in the requirements for additional information on invoices of imported watch movements. Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that it is proposed to require under the authority of section 481(a)(10), Tariff Act of 1930, 19 U.S.C. 1481(a)(10) that, unless the Commissioner of Customs determines with respect to any particular importation that the purposes of this requirement have been otherwise satisfied, in addition to all other information required by law or regulations, customs invoices for all commercial shipments of watch movements, mechanisms, devices, or instruments having 17 or less jewels shall contain, on a separate sheet attached to and constituting a part of the invoice, the following information as will reflect with respect to the individual instruments in the shipment:

(A) The commercial description (ebauche calibre number and ligne size) and style of each class of watch movement, timekeeping mechanism, device, or instrument covered by the invoice.

(B) The name of the manufacturer or assembler of the exported articles, and also the name of the supplier when the manufacturer or assembler is not the supplier.

(C) In the case of watch movements, the distinguishing marks (symbols) with which the watch movements are marked pursuant to the declaration annexed to the Swiss Trade Agreement.

(D) The following questions are to be answered and the indicated information furnished as to each watch movement, time-keeping mechanism, device, or instrument:

(1) After the complete instruments were first assembled:

(a) Were they tested or observed at different temperatures?

(b) Were they tested or observed for uniformity in rate as the mainspring runs down?

(c) Were corrections made to eliminate or reduce the differences in rates revealed by the tests in (a) and (b)?

(d) Were they tested or observed for 24 hours or more in more than two positions and was there a prescribed tolerance of not more than 15 seconds of perfect time in 24 hours in such positions?

(e) Were they marked with a number of position adjustments different from the number of positions (at least three) in which so tested or observed and in which a tolerance of not more than 15 seconds of perfect time in 24 hours was met?

(E) If the answers are "yes" to questions (c) or (e), under (D)(1) immediately above, and the instruments are marked unadjusted, or are marked with a lesser number of position adjustments than the number of positions in which tested for 24 hours or more, and in which a tolerance of not more than 15 seconds of perfect time in 24 hours was met, explain in detail.

It is proposed to amend § 8.13(h) of the Customs regulations to provide for the furnishing of additional information as set forth above under the item "Watch Movements, and Time-Keeping, Time-Measuring, or Time-Indicating Mechanisms, Devices, or Instruments."

Prior to final adoption of such invoice requirements, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Customs, Washington 25, D.C., not later than 10 days from the date of publication of this notice. No hearings will be held.

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

Approved: July 6, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-7475; Filed, July 13, 1965; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

HUNTING AND FISHING

Proposed Opening of Certain Areas

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401; 16 U.S.C. 661), it is proposed to amend 50 CFR 32.11, 32.21 32.31, and 33.4, by the addition of Iroquois and Minidoka National Wildlife Refuges, New York and Idaho, to the list of areas open to the hunting of migratory game birds; Crescent Lake, Valentine, Iroquois, and Minidoka National Wildlife Refuges, Nebraska, New York, and Idaho, to the list of areas open to upland game hunting; Crescent Lake, Iroquois, and Salt Plains National Wildlife Refuges, Nebraska, New York, and Oklahoma, to the list of areas open to big game hunting; and Iroquois National Wildlife Refuge, N.Y., to the list of areas open to sport fishing.

It has been determined that sport fishing and the regulated hunting of upland game, migratory game birds, and big game may be permitted as designated on Crescent Lake, Valentine, Iroquois, Salt Plains, and Minidoka National Wildlife Refuges without detriment to the objectives for which the areas were established.

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

1. Section 32.11 is amended by the addition of the following areas to those where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

NEW YORK

Iroquois National Wildlife Refuge.

IDAHO

Minidoka National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the addition of the following areas to those where hunting of upland game is authorized:

§ 32.21 List of open areas; upland game.

* * * * *

NEBRASKA

Crescent Lake National Wildlife Refuge.
Valentine National Wildlife Refuge.

NEW YORK

Iroquois National Wildlife Refuge.

IDAHO

Minidoka National Wildlife Refuge.

* * * * *

3. Section 32.31 is amended by the addition of the following areas to those where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

NEBRASKA

Crescent Lake National Wildlife Refuge.

NEW YORK

Iroquois National Wildlife Refuge.

OKLAHOMA

Salt Plains National Wildlife Refuge.

* * * * *

4. Section 33.4 is amended by the addition of the following area to those where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

NEW YORK

Iroquois National Wildlife Refuge.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JULY 8, 1965.

[F.R. Doc. 65-7407; Filed, July 13, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 930]

[Docket No. AO-348]

HANDLING OF RED TART CHERRIES GROWN IN CERTAIN STATES

Determination on Basis of Results of Referenda on Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Grand Rapids, Mich., March 10-12, 1965, and continued at Sturgeon Bay, Wis., on March 15, 1965, at Rochester, N.Y., on March 18, 1965, and at Gettysburg, Pa., on March 22, 1965, pursuant to a notice thereof which was published in the February 12, 1965, issue of the FEDERAL REGISTER (30 F.R. 1984) upon a proposed marketing agreement and order regulating the handling of red tart cherries grown in certain States. The recommended decision (30 F.R. 5514) and the decision (30 F.R. 6255) setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on April 17, 1965, and May 5, 1965, respectively. The decision also contained a referendum order directing that separate referendums be conducted among the producers and processors of red tart cherries grown in the designated production area to determine whether the requisite majority of such producers and processors favor or approve issuance of the proposed marketing order.

It is hereby determined on the basis of the results of such referenda conducted May 8 through May 14, 1965, pursuant to the aforesaid referendum order, that the issuance of the proposed Marketing Order No. 930, regulating the handling of red tart cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, is not approved or favored (1) by at least two-thirds of the producers who participated in such referendum and who during the determined representative period (May 1, 1964, through April 30, 1965) were engaged within the designated production area in the production for market of red tart cherries grown in such production area, (2) by producers of at least two-thirds of the volume of production of such cherries represented in the aforesaid referendum, or (3) by processors who canned or froze more than 50 percent of the volume of red tart cherries that was canned or frozen, during the said representative period, within the production area.

It is hereby found and determined that the proposed order set forth in the decision of April 30, 1965 (30 F.R. 6255), should not be made effective and, in view of the circumstances, that the proposed marketing agreement should not be entered into.

Dated: July 9, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-7447; Filed, July 13, 1965; 8:49 a.m.]

[7 CFR Part 993]

[Docket No. AO 201-A5]

DRIED PRUNES PRODUCED IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at San Francisco, Calif., on March 15 and 16, 1965, after notice thereof was published in the FEDERAL REGISTER (30 F.R. 2601) on proposals to amend the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the act.

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 14, 1965, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 65-5272; 30 F.R. 6782). As a result of a request from the Prune Administrative Committee (hereinafter referred to as the "committee"), the agency established pursuant to the order, notice was published in the FEDERAL REGISTER (F.R. Doc. 65-5599; 30 F.R. 7195) extending the time to and including June 17, 1965, for filing written exceptions to the recommended decision.

Material issues, findings and conclusions, rulings, and general findings. The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 65-5272; 30 F.R. 6782) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein, except as they are modified by the rulings on the exceptions hereinafter set forth.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by R. W. Jewell for the committee, by E. W. Landram, by Burrel Leonard, by Paul A. Mariani for Paul A. Mariani Company, by T. K. Miller for Sunsweet Growers Inc., by Charles J. Olson, by Joseph P. Perrucci, by Joseph P. Rubino for Valley View Packing Co., Inc., by F. J. Stapleton for Stapleton-Spence Packing Co., and S. R. Abinante for Abinante & Nola Packing Co., Inc., and by Alfred Tisch. These exceptions have been considered carefully and fully, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein. To any extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The exceptions, and the rulings thereon, are as follows:

An exceptor requested that § 993.34 be further revised to allow for compen-

sation for the chairman and such other members of the committee as may be burdened disproportionately with committee affairs beyond that of the general conduct of the business, such compensation and delineation of activities to be established each crop year through rules and procedures by the committee and approved by the Secretary. This request is not supported by the evidence of record. Therefore, the request must be, and is, denied.

Exceptions were taken to the recommended decision because it did not extend the minimum size requirement for French prunes to lots of containers holding French prunes and other dried fruit if 60 percent or less of the net weight of mixed dried fruit in any such lot consists of dried prunes. It was difficult to determine the prune industry's intent from the hearing record. However, the exceptions filed have clarified its intent. These exceptions are granted and the requirement should be so extended on the basis of the revised discussion set forth in this paragraph. The third paragraph (30 F.R. 6784) of the discussion under material issue (5) in the recommended decision is revised to read as follows: "The minimum size requirement should be extended to French prunes in any lot containing French prunes and other dried fruit for human consumption as mixed dried fruit. This should be done for the same reasons as stated in the preceding paragraph." The first sentence of paragraph (d) of § 993.50 is revised accordingly.

Exceptions were taken to the denial in the recommended decision of the proposal, as one alternative means of volume control, that only that portion of the July estimated prune supply in excess of the total anticipated commercial demand, including a desirable carryout, be placed in the reserve pool. This proposal was interpreted as not even providing for protection against such matters as possible errors of estimation of production or trade demand and thus as failing to assure protection of the market against possible excess supplies. Lack of reasonable certainty of such protection was a reason for not recommending the proposal for adoption. However, examination of the filed exceptions, as related to the evidence of record, indicates that the proponents do intend to protect the market against possible excess supplies in developing the marketing policy and volume percentages for recommendation to the Secretary. Hence, the basis for not recommending the proposal is removed and the exceptions are granted. Therefore, the fifth paragraph (30 F.R. 6784) under material issue (6) in the recommended decision is deleted.

In view of the granting of these exceptions, it follows that the statement in the 22d paragraph (30 F.R. 6785) under material issue (6) in the recommended decision that there should be an appropriate increase in the estimated quantity of reserve to be withheld (in addition to the increase to protect against errors of estimation), means that the increase may range from zero upward, as is essential to achieve orderly marketing in a given season.

Exceptions were taken to the recommended decision in that the proposal for the option of a handler pool and provisions relative thereto were not recommended for adoption. On the basis of the record, the nature of the prune industry as reflected therein, the arguments in the exceptions, and for reasons stated in the recommended decision, it is concluded that a producer pool with an opportunity to apply it in the manner provided in the exceptions granted herein, will provide an adequate and appropriate method of volume regulation in the prune industry. Producer pooling procedures have been applied previously in this industry and both handlers and the administrative agency are knowledgeable in this matter. The industry has not arrived at either a concrete plan or a widespread understanding of the impact or operation of a handler pool. Accordingly, these exceptions are denied.

Exceptions were taken to the provision of § 993.54 which would permit the salable and reserve percentages to be modified (to increase the salable percentage with a corresponding decrease in the reserve percentage) during a crop year upon a finding that to do so would tend to effectuate the declared policy of the act. Concern was expressed in the exceptions that the committee would lose control of the tonnage represented by the reduction in the reserve percentage and of the distribution of proceeds to producers for the reserve prunes so released. Further concern was expressed that producers might not be treated equitably by handlers in settlement for the reserve prunes released. However, the provision is for the basic purpose of halting an accumulation of prunes in the pool upon such evidence as the supply being materially smaller than estimated when the percentages were adopted. Moreover, an action reducing the percentage would, in order to protect producers when necessary, include a requirement that prunes already in the pool would be disposed of by the committee and thereby retain accountability to producers and protection of equity holders. Accordingly, these exceptions are denied.

Exceptions were taken to the inclusion in new § 993.56 of a requirement that the reserve obligation of a handler shall approximate the average marketable content of a handler's receipts, an "across-the-board" set-aside. A reason for these exceptions was the concern that a strict application of this method to accomplish such a set-aside would be so rigid as to be inappropriate and too costly to the industry. However, as indicated by the recommended decision, it is recognized that a practical method would need to be developed and be included in the rules and procedures. Furthermore, the requirement contains the word "approximate" which is for the purpose of allowing reasonable latitude in meeting the requirement. The simplest method for accomplishing such a set-aside might be to require the reserve obligation of a handler to be the weighted average size of all lots delivered to the handler, as determined from inspection data, and to permit the handler to satisfy this obligation with whatever combination of prune sizes he holds in excess of his salable needs, and whose average size is equal to or larger than his obligation or within a predetermined tolerance on the smaller size. Of course, the committee may find that achievement of orderly marketing would require, in some seasons, this method to be implemented by withholding requirements in terms of grade or size categories.

On the basis of the exceptions, as related to the evidence of record, it is recognized that the supply and demand situation for prunes could be such, in some seasons, that an across-the-board set-aside may not be necessary to avoid shorting the supplies in any outlet or to maintain orderly marketing conditions.

There is the possible marketing situation wherein the relative benefits to producers from an across-the-board set-aside versus no such requirement are not determinable in the sense of which procedure would yield superior benefits. In recognition of these possible situations, the exceptions are granted in part.

Therefore, the following is added to the eighth paragraph (30 F.R. 6785) under material issued (6) in the recommended decision: "It is recognized that the supply and demand situation for prunes could be such, in some seasons, that an across-the-board set-aside may not be necessary to avoid shorting the supply in any outlet or to maintain orderly marketing conditions. Basically, this would be a situation in which reserve prunes would not be intended for release to salable outlets. There is the further possible marketing situation wherein the relative benefits to producers from an across-the-board set-aside versus no such requirement are not determinable in the sense of which procedure would yield superior benefits. In recognition of these possible situations new § 993.56 should also provide that, if the committee determines the requirement as to set-aside reflecting average marketable content of receipts is not essential to achieve program objectives for the crop of a particular season, it may be eliminated for that season by the committee, with the approval of the Secretary. New § 993.56 should also provide, as a prerequisite for making this determination, the committee must find that the resultant set-aside procedures assure that the trade demand for manufacturing prunes, as well as prunes for consumption as prunes, will be met." Section 993.56 is revised accordingly.

Exceptions were taken to the permissive authority stated in the recommended decision which would permit a requirement that prunes sold for export be sold at not less than specified minimum prices. It was contended that use of this authority would be unworkable and would cause a decreased volume of prunes to be marketed. The record shows that the industry has been troubled with price cutting in export to the detriment of producer returns and of ready purchasing by other countries. The record further indicates that the industry may be able to develop a practical means of establishing minimum export prices which would implement volume control, create more orderly marketing conditions for prunes, and tend

to further effectuate the declared policy of the act. In view of this possibility, the further reason that the specifying of minimum prices for prunes sold in export is optional, and the likelihood that the authority will not be invoked except in circumstances which warrant its usage, these exceptions are denied.

Exception was taken to the last sentence in the 11th paragraph (30 F.R. 6790) of the discussion of material issue (7), reading as follows: "For example, the record of evidence shows that creditable diversion of prune plums for use in making fresh prune juice should not be permitted as this product for human consumption would be competitive with prune juice made from dried prunes." This quoted sentence is based in part on the definite answer by a witness that fresh prune juice from prune plums would be competitive with prune juice made from dried prunes. The exceptor stated that fresh prune juice is in its infancy and has no established market; hence, competition between the two products does not presently exist and diversion of prune plums for use in making fresh prune juice should be considered as eligible for diversion credit until such time as the committee determines this product to be an established item. While there is merit in the exceptor's contention, lack of diversion credit would not preclude the use of prune plums for fresh prune juice. Any manufacturer would be free to acquire the fresh fruit, make the product, and thereby continue the existing basis of manufacture. Moreover, if fresh prune juice were to become an established market item, it no doubt would be competitive with the normal retail marketing of prune juice made from dried prunes. Therefore, the exception is denied.

Exceptions were taken to the recommended further amendment of the order not containing specific provisions for a handler to terminate his storage obligation on reserve prunes and also because it did not contain a final disposition date for reserve prunes carried over from a preceding crop. The stated bases for these exceptions included the semiperishable nature of prunes and the cost and burden to handlers of providing storage for reserve prunes much beyond the crop year of production.

New § 993.59 requires that the committee shall pay handlers for the necessary services rendered by them on reserve prunes, including storage, among other services, in accordance with a schedule of payments and conditions established by the Secretary after recommendation by the committee. Pursuant to this provision, it is to be expected that the committee will develop and recommend reasonable rates of payment for handlers' storage of reserve prunes including that following the year of their production. Under this provision, it also would be possible to establish reasonable conditions treating the matter of the removal of reserve carryover from a handler's premises.

Regarding the absence of a specific date for final disposition of reserve carryover, the function of this program must be to expand and gain markets and to promote the economic well-being of producers and handlers. Thus, it is to be expected that the committee will conduct its operations accordingly in view of the different conditions existing each season and thereby prevent an excessively large reserve carryover requiring handler storage for a long period of time after the crop year of its production. In addition to the means for increasing the marketing of prunes in commercial trade channels, the committee has available to it other means for keeping the size of the reserve carryover within reasonable bounds. These include disposition of reserve prunes in outlets deemed to be noncompetitive with normal outlets for salable prunes and the crediting of the diversion of prune plums against a handler's reserve obligation. Moreover, prune industry experience and the evidence of record shows the need to provide interseasonal stability in the marketing of prunes by permitting reserve prunes to be carried over from one year to supplement any short crop which may occur in the following year. Thus, under the program the committee will be in a position by proper management to keep the tonnage of reserve carryover at a level appropriate for the situation anticipated at a given time.

In view of the foregoing, no change in the recommended further amendment of the order is essential as a result of the exceptions to these two matters.

Exception was taken because the recommended further amendment of the order did not contain specific provisions to protect handlers, in effecting releases from the reserve pool, against other handlers who may time their sales volume of prunes for the prune juice outlet in such a manner as to give them an advantage in obtaining releases from the reserve pool. This question was not raised at the hearing and hence no evidence was received thereon. Accordingly, no change is possible to accommodate this exception.

One exceptor requested, insofar as possible and in the interest of expediting operations under the order as proposed to be further amended, that actions (presumably those taken by the committee) be made subject to the disapproval, rather than approval, by the Secretary. The requirements in these regards are specified by the act, the Administrative Procedure Act, and provisions of the order, including § 993.83. Provisions of the recommended further amendment of the order conform with these requirements. Hence, no change in the recommended further amendment of the order is essential due to this exception.

Amendment of the amended marketing agreement and the amended order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California" and "Order Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1964, through June 30, 1965 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged, in the State of California, in the growing of plums for drying or dehydrating into prunes for market, to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of dried prunes produced in California.

Dower T. Mohun, David B. Fits, Frank M. Grasberger, and Joseph C. Genske, of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot, or other necessary information will be able to obtain the same from any appropriate County Director of Agricultural Extension, or from Dower T. Mohun, San Francisco Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif., 94111.

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

Dated: July 9, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California*

§ 993.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof. Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254; 26 F.R. 475).

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat., as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at San Francisco, Calif., on March 15 and 16, 1965, on a proposed amendment of the marketing agreement, as amended, and this part (Order No. 993, as amended), regulating the handling of dried prunes produced in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of dried prunes produced in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of dried prunes in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of dried prunes produced in California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. A new § 993.21a reading as follows is added immediately after § 993.21:

§ 993.21a Proper storage.

"Proper storage" means storage of such character as will maintain prunes in the same condition as when received by a handler, except for normal and natural deterioration and shrinkage.

2. A new § 993.21b reading as follows is added immediately after new § 993.21a:

§ 993.21b Trade demand.

(a) *Domestic trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in domestic markets for human consumption as prunes and prune products.

(b) *Foreign trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in other than domestic markets for human consumption as prunes and prune products.

3. A new § 993.21c reading as follows is added immediately after new § 993.21b:

§ 993.21c Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if a reserve percentage of zero is established for a crop year, all prunes received by handlers from producers and dehydrators during that year.

4. A new § 993.21d reading as follows is added immediately after new § 993.21c:

§ 993.21d Reserve prunes.

"Reserve prunes" means those prunes which must be withheld in satisfaction of a reserve obligation arising from application of a reserve percentage established by the Secretary pursuant to § 993.54.

§ 993.33 [Amended]

5. The proviso in the first sentence of § 993.33 is revised to read as follows: "*Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes."

6. The last sentence of § 993.33 is amended by placing a period after the word "adoption" and deleting the remainder of the sentence.

7. Section 993.34 is revised to read as follows:

§ 993.34 Expenses.

The members of the committee, and alternates when acting as members, or when alternates' expenses are authorized by the committee, shall serve without compensation but shall be allowed their expenses.

§ 993.36 [Amended]

8. Paragraph (h) of § 993.36 is amended by inserting ", exclusive of reserve prune operations," immediately after "the financial operations of the committee".

9. In § 993.36 present paragraphs (i), (j), (k), (l), and (m) are relettered as (j), (k), (l), (m), and (n), respectively, and a new paragraph (i) reading as follows is added:

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the committee's financial operations with respect to reserve prunes for such crop year and to make such statement available at the offices of the committee for inspection by producers, dehydrators, and handlers;

10. Section 993.41 is revised to read as follows:

§ 993.41 Marketing policy.

(a) On or before the fourth Tuesday of each July, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. If it becomes advisable to modify such policy, because of changed demand, supply, or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers, dehydrators, and handlers.

(b) In formulating its marketing policy for the ensuing crop year, the committee shall consider and shall include in its report to the Secretary, the following estimates (natural condition basis) and recommendations:

(1) The carryover of salable prunes as of August 1;

(2) The carryover of reserve prunes as of August 1;

(3) The grade and size composition of the salable and reserve carryovers;

(4) The quantity of prunes to be produced without regard to possible diversions of prune plums by producers;

(5) The probable quality and prune sizes in the crop;

(6) The domestic trade demand by uses of prunes;

(7) The foreign trade demand by countries or groups of countries;

(8) The desirable carryout of salable prunes at the end of the ensuing crop year;

(9) The quantity of prunes to be withheld as reserve prunes so as to protect against errors of estimation and permit orderly marketing of the supply;

(10) The recommended salable and reserve percentages;

(11) The quantity of prune plums, dried weight basis, deemed desirable to be diverted pursuant to § 993.62;

(12) Any recommended change in regulations pursuant to §§ 993.49 to 993.53, inclusive;

(13) The probable assessable tonnage for the purposes of § 993.81; and

(14) The current prices for prunes, the trend and level of consumer income, whether producer prices are likely to exceed parity, and such other factors as

may have a bearing on the marketing of prunes or the administration of this part.

11. Section 993.48 *Regulation* is moved from its present position in the order and placed immediately preceding the center heading "Grade and Size Regulation", and a new center heading "Prohibition on Handling" is inserted immediately preceding § 993.48 as relocated and immediately following § 993.41.

12. Paragraph (d) of § 993.50 is revised to read as follows:

§ 993.50 Outgoing regulation.

* * * * *

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of French prunes for human consumption as prunes or of any lot of mixed dried fruit containing French prunes for human consumption as mixed dried fruit unless the average count of prunes contained in any such lot is 10 or less per pound. In determining whether any such lot conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify this tolerance for uniformity of size.

* * * * *

Reserve control. 13. New sections reading as follows are added immediately after § 993.53:

§ 993.54 Establishment of salable and reserve percentages.

Whenever the Secretary finds, from the recommendations and supporting information supplied by the committee, or from any other available information, that to establish the percentages of prunes for any crop year which shall be salable prunes and reserve prunes, respectively, or to modify the previously established percentages, would tend to effectuate the declared policy of the act, he shall establish or modify such percentages. The salable and reserve percentages when applied to the natural condition weight of prunes, excluding the weight obligation of § 993.49(c), received during the crop year by a handler from producers and dehydrators, plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates issued pursuant to § 993.62 and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes. The total of the salable and reserve percentages shall equal 100 percent. A cooperative marketing association may concentrate the prunes of its producer members before applying the salable and reserve percentages.

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year and before salable and reserve percentages are established for that crop year. After such percentages are established for the subsequent crop year, all reserve obligations theretofore accrued during such year on the basis of the previously effective percentages shall be adjusted to the newly established percentages.

§ 993.56 Reserve obligation.

Whenever salable and reserve percentages are in effect for a crop year, the reserve obligation of a handler shall approximate the average marketable content of the handler's receipts and shall be a weight of natural condition prunes equal to the reserve percentage applied to the natural condition weight of prunes, excluding the weight obligation of § 993.49(c), such handler receives during the crop year from producers and dehydrators plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates credited to or held by him which were issued pursuant to § 993.62. However, if the committee determines the requirement as to setaside reflecting average marketable content of receipts is not essential to achieve program objectives for the crop of a particular season, it may be eliminated for that season by the committee, with the approval of the Secretary. As a prerequisite for making this determination, the committee must find that the resultant setaside procedures assure that the trade demand for manufacturing prunes, as well as prunes for consumption as prunes, will be met. The salable prunes permitted to be disposed of by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

§ 993.57 Holding requirement and delivery.

Each handler shall at all times, hold, in his possession or under his control, in proper storage for the account of the committee, free and clear of all liens, the quantity of prunes necessary to meet his reserve obligation, less any quantity: (a) For which he has a temporary deferment pursuant to § 993.58(a); (b) of prune plums (dried weight natural condition basis) diverted pursuant to § 993.62 as shown on diversion certificates held by him, or credited by the committee against his reserve obligation; (c) disposed of by him under a sales contract of the committee; (d) delivered by him to the committee, or to a person designated by it, pursuant to its instructions; and (e) for which he is otherwise relieved by the committee of such responsibility to so hold prunes. No handler may transfer a reserve obligation but any handler may, upon notification to the committee arrange to hold reserve prunes on the premises of another handler or in approved commercial storage, under conditions of proper storage. The committee may, after giving reasonable notice, require a handler to deliver to it, or to a person designated by it, f.o.b. handler's warehouse or point of storage, reserve prunes held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

§ 993.58 Deferment of time for withholding.

(a) Compliance by any handler with the requirement of § 993.57 for withholding reserve prunes may be temporarily deferred to any date desired by the handler, but not later than November 15 of the crop year, upon the execution and delivery by such handler to the committee of a written undertaking that on or prior to the desired date he will have fully satisfied his holding requirement. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee in the amount or amounts specified, conditioned upon full compliance with such undertaking.

(b)(1) Each bond shall be provided by and at the handler's expense, with a surety or sureties acceptable to the committee, and shall be in an amount computed by multiplying the pounds of natural condition prunes for which deferment is desired by the bonding rate. Such bonding rate shall be established by the committee at a level sufficient to achieve the objectives of this part.

(2) In case a handler defaults in meeting his deferred withholding requirement, any funds collected by the committee from the bonding company through such default shall be used by the committee to purchase from handlers a quantity of natural condition prunes, up to but not exceeding the quantity on which default occurred. Purchases shall be made from prunes with respect to which the reserve obligation has been met, and shall be of grades, varieties, or sizes and in such containers as the committee specifies in consideration of available reserve prune outlets. Purchases shall be at prices determined to be appropriate by the committee and if more prunes are offered than required by the committee, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The committee shall dispose of the prunes acquired as soon as practicable in the most favorable reserve prune outlets and shall deposit the proceeds from such sales, less committee expenses in connection with such transaction, with reserve pool funds for distribution to equity holders.

(3) If for any reason the committee is unable to purchase a quantity of prunes as large as the quantity of reserve prunes in default by the handler, any remaining balance of funds received because of the default less expenses of the committee, shall be deposited with reserve pool funds for distribution to equity holders.

(c) A handler who has defaulted on his bond shall be credited on his reserve obligation with, and his holding requirement reduced by, that quantity of prunes represented by the sums collected but not more than the extent of his default.

§ 993.59 Payment to handlers for services.

The committee shall pay handlers for necessary services rendered by them in connection with reserve prunes including, but not limited to, inspection, receiving,

storing, grading, and fumigation, in accordance with a schedule of payments and conditions established by the Secretary after recommendation by the committee.

14. *Producer diversion.* A new § 993.62 reading as follows is added immediately after new § 993.59:

§ 993.62 Diversion privileges.

(a) *Prune plums.* The words "prune plums" as used in this section mean plums of a variety used in the production of prunes.

(b) *Voluntary principle.* No producer shall be required to divert all or any portion of the prune plums produced by him.

(c) *Authorization.* If, on the basis of a committee recommendation for diversion operations, the availability of governing rules and procedures established by the Secretary after recommendation of the committee, and other information, the Secretary concurs that diversion operations should be permitted, he shall authorize such operations.

(d) *Diversion certificates.* After diversion operations are authorized, and subject to the applicable rules and procedures, any producer may divert prune plums of his own production for eligible purposes and receive from the committee a diversion certificate therefor: *Provided,* That diversion certificates for prune plums diverted by producer members of a cooperative marketing association shall be issued by the committee to the association if it so requests. To the extent permitted by the rules and procedures, the certificate may be submitted to any handler in lieu of reserve prunes and to the same extent the certificate shall entitle the handler to satisfy his reserve obligation. Only to the extent permitted by the rules and procedures diversion certificates may be transferable among producers and handlers.

(e) *Eligible diversions.* Within such restrictions as may be prescribed in rules and procedures, diversion may be authorized for such dispositions as are not competitive with the normal marketing of prunes and prune products. Such eligible diversions may include: (1) Disposal of prune plums for nonhuman use; (2) leaving prune plums unharvested; and (3) such other methods of diversion as may be authorized. No diversion certificate shall be issued by the committee for prune plums which would not, under normal producer practices, be dried and delivered to a handler.

(f) *Nonparticipation in pool proceeds.* Any prune plums diverted pursuant to this section shall not be included in any reserve pool.

(g) *Payment of costs.* Prior to the issuance of a diversion certificate to a producer or a cooperative marketing association, the producer or association shall pay to the committee fees established to cover costs pertaining to the diversion.

15. *Disposition of reserve prunes.* A new § 993.65 reading as follows is added immediately after new § 993.62:

§ 993.65 Disposition of reserve prunes.

(a) *Committee's right of disposition.* The committee shall have the power and authority to sell or dispose of any and all reserve prunes (1) to meet demand either (i) as domestic trade demand, or (ii) as foreign trade demand, or (2) for use in any outlet, defined in rules and procedures, established by the Secretary after recommendation of the committee, noncompetitive with normal outlets for salable prunes.

(b) *Methods of disposition.* The committee may, for any of the purposes of paragraph (a) of this section, offer to sell and sell reserve prunes to handlers for disposition or sale by them in specified outlets. Sale of reserve prunes by the committee to any handler for resale in such outlets or for resale to other persons for sale in such outlets shall be governed by the provisions of a sales agreement, executed by the handler with the committee. The committee may refuse to sell reserve prunes to any handler if the handler violates the terms and conditions of the agreement or other provisions of this part. The committee may sell reserve prunes into any outlet in which direct selling is determined to be more appropriate.

(c) *Offers to sell reserve prunes.* No offer to sell reserve prunes either to handlers or to other persons shall be made by the committee until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms and conditions of the proposed offer including the basis for determining the handlers' shares: *Provided,* That at any time prior to the expiration of the 5-day period the offer may be made upon the committee receiving from the Secretary notice that he does not disapprove it.

(d) *Transfer of shares.* No handler may transfer a reserve obligation. However, any handler who is authorized by the committee to dispose of reserve prunes may arrange with another handler to dispose of his share of reserve prunes through such other handler. In that event, credit for the reserve disposition shall go to the handler whose reserve prunes are used.

(e) *Distribution of proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of reserve prunes shall be charged against the proceeds of sales of such prunes. Net proceeds from the disposition of reserve prunes shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to their successors in interest, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee as sufficient funds accumulate. Distribution of the proceeds in connection with the reserve prunes contributed by a cooperative marketing association shall be made to such association, if it so requests.

§ 993.81 [Amended]

16. In the first sentence of paragraph (a) of § 993.81 "with respect to all salable prunes handled by him as the first handler thereof" is substituted for "with respect to all prunes received by him from producers and dehydrators".

[F.R. Doc. 65-7448; Filed, July 13, 1965; 8:49 a.m.]

[7 CFR Parts 1008, 1009]

[Docket No. AO-268-A8]

MILK IN GREATER WHEELING AND CLARKSBURG, W. VA., MARKETING AREAS

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel McLure, Wheeling, W. Va., beginning at 10 a.m., e.d.t., on July 19, 1965, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Wheeling and Clarksburg, W. Va., marketing areas.

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

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

Proposed by Dairymen's Co-operative Sales Association:

Proposal No. 1. The Class I differential to be applied pursuant to §§ 1008.51 (a) and 1009.51(a) be fixed at a uniform level of $1.75 and $2.00 respectively and apply for each month of the year.

Proposal No. 2. Use the Minnesota-Wisconsin price used in the basic formula price to establish the Class II price in §§ 1008.51(b) and 1009.51(b) respectively.

Proposal No. 3. In §§ 1008.9 and 1009.9 delete the language "during any of the months of September thru January inclusive."

Proposal No. 4. In §§ 1008.41(b)(6)(i) and 1009.41(b)(6)(i) provide for the proration of the shrinkage assignment so that the plant which actually receives the milk will be allowed the shrinkage on such receipts.

Proposed by United Ohio Valley Dairy, Incorporated:

Proposal No. 5. Amend the section in the Wheeling and Clarksburg orders dealing with the Class 2 price to read that in no period will the Class 2 price be more than 10 cents above the Butter-Powder Formula in this order.

Proposed by Fairmont Foods Company:

Proposal No. 6. Sections 1008.15 and 1009.15 *Fluid milk products.* Include in the exemptions from this definition, sour cream and dip or snack items not labeled Grade A.

Proposal No. 7. Sections 1008.27(k)(2) and 1009.27(k)(2) *Duties of administrator.* Provide that announcement of Class I price and Class I butterfat differential for current month be announced by the 5th day of the month.

Proposal No. 8. Sections 1008.30 and 1009.30 *Report of receipts and utilization.* In the opening statement change "7th day" to "5th working day" or "5th day including weekends".

Proposal No. 9. Sections 1008.31 and 1009.31 *Other reports.* Revise (b)(1) to conform to any change made in §§ 1008.30 and 1009.30.

Proposal No. 10. Sections 1008.41 and 1009.41 *Classes of utilization.* In (b)(5) Class II milk provide for Class II classification of both butterfat and skim in milk dumped or disposed of for livestock feed.

Proposal No. 11. Sections 1008.61 and 1009.61 *Plants subject to other Federal Orders.* (a) Clarify language as there appears to be a misprint in the use of word "if".

Proposal No. 12. Revise § 1009.51(a)(1) to read:

Add the amount for the month indicated:

Month	*Amount*
April, May, June, July	$1.42
All others	1.88

or

Revise § 1009.51(a)(1) to read:

Add each month of the year, $1.73.

Proposed by Beatrice Foods Co.:

Proposal No. 13. Beatrice Foods Co. hereby proposes that § 1009.51(a) of the Clarksburg Order be amended to provide:

(a) Class I milk price. Effective August 1, 1965, the Class I milk price shall be the basic formula price (computed pursuant to § 1009.50) for the preceding month, plus $1.70 in all months, subject to the adjustment provided in subparagraph (1).

Delete § 1009.51(a)(1), renumber subparagraphs (2) through (4) as (1) through (3), and make the necessary conforming reference changes within each of such renumbered subparagraphs.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 703 Hawley Building, 1025 Main Street, Wheeling, W. Va., 26003, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250 or may be there inspected.

Signed at Washington, D.C., on July 8, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-7403; Filed, July 13, 1965; 8:46 a.m.]

[7 CFR Part 1048]

[Docket No. AO-325-A4]

MILK IN GREATER YOUNGSTOWN-WARREN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Voyager Motor Inn, Youngstown, Ohio, beginning at 10 a.m., e.d.t., on July 21, 1965, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Youngstown-Warren marketing area.

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

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

Proposed by Dairymen's Cooperative Sales Association:

Proposal No. 1. Amend § 1048.12(a) Pool Plant by inserting the following after the words supply plants—(except for the months of April through July).

Proposal No. 2. Basic formula price. Delete the language in § 1048.50 and substitute the following:

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to a 3.5-percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

Proposal No. 3. Class II milk price. Delete the language in § 1048.51(b) and substitute the following:

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the basic formula price, as computed pursuant to § 1048.50, but in no event shall the Class II price exceed the price per hundredweight computed by adding together the plus amounts computed as follows, plus 10 cents:

(a) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiplying by 3.5; and

(b) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.2.

Proposed by the Dairy Division, Consumer and Marketing Service:

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

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 4068, Youngstown, Ohio, 44515, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250 or may be there inspected.

Signed at Washington, D.C., on July 8, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-7404; Filed, July 13, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-WE-66]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

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 Denver, Colo., terminal area.

The Agency has completed a comprehensive review of the terminal airspace structure requirements in the Denver, Colo., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 and proposes the following airspace actions:

1. Redesignate the Denver, Colo., control zone as that airspace within a 9-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'-40" W.), and within a 9-mile radius of Buckley ANG Airport (latitude 39°42'05" N., longitude 104°45'10" W.), excluding the portion within a 1-mile radius of

Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

2. Revoke the presently designated Denver control area extension.

3. Designate the Denver transition area as that airspace extending upward from 700 feet above the surface within a 22-mile radius of Stapleton Municipal Airport (latitude 39°46'30" N., longitude 104°52'40" W.); that airspace extending upward from 1,200 feet above the surface bounded on the NE by a line 4 nautical miles SW of and parallel to the Akron, Colo., VOR 312° radial, on the E by a line 4 nautical miles W of and parallel to the Thurman, Colo., VOR 003° and 192° radial, on the S by latitude 39°05'00" N., on the W by longitude 105°20'00" W., and on the N by latitude 40°30'00" N.; and that airspace extending upward from 11,600 feet MSL within 5 miles each side of the Denver VORTAC 257° radial, extending from longitude 105°20'00" W. to 40 miles W of the VORTAC, excluding the airspace within the Akron, Thurman, and Colorado Springs, Colo., transition areas.

4. Alter the Thurman, Colo., transition area by raising the floor from 1,200 feet above the surface to 6,200 feet MSL. There would be no adjustment in the boundaries of the presently designated transition area.

The proposed alteration of the Denver control zone would increase the radius area of the control zone and revoke the control zone extensions N and NE of the Stapleton Airport. The expansion of the radius zone would eliminate the requirement for the designation of numerous short control zone extensions to provide protection for aircraft executing prescribed instrument approach and radar departure procedures at Stapleton, Buckley ANG, and Lowry AFB. In addition, the expansion would provide required airspace for the protection of larger, more modern military and civil aircraft operating within the Denver terminal area.

The proposed Denver transition area would provide protection for aircraft executing prescribed instrument approach, departure, holding, transition, and radar vectoring procedures conducted within the Denver terminal area.

The additional transition area W of Denver with a floor of 11,600 feet MSL would provide protection for aircraft executing the prescribed Golden standard instrument departure.

The proposed alteration of the Thurman transition area would raise the floor of controlled airspace from 1,200 feet above the surface to 6,200 feet MSL. There is no longer an air traffic control requirement for controlled airspace below 6,200 feet MSL.

It is planned at a future date, after adjacent terminal area studies have been completed, to raise the floors of airways in the Denver area to 1,200 feet or higher above the surface.

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.

This amendment is 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 July 2, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7378; Filed, July 13, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-72]

CONTROL ZONE, TRANSITION AREAS AND CONTROL AREA EXTENSIONS

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 Las Vegas, Nev., terminal area.

The Agency has completed a comprehensive review of the terminal airspace structure requirements in the Las Vegas area including studies attendant to the implementation of the provisions of CAR 60-21/60-29 and proposes the following airspace actions:

1. Alter the Las Vegas, Nev. (McCarran Field), control zone by redesignating it as that airspace within a 5-mile radius of McCarran Field (latitude 36°05'05" N., longitude 115°09'00" W.); within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles NE of the VORTAC; within 2 miles NW and 3 miles SE of the Las Vegas VORTAC 214° radial extending from the 5-mile radius zone to 6 miles SW of the VORTAC; and within 2 miles each side of the Las Vegas VORTAC 268° radial extending from the 5-mile radius zone to 6.5 miles W of the VORTAC.

2. Revoke the Las Vegas, Nev. (A), control area extension.

3. Revoke the Las Vegas, Nev. (B), control area extension.

4. Revoke the Lake Mead, Nev., transition area.

5. Revoke the Mormon Mesa, Nev., transition area.

6. Revoke the Searchlight, Nev., transition area.

7. Revoke the Willow Beach, Nev., transition area.

8. Alter the Mercury, Nev., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.); that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°41'00" N., longitude 116°26'30" W., to latitude 36°-41'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 115°55'-00" W., to latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°36'00" N., longitude 116°26'30" W., thence to point of beginning, excluding the portion within R-4808.

9. Designate the Las Vegas, Nev., transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 36°11'00" N., longitude 115°28'00" W., to latitude 36°11'00" N., longitude 115°11'00" W., to latitude 36°24'00" N., longitude 115°00'00" W., to latitude 36°-18'00" N., longitude 114°51'00" W., to latitude 36°00'00" N., longitude 114°50'-00" W., to latitude 35°52'00" N., longitude 115°11'00" W., to latitude 35°52'00" N., longitude 115°28'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°16'00" N., longitude 116°08'-00" W., to latitude 36°16'00" N., longitude 115°32'00" W., to latitude 36°58'00" N., longitude 114°41'00" W., to latitude 36°58'00" N., longitude 114°07'00" W., to latitude 36°47'00" N., longitude 113°-59'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°19'00" N., longitude 114°14'-00" W., to latitude 35°39'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°57'00" W., to latitude 35°30'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°02'-00" W., to latitude 35°00'00" N., longitude 115°24'00" W., to latitude 35°14'-00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°50'00" W., to latitude 35°36'00" N., longitude 115°50'00" W., to latitude 36°06'00" N., longitude 116°18'00" W., to latitude 36°-13'00" N., longitude 116°18'00" W., thence to point of beginning; that airspace extending upward from 9,000 feet MSL within 5 miles each side of the Boulder, Nev., VORTAC 085° radial, extending from longitude 114°14'00" W., to 65 miles E of the VORTAC; and that airspace extending upward from 9,500 feet MSL within 5 miles each side of the Boulder VORTAC 049° radial extending from longitude 114°05'00" W., to 81 miles NE of the VORTAC.

The actions proposed herein would, in part, designate control zone extensions west and southwest of McCarran Field to provide protection for aircraft executing prescribed radar approach procedures.

The 700-foot portion of the Las Vegas transition area would provide protection for aircraft executing prescribed instrument approach, departure and radar

procedures while operating below the floor of the proposed 1,200-foot transition area.

The transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing prescribed instrument holding, approach, radar and departure procedures conducted at 1,500 feet or more above the surface.

The portions of the proposed transition area with floors of 9,000 and 9,500 feet MSL would provide protection for aircraft transitioning to and from the Las Vegas terminal area and the jet route structure.

The proposed alteration of the Mercury, Nev., transition area would reduce the size of the transition area as presently designated.

The revocation of the Las Vegas control area extensions (A) and (B) and designation of the Las Vegas transition area would raise the floor of controlled airspace beyond the limits of the 700-foot area proposed herein from 700 to 1,200 feet above the surface.

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.

This amendment is 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 July 2, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7379; Filed, July 13, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

Notice of Filing of Protraction Diagrams (Unsurveyed Land)

Notice is hereby given that effective at and after 10 a.m. on August 15, 1965, protraction diagram Unit No. 5 is officially filed of record in the Washington Land Office, Room 670, Bon Marche Building, Spokane, Wash., 99201, and is available to the public as a matter of information only. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

WASHINGTON PROTRACTION DIAGRAM NOTICE OF FILING NO. 8 (UNIT NO. 5)

WILLAMETTE MERIDIAN

T. 3 N., R. 5 E.,
Secs. 3 to 10 inclusive;
Secs. 15 to 21 inclusive;
Sec. 22, N½, SW¼.
T. 5 N., R. 5 E.
T. 4 N., R. 6 E.
T. 5 N., R. 6 E.
T. 6 N., R. 6 E.,
Sec. 1;
Secs. 12 to 36 inclusive.
T. 4 N., R. 7 E.,
Secs. 1 to 8 inclusive;
Sec. 11, N½, SE¼;
Secs. 12 and 13;
Sec. 14, E½;
Secs. 17 to 20 inclusive;
Sec. 24;
Sec. 25, N½, SE¼;
Sec. 28, NW¼, S½;
Secs. 29 to 33 inclusive;
Sec. 34, NW¼, S½.
T. 5 N., R. 7 E.
T. 6 N., R. 7 E.
T. 7 N., R. 7 E.
T. 8 N., R. 7 E.
T. 9 N., R. 7 E.
T. 10 N., R. 7 E.
T. 11 N., R. 7 E.,
Secs. 20 to 36 inclusive.
T. 15 N., R. 7 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive.
T. 16 N., R. 7 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 5 N., R. 7½ E.,
Sec. 1;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 36.
T. 6 N., R. 7½ E.,
Sec. 1;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 36.
T. 7 N., R. 7½ E.,
Sec. 1;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 36.
T. 8 N., R. 7½ E.,
Sec. 1, NE¼, S½;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 36.
T. 3 N., R. 8 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 12 inclusive.
T. 4 N., R. 8 E.
T. 5 N., R. 8 E.
T. 6 N., R. 8 E.
T. 7 N., R. 8 E.
T. 8 N., R. 8 E.
T. 9 N., R. 8 E.
T. 10 N., R. 8 E.
T. 11 N., R. 8 E.,
Secs. 1 to 17 inclusive;
Sec. 18 excluding H.E.S. No. 50, No. 179–A, and No. 179–B;
Secs. 19 to 36 inclusive.
T. 12 N., R. 8 E.,
Sec. 13, S½;
Sec. 24, N½;
Secs. 25 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 13 N., R. 8 E.
T. 14 N., R. 8 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 15 inclusive;
Secs. 18 to 36 inclusive.
T. 15 N., R. 8 E.,
Secs. 1 to 27 inclusive;
Sec. 28, E½;
Secs. 29 and 30;
Secs. 33 to 36 inclusive.
T. 16 N., R. 8 E.
T. 17 N., R. 8 E.
T. 18 N., R. 8 E.
T. 4 N., R. 9 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 21 inclusive;
Sec. 28, N½, SW¼;
Secs. 29 to 32 inclusive.
T. 5 N., R. 9 E.,
Secs. 1 to 34 inclusive;
Sec. 35 excluding H.E.S. No. 234;
Sec. 36.
T. 6 N., R. 9 E.
T. 7 N., R. 9 E.
T. 8 N., R. 9 E.
T. 9 N., R. 9 E.
T. 10 N., R. 9 E.
T. 11 N., R. 9 E.
T. 12 N., R. 9 E.,
Secs. 1 to 4 inclusive;
Secs. 7 to 36 inclusive.
T. 14 N., R. 9 E.
T. 15 N., R. 9 E.,
Secs. 1 to 5 inclusive;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 to 17 inclusive;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 to 29 inclusive;
Sec. 30, E½;
Sec. 31, E½;
Secs. 32 to 36 inclusive.
T. 16 N., R. 9 E.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, SE¼;
Sec. 7, E½ excluding M.S. No. 1149;
Sec. 8, excluding M.S. No. 1149;
Secs. 9 to 15 inclusive;
Secs. 16 and 17 excluding M.S. No. 1148 and No. 1149;
Sec. 18, E½ excluding M.S. No. 1149;
Sec. 19, E½;
Secs. 20 to 29 inclusive;
Sec. 30, E½;
Sec. 31, E½;
Secs. 32 to 36 inclusive.
T. 17 N., R. 9 E.
T. 18 N., R. 9 E.
T. 8 N., R. 10 E.,
Secs. 1 to 24 inclusive.
T. 9 N., R. 10 E.
T. 10 N., R. 10 E.,
Secs. 1 to 11 inclusive;
Secs. 12 and 13 excluding Yakima Indian Reservation;
Secs. 14 to 23 inclusive;
Secs. 24 and 25 excluding Yakima Indian Reservation;
Secs. 26 to 36 inclusive.
T. 11 N., R. 10 E.
T. 12 N., R. 10 E.
T. 13 N., R. 10 E.
T. 15 N., R. 10 E.,
Secs. 4 to 6 inclusive.
T. 16 N., R. 10 E.,
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, S½;
Secs. 7 to 36 inclusive.
T. 17 N., R. 10 E.,
Secs. 1 to 24 inclusive;
Sec. 25 excluding M.S. No. 688 and M.S No. 1251;
Secs. 26 to 36 inclusive.
T. 18 N., R. 10 E.
T. 8 N., R. 11 E.,
Secs. 3 and 4 excluding Yakima Indian Reservation;
Secs. 5 to 9 inclusive;
Sec. 10 excluding Yakima Indian Reservation;
Sec. 14 excluding Yakima Indian Reservation;
Secs. 15 to 22 inclusive;
Secs. 23 and 24 excluding Yakima Indian Reservation.
T. 9 N., R. 11 E.;
Secs. 5 and 6 excluding Yakima Indian Reservation;
Sec. 7;
Sec. 8 excluding Yakima Indian Reservation;
Sec. 17 excluding Yakima Indian Reservation;
Secs. 18 and 19;
Sec. 20 excluding Yakima Indian Reservation;
Sec. 29 excluding Yakima Indian Reservation;
Secs. 30 and 31;
Secs. 32 and 33 excluding Yakima Indian Reservation.
T. 10 N., R. 11 E.,
Sec. 4 excluding Yakima Indian Reservation;
Secs. 6 and 7 excluding Yakima Indian Reservation;
Secs. 30 and 31 excluding Yakima Indian Reservation.
T. 11 N., R. 11 E.,
Sec. 1 excluding Yakima Indian Reservation;
Sec. 3 excluding Yakima Indian Reservation;
Secs. 4 to 10 inclusive;
Sec. 11 excluding Yakima Indian Reservation;
Sec. 14 excluding Yakima Indian Reservation;
Secs. 15 to 22 inclusive;
Sec. 23 excluding Yakima Indian Reservation;
Sec. 25 excluding Yakima Indian Reservation;
Secs. 26 to 30 inclusive;
Secs. 31 to 36 inclusive, excluding Yakima Indian Reservation.

T. 12 N., R. 11 E.,
Secs. 1 to 25 inclusive;
Secs. 26 to 27 excluding Yakima Indian Reservation;
Secs. 28 to 33 inclusive;
Secs. 34 and 35 excluding Yakima Indian Reservation;
Sec. 36.
T. 13 N., R. 11 E.
T. 14 N., R. 11 E.
T. 16 N., R. 11 E.,
Secs. 1 to 3 inclusive;
Sec. 4 excluding M.S. No. 642;
Secs. 5 to 36 inclusive.
T. 17 N., R. 11 E.,
Secs. 1 to 29 inclusive;
Sec. 30 excluding M.S. No. 1251;
Sec. 31 excluding M.S. No. 644 and 645;
Sec. 32 excluding M.S. No. 639, 640, 641, 642 and 643;
Sec. 33 excluding M.S. No. 642;
Secs. 34 to 36 inclusive.
T. 18 N., R. 11 E.
T. 11 N., R. 12 E.,
Secs. 5 and 6 excluding Yakima Indian Reservation.
T. 12 N., R. 12 E.,
Secs. 6 and 7;
Secs. 18 and 19;
Secs. 29 to 32 inclusive.
T. 13 N., R. 12 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 14 N., R. 12 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 15 N., R. 12 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 16 N., R. 12 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 11 inclusive;
Sec. 12 excluding H.E.S. No. 155 A and B;
Secs. 13 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 17 N., R. 12 E.,
Secs. 1 to 3 inclusive;
Sec. 4, E½E½;
Sec. 9, E½E½;
Secs. 10 to 15 inclusive;
Sec. 16, E½E½;
Sec. 21, E½E½;
Secs. 22 to 27 inclusive;
Sec. 28, E½E½;
Sec. 33, E½E½;
Secs. 34 to 36 inclusive.
T. 18 N., R. 12 E.,
Secs. 1 to 3 inclusive;
Sec. 4, E½E½;
Sec. 9, E½E½;
Secs. 10 to 15 inclusive;
Sec. 16, E½E½;
Sec. 21, E½E½;
Secs. 22 to 27 inclusive;
Sec. 28, E½E½;
Sec. 33, E½E½;
Secs. 34 to 36 inclusive.
T. 13 N., R. 13 E.,
Secs. 1 to 4 inclusive;
Sec. 5 excluding H.E.S. No. 140;
Secs. 6 and 7;
Sec. 8 excluding H.E.S. No. 140;
Secs. 9 to 36 inclusive.
T. 14 N., R. 13 E.
T. 15 N., R. 13 E.
T. 16 N., R. 13 E.,
Secs. 1 to 6 inclusive;
Sec. 7 excluding H.E.S. No. 155 A and B;
Secs. 8 to 36 inclusive.
T. 14 N., R. 14 E.,
Secs. 2 to 10 inclusive;
Secs. 15 to 18 inclusive;
Sec. 31, S½.

Copies of this diagram are for sale at the Washington State Land Office, Bureau of Land Management, Room 670, Bon Marche Building, Spokane, Wash., 99201.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 65-7400; Filed, July 13, 1965; 8:46 a.m.]

[Idaho 015359]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 6, 1965.

Notice of an application Serial No. Idaho 015359, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 64-6463 on page 8235 of the issue for June 30, 1964. The applicant agency has canceled its application only insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2311, such lands will be at 10 a.m., on July 26, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this partial notice of termination are:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

Lake Elsie—French Lake Recreation Area

T. 47 N., R. 3 E.,
Sec. 12, S½S½ of lot 4, NW¼SW¼ of lot 4, E½SW¼NW¼SW¼, S½SE¼NW¼SW¼, E½SW¼SW¼, E½W½SW¼SW¼, NW¼NE¼SE¼SW¼, N½NW¼SE¼SW¼, SW¼NW¼SE¼SW¼ and SE¼SW¼SE¼;
Sec. 13, lot 1, N½NE¼ of lot 2, NW¼ of lot 2, NW¼SW¼ of lot 2, N½NE¼NW¼NE¼, SE¼NE¼NW¼NE¼, S½SW¼NW¼NE¼, N½SW¼NE¼, N½SE¼SW¼NE¼, SE¼SW¼NE¼NW¼, S½SE¼NE¼NW¼, NE¼NW¼NW¼, E½NW¼NW¼NW¼, SW¼NW¼NW¼, N½SE¼NW¼NW¼, SW¼SE¼NW¼NW¼, W½SW¼NW¼, NW¼NE¼SW¼NW¼, S½NE¼SW¼NW¼, N½SE¼SW¼NW¼, SW¼SE¼SW¼NW¼, NE¼SE¼NW¼, E½NW¼SE¼NW¼, SW¼NW¼SE¼NW¼, N½SW¼SE¼NW¼ and N½NW¼NW¼SW¼;
Sec. 14, S½SE¼NE¼NE¼, NE¼SE¼NE¼ and NE¼SE¼SE¼NE¼.
T. 47 N., R. 4 E.,
Sec. 18, N½ of lot 1, E½SE¼ of lot 1, N½ of lot 2, W½NE¼NE¼NW¼, W½NE¼NW¼, N½NW¼SE¼NW¼ and SW¼NW¼SE¼NW¼.

The area terminated aggregates 366.805 acres more or less.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65-7424; Filed, July 13, 1965; 8:48 a.m.]

Geological Survey

PRODUCING OIL AND GAS FIELDS IN CERTAIN STATES

Definitions of Known Geologic Structures

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER, dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown:

NAME OF FIELD, EFFECTIVE DATE, ACREAGE		
(26) MONTANA		
Cut Bank (revision)	May 27, 1965	132,174
Flat Coulee-Whitlash (revision and consolidation).	Apr. 9, 1965	20,514
Flat Lake (revision)	Apr. 6, 1965	5,553
Tule Creek East	Nov. 24, 1964	600
(32) NEW MEXICO		
Milnesand (revision)	Mar. 18, 1965	9,240
San Juan (revision—includes lands in Colorado).	May 14, 1965	2,147,444
Todd	Mar. 24, 1965	3,440
(34) NORTH DAKOTA		
Black Slough (revision)	Dec. 14, 1964	11,885
Foothills	Feb. 25, 1965	2,960
Foothills Northeast	May 3, 1965	1,880
Medora	Feb. 21, 1965	3,955
Rennie Lake	May 3, 1965	3,040
(50) WYOMING		
Baxter Basin North (A)	Feb. 1, 1965	2,500
Big Piney-La Barge (revision).	Mar. 10, 1965	155,975
Burke Ranch (revision)	Feb. 24, 1965	2,655
Cooper Reservoir (revision)	Aug. 7, 1964	2,932
Flat Top-Shawnee North (revision).	Aug. 28, 1964	18,630
Semlek	May 24, 1965	1,800
Slick Creek (revision)	Apr. 27, 1965	4,862
Wallace Creek	Nov. 21, 1964	2,440
Wertz Dome (revision)	Aug. 24, 1964	1,969

ARTHUR A. BAKER,
Acting Director.

JULY 7, 1965.

[F.R. Doc. 65-7396; Filed, July 13, 1965; 8:46 a.m.]

OFFICE OF MINERALS EXPLORATION

Delegation of Authority

JULY 6, 1965.

The following material is a portion of the Geological Survey Manual and the numbering system is that of the Manual. Part 220 Special Redelegations Chapter 3. Geologic Division, Functions of the Office of Minerals Exploration.

.1 *Office of Minerals Exploration.* The authorizations (30 F.R. 2877) by the Secretary of the Interior to the Director, Geological Survey, to exercise the authority of the Secretary of the Interior under the act of August 21, 1958 (30 U.S.C. 641-643), pursuant to regulations issued pursuant to the act of August 21, 1958, and by delegations or redelegations issued pursuant to the Defense Production Act of 1950, as amended, or issued pursuant to any other law by virtue of authority delegated to the Secretary and redelegated to the Director under the Defense Production Act of 1950, as amended, may be performed and exercised, insofar as these functions and powers relate to domestic exploration for metals and minerals, by the Chief, Office of Minerals Exploration, Geological Survey.

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 65-7397; Filed, July 13, 1965; 8:46 a.m.]

Office of the Secretary

SOUTHWESTERN POWER ADMINISTRATION

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the manual.

This material supersedes 270 DM 2.1 (29 F.R. 18017) dated December 18, 1964.

270.2.1 *Designation as Marketing Agency.* The Southwestern Power Administration is designated as the agency to market available surplus electric power and energy generated at the following reservoir projects pursuant to section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s): Beaver; Blakely Mountain; Broken Bow; Bull Shoals; Dardanelle; DeGray; Denison; Eufaula; Fort Gibson; Greers Ferry; Kaysinger Bluff; Keystone; Narrows; Norfork; Ozark Lock and Dam; Robert S. Kerr; Sam Rayburn; Stockton; Table Rock; Tenkiller Ferry; and Whitney.

(Sec. 2 Reorg. Plan No. 3 of 1950; 5 U.S.C. sec. 133g–15, note)

STEWART L. UDALL,
Secretary of the Interior.

JULY 8, 1965.

[F.R. Doc. 65–7401; Filed, July 13, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

Designation of Areas for Emergency Loans

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

KANSAS

Barton.	Rice.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of July 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–7405; Filed, July 13, 1965; 8:47 a.m.]

TEXAS

Designation of Areas for Emergency Loans

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

TEXAS

Burleson.	Live Oak.
Duval.	Milam.
Floyd.	Motley.
Hidalgo.	Willacy.
Jim Wells.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of July 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–7452; Filed, July 13, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Filing of Petition for Food Additives Amprolium, Ethopabate, Tylosin, and Penicillin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1764) has been filed by Elanco Products Co., a Division of Eli Lilly and Co., Indianapolis, Ind., 46206, proposing that § 121.210 *Amprolium* be amended to provide for the safe use of amprolium and ethopabate combined with tylosin and penicillin, in chicken feed, for the prevention of coccidiosis and for growth promotion and increased feed efficiency.

Dated: July 7, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–7431; Filed, July 13, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16331; Order No. E–22424]

AMERICAN AIRLINES, INC., ET AL.

Order Deferring Action on Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of July 1965.

An agreement between American Airlines, Inc., Eastern Air Lines, Inc., et al., relating to the establishment of the Metropolitar. New York Airlines Committee, filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended; Agreement CAB 18196; Docket 16331.

On February 15, 1965, pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), American Airlines, Inc., filed with the Board on behalf of itself and nine other air carriers [1] which serve the Metropolitan New York, New York-Newark, New Jersey area, an agreement establishing a joint committee known as the Metropolitan New York Airlines Committee. Such agreement among the existing parties became effective January 25, 1965, and is to continue in effect until December 31, 1966, and from year to year thereafter, subject to withdrawal by any party upon specific notice. Any air carrier holding a certificate of public convenience and necessity issued by the Board and serving any one of the airports in the metropolitan area may become a party to the agreement by executing a counterpart thereof.

Thereafter, on June 1, 1965, the committee filed three resolutions adopted pursuant to the terms of the agreement, which relate to the delegation of certain matters back to the individual participants in the agreement and the powers of the committee's executive director.

The agreement indicates that the parties from time to time are confronted with common problems and considerations of common interest relating to the use and development of airports in the metropolitan area and the negotiation and consummation of agreements for the use of such airports and their facilities; and that it would be to the parties' mutual benefit to form the committee, consisting of representatives of each party, for the purpose of considering such common interests, seeking solutions to such common problems, and taking action deemed necessary to achieve their common goals.

The agreement provides, inter alia, that each party shall have one representative [2] on the joint committee who shall have full authority to act for and on behalf of the party appointing him; that the committee shall be fully authorized to act as sole and exclusive representative jointly and severally for and on behalf of all parties to the agreement with respect to all matters with the Port of New York Authority affecting the parties relating to (1) the negotiation of terms, conditions, fees, rents, and charges of and for leases, licenses and agreements of use, of the John F. Kennedy International Airport, La Guardia Field and/or Newark Airport, (2) the use or development of any existing or proposed airport to serve the metropolitan area, and (3) any other matters or considerations pertinent to the foregoing; that the parties agree to be bound by

[1] Eastern Air Lines, Inc., United Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Northeast Airlines, Inc., Mohawk Airlines, Inc., and Trans World Airlines, Inc.

[2] The chief executive office of each party.

all action duly taken by the committee;[2] and that if the committee is unable to acquire any right, privilege or consent requested by a party to the agreement, other parties thereto will cooperate to the extent that the former's public services will not suffer any substantial deterioration due to the committee's inability to accomplish the request of such party.

In addition, the agreement provides for regular and special meetings of the committee, and the selection of a committee chairman by simple majority vote; states that all actions of the committee shall be authorized by a two-thirds majority vote; provides for the appointment by the committee of an executive committee for the purpose of implementing the directions of the committee, the employment of an executive director and such other employees, consultants or counsel as needed, and the appointment of a properties subcommittee and such other subcommittees as may be deemed necessary; and establishes a formula for the allocation of committee expenses.[4]

The aforementioned resolutions of the committee were adopted pursuant to a provision in the agreement authorizing the committee to delegate any function back to one or more of the participating carriers. We construe the resolutions to be an integral part of the agreement. The first of these resolutions delegates back to each individual party all functions it may have with respect to specific subject matters listed, by carrier, in an appendix to the resolution.[5] The second resolution provides that other matters not set forth in the appendix to the aforesaid resolution, which are of primary concern to an individual party and do not substantially affect the other parties, may be delegated back to the individual carrier concerned. Such delegations are to be irrevocable and approval by the executive director of the committee is not required as to the terms of any agreement concluded with the Port Authority. The third resolution empowers the executive director, with respect to matters not delegated back to the individual parties, to appoint individuals or groups of individuals to conduct discussions and negotiations and to conclude and execute agreements with the Port Authority or any other agency or person and to delegate any functions which might be performed by the committee to any one or more of the participating carriers, provided that the terms of any agreement concluded under this resolution shall be subject to approval of the executive director.

No comments in opposition to approval of the agreement have been filed.

The Board has concluded that the agreement, including the three resolutions discussed above, represents a cooperative working arrangement between air carriers within the meaning of section 412(a) of the Act. Further, the Board has tentatively concluded that the agreement is not adverse to the public interest or in violation of the Act, provided that its final action is conditioned as provided for hereinafter.

By letter dated March 8, 1965, American Airlines, Inc. advised the Board that the committee is still in its formative stages and that it is difficult to outline specifically all it hopes to accomplish, although one of the first subjects for consideration is the need for additional airport capacity in the New York area and how that capacity can be most effectively provided. Thus, because of the uncertainty of the committee's objectives, the Board believes it would be appropriate that the members of the committee keep the Board apprised of its activities through the filing of minutes of each meeting of the committee. In this respect the Board proposes to impose conditions requiring that the parties shall (1) maintain full and complete minutes of each meeting of the committee and (2) file the minutes of each committee meeting with the Board within 30 days after each meeting. Also, the Board proposes to impose a condition providing that its action shall not be construed as approval of any agreement entered into pursuant to any action of the committee or its subcommittees. In addition, the Board proposes to retain jurisdiction in the proceeding for the purpose of taking such further action in the future as may be found necessary. Finally, as noted above, one resolution of the committee empowers the executive director to appoint certain individuals to negotiate, conclude and execute agreements subject to his approval. It is not clear to the Board whether this resolution empowers the executive director to bind the parties to such an agreement without consultation with the committee members or whether his approval is granted only upon the authorization of each of the committee members. We assume the latter to be the case, and our tentative action herein is premised on this assumption.

Before making final the tentative conclusions discussed above, the Board has decided to defer action on the agreement temporarily to provide an opportunity for interested persons to file written statements in support of, or in opposition to, the views expressed herein.

Accordingly, it is ordered:

1. That action on Agreement CAB 18196 be and it hereby is deferred;

2. That any interested person desiring to file comments with respect to this agreement shall file such comments within 20 days of the date of service of this order, which comments shall conform to the general requirements of the Board's Rules of Practice in Economic Proceedings and shall be submitted in triplicate to the Board's Dockets Section; and

3. That this order shall be served upon the Attorney General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-7442; Filed, July 13, 1965; 8:49 a.m.]

[Docket 16059; Order No.E-22427]

CORDOVA AIRLINES, INC.

Equalized Service Mail Rate; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of July 1965.

In Service Mail Rates, Reorganization Plan No. 10, 17 CAB 898 (1953) a system service mail rate of $2.50 per ton-mile was established for Cordova Airlines, Inc. (Cordova), and for the intra-Alaska services of Pacific Northern Airlines, Inc. (Pacific Northern), a service rate of $1.29 per ton-mile was established. Cordova provides air service between Anchorage and Soldotna, and mail dispatched on such service would take the $2.50 system rate. The Post Office has, however, dispatched all Anchorage-Soldotna air mail on Pacific Northern's Anchorage-Kenai service and arranged for surface transportation over the 11 miles between Kenai and Soldotna. By thus taking advantage of Pacific Northern's lower rate, the Post Office has been able to obtain a lower delivered cost on Anchorage-Soldotna mail than it would if it used Cordova's service.

Cordova states that it desires to participate in the carriage of Anchorage-Soldotna mail and has been advised by the Post Office that it will be necessary for it to request from the Board a rate equalized with Pacific Northern before its schedule will be designated for mail. Cordova has, therefore, filed a petition seeking an adjustment of its service mail rate limited to Anchorage-Soldotna service. It requests a rate of $1.29 per ton-mile which is equal to Pacific Northern's rate.

Rule 303 of the current rules of practice provides for dismissal of a petition challenging only a part of a final mail rate in any case where a carrier is operating under a final mail rate uniformly applicable to an entire rate-making unit,[1] and it appears that Cordova's petition is without authority to be filed. The Board has determined, however, to waive the application of Rule 303 in this instance for service mail rate purposes.

In other proceedings, the Board has established a policy of permitting service

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[2] The committee may not bind any party to pay rentals or charges for the right to use space, facilities or areas that such party does not request in advance, or to do anything not permitted by its loan or other financing agreements.

[4] Such expenses are allocated as follows: 10 percent equally among all parties; 10 percent on the number of passengers enplaned by each party at Kennedy, La Guardia, and Newark Airports as such number relates to the total number of passengers enplaned by all parties at such airports; 35 percent on the number of aircraft departures by each party from the three airports, as such number relates to the total number of aircraft departures by all parties from such airports; and 45 percent on aircraft weight of each party operated at the three airports as such number relates to the total amount of aircraft weight operated by all parties at such airports.

[5] Generally, these are matters which had been undertaken or on which negotiations were pending at the time the airline agreement was implemented.

[1] 14 CFR 302.303(b).

mail rate equalization which enables carriers to compete on a similar footing for mail, and which improves the mail service.[2] This policy allows carriers to adjust their service mail rates to a lower rate between specific points, without reopening the entire rate. In these circumstances, the Board has decided to consider the Cordova petition, as amended, and tentatively proposes to establish the equalized rates requested. Cordova's basic service mail rate of $2.50 per mail ton-mile is not deemed to be reopened by any action proposed herein. This order shall affect only mail carried by Cordova between the points specified herein. No compensating upward adjustment on other routes will be made to offset the adjustment proposed herein. It is neither requested nor is it necessary, since the proposed adjustment will be to a rate presently charged by another carrier, and it will provide Cordova with revenue not now obtainable.

The designation of Cordova's Anchorage-Soldotna service for the carriage of mail would, under present circumstances, increase the mileage which the Post Office Department pays on Anchorage-Seward mail. Cordova presently serves Seward out of Anchorage via Soldotna. However, Anchorage-Seward mail compensation is based on the nonstop mileage between those points since, under paragraph 2 of Order E-7721, September 16, 1953 (17 CAB 898), service mail rates are applied to the direct airport-to-airport mileage between points "served for the carriage of mail" and Cordova does not now serve Soldotna for the carriage of mail. The Post Office Department has indicated that it would not use Cordova's service if, by doing so, it would have to pay the additional Anchorage-Seward mileage associated with an intermediate stop at Soldotna. Cordova also has stated that it did not intend its petition herein to affect its Anchorage-Seward mail compensation. Accordingly, it will be provided that mail service at Soldotna shall not affect the computation of mileages between other points under Order E-7721.

Upon consideration of the foregoing, the amended petition, the answer thereto and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The Post Office Department utilizes the lowest cost mail service which would not unduly delay expeditious carriage of mail.

2. Cordova's present final system service mail rate is $2.50 per mail ton-mile applicable over the routes involved herein.

3. The fair and reasonable service mail rate applicable to mail carried by Cordova between Anchorage and Soldotna, in either direction, is $1.29 per mail ton-mile.[3]

4. Such service mail rate of $1.29 per mail ton-mile shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

5. The mail ton-miles to be used by the Post Office in determining service mail payments pursuant to this order shall be computed on the basis of the direct airport-to-airport mileage between points served.

6. The computation of mileages under Order E-7721, September 16, 1953, shall be made without regard to intermediate stops at Soldotna.

7. Cordova's basic service mail rate of $2.50 per mail ton-mile is not reopened by this order.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR, Part 302,

It is ordered, That:

A. The application of Rule 303 of the rules of practice shall be waived insofar as it would preclude Cordova Airlines, Inc., from filing a petition with the Board seeking an adjustment of its service mail rate as set out above in numbered paragraph three.

B. All interested persons, and particularly Cordova Airlines, Inc., Pacific Northern Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish $1.29 per mail ton-mile as the fair and reasonable rate of compensation to be paid to Cordova for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Anchorage and Soldotna in either direction.

C. Cordova's basic service mail rate of $2.50 per mail ton-mile shall apply to all other mail carried by Cordova except between those points where an equalized rate was established by Order E-20676, April 10, 1964.

D. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice of objections shall be filed within 10 days, and written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

E. If notice of objection or answer is not filed, as specified in 14 CFR, Part 302, and this order, all persons shall be deemed to have waived further procedural steps herein before an order fixing the final rate, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final service mail rate herein specified.

F. If any answer is filed presenting issues for hearing, the issues involved thereafter in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307.

G. This order shall be served upon Cordova Airlines, Inc., Pacific Northern Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-7443; Filed July 13, 1965; 8:49 a.m.]

[2] E.g., Petition of National Airlines, Inc., Order E-18264, adopted Apr. 26, 1962, at p. 3; Nonpriority Mail Rate Case, Order E-17255, at pp. 4-6 (1961); Domestic Trunklines, Service Mail Rates, 21 CAB 8, 11-13 (1955), Allegheny Airlines, Service Mail Rates, 21 CAB 894, 899 (1955).

[3] Cordova's service mail rate is $2.50 per mail ton-mile, except between Anchorage and Cordova, Anchorage and Yakutat, and Cordova and Yakutat where Cordova's rate was equalized with Pacific Northern's rate by Order E-20676, Apr. 10, 1964, and shall remain unchanged for segments other than those specifically enumerated herein. Hence, for mail carried between Anchorage and Soldotna on the one hand, and intermediate points on the other, or between other points intermediate between Anchorage and Soldotna, or beyond Anchorage and Soldotna, the service mail rate of $2.50 per mail ton-mile would apply, except in those specific markets where earlier equalizations have been effected.

FEDERAL AVIATION AGENCY

UNALAKLEET AREA OFFICE AT UNALAKLEET, ALASKA

Notice of Closing

Notice is hereby given that on July 8, 1965, the area office at Unalakleet, Alaska, will be abolished. Services to the general public will remain unchanged. Facilities and services will be placed under the authority and management of the Area Manager, Nome, Alaska.

(Sec. 313(a), Federal Aviation Act of 1958, 72 Stat. 752, 49 U.S.C. 1354)

R. G. TAYLOR, Jr.,
Brigadier General, U.S. Air Force, Acting Director, Alaskan Region.

[F.R. Doc. 65-7380; Filed, July 13, 1965; 8:46 a.m.]

[OE Docket No. 65-EA-9]

TRIANGLE PUBLICATIONS, INC.

Review, Affirmation, and Conditional Amendment of Determination of Hazard to Air Navigation

On May 13, 1965, the Eastern Regional Office of the Federal Aviation Agency issued a Determination, pursuant to § 77.35 of the Federal Aviation Regulations, that a television antenna tower proposed by Triangle Publications, Inc. (WNHC-TV), New Haven, Conn., for construction at latitude 41°25'13" N., longitude 72°57'16" W., would be a hazard to air navigation. The hazard determination was premised upon the fact that the structure would have a substantial adverse effect on aircraft operations at Bethany Airport, Conn.

Subsequently, Triangle Publications, Inc., submitted a petition for review of the determination pursuant to § 77.37 of the Federal Aviation Regulations. The request for a review emphasized the failure of this Agency to issue a conditional finding of no hazard in view of an explicit and unequivocal commitment by the proponent to exercise its option to purchase a leasehold interest in the Bethany Airport, and then to close the airport in the event its application for construction of the tower is granted.

The petition for review was granted under § 77.37(c) of the Federal Aviation Regulations and was based upon written material already available. The record indicates that the proponent must exercise the option to purchase the airport lease by August 1, 1965. The record also shows that, upon purchase of the lease and closing of the airport, the real property involved will automatically become unavailable for additional zoning privileges as an airport.

The finding of "hazard to air navigation" issued by the Eastern Region is correct by virtue of the fact that the proximal location of the proposed structure to Bethany Airport would affect adversely aeronautical operations involving that airport. The primary reason for the issuance of a hazard determination in this case is the adverse effect of the proposed tower upon continuing operations at Bethany airport. However, if this airport is closed the reason for the hazard finding will cease to exist and the structure, as proposed, would have no substantial adverse effect upon aeronautical operations in the area.

Therefore, in accordance with § 77.37 of the Federal Aviation Regulations, the pertinent determination of hazard issued by the Eastern Region on May 13, 1965, is approved to the extent that such determination was based upon a continuing operational status of the Bethany airport. Further, the determination is amended to the extent that upon the closing of Bethany Airport and the total cessation of aeronautical operations thereat, the proposal by Triangle Publications, Inc., New Haven, Conn., to construct a television antenna tower at latitude 41°25'13" N., longitude 72°57'16" W., with a total height of 1,549 feet above mean sea level (829 feet above ground level), will not be a hazard to air navigation.

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

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65-7467; Filed, July 13, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

COMPAGNIE MARITIME DES CHARGEURS REUNIS, S.A. AND ELDER DEMPSTER LINES, LTD.

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 301; or may inspect agreement 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:

Thomas K. Roche, Esquire, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y., 10004.

Agreement 9475, between Compagnie Maritime Des Chargeurs Reunis, S.A. (Chargeurs Reunis), and Elder Dempster Lines, Ltd. (Elder Dempster), provides for a sailing arrangement in the trade from United States Atlantic and Gulf ports to West African ports (South of the southerly border of Rio de Oro, Spanish Sahara, and north of the northerly border of Southwest Africa), including the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes, also the Islands of Fernando Po, Principe, and San Thome in the Gulf of Guinea, in accordance with the terms of the agreement.

Dated: July 9, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-7410; Filed, July 13, 1965; 8:47 a.m.]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement 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. C. A. Cole, Jr., Chairman, Japan-Atlantic and Gulf Freight Conference, Kindai Building, 11, 3-Chome, Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 3103-29, between the member lines of the Japan-Atlantic and Gulf Freight Conference modifies the basic agreement by restating Article 29 thereof to more clearly state the duties and responsibilities of the member lines in connection with the furnishing of freight manifests, supporting invoices or declarations and related material to the conference, and also to more fully outline the penalties which may be imposed for failure to comply with this Article.

Dated: July 9, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-7411; Filed, July 13, 1965; 8:47 a.m.]

A. P. MOLLER-MAERSK LINE AND KAWASAKI KISEN KAISHA, LTD.

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 301; or may inspect agreement 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. W. R. Innes, Vice President, Kerr Steamship Co., Inc., General Agents, Kawasaki Kisen Kaisha, Ltd., Clegg Building, 51 Broad Street, New York, N.Y., 10004.

Agreement 9473 between A. P. Moller-Maersk Line (initial carrier) and Kawasaki Kisen Kaisha, Ltd. (delivering carrier), covers a through billing arrangement on general cargo from ports of call of the initial carrier in the Republic of the Philippines to ports of call of the delivering carrier on the Pacific Coast of the United States including Alaska and

Hawaii with transhipment at Yokohama or Kobe, Japan.

Dated: July 9, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-7412; Filed, July 13, 1965; 8:47 a.m.]

A. P. MOLLER-MAERSK LINE AND KAWASAKI KISEN KAISHA, LTD.

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 301; or may inspect agreement 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. W. R. Innes, Vice President, Kerr Steamship Co., Inc., General Agents, Kawasaki Kisen Kaisha, Ltd., Clegg Building, 51 Broad Street, New York, N.Y., 10004.

Agreement 9471 between A. P. Moller-Maersk Line (initial carrier) and Kawasaki Kisen Kaisha, Ltd., (delivering carrier) covers a through billing arrangement on general cargo from ports of call of the initial carrier in Indonesia to ports of call of the delivering carrier on the Pacific Coast of the United States including Alaska and Hawaii with transhipment at Yokohama or Kobe, Japan.

Dated: July 9, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-7413; Filed, July 13, 1965; 8:47 a.m.]

U.S. ATLANTIC AND GULF/VENEZUELA AND NETHERLANDS ANTILLES CONFERENCE AND BOOTH STEAMSHIP CO., LTD.

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 301; or may inspect agreement 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 5 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. C. D. Marshall, Chairman, U.S. Atlantic & Gulf-Venezuela and Netherlands Antilles Conference, 11 Broadway, New York, N.Y., 10004.

Agreement 6190-B, between U.S. Atlantic & Gulf/Venezuela and Netherlands Antilles Conference and The Booth Steamship Co., Ltd. provides for associate membership of Booth in the Conference under which service rendered by Booth shall be confined between United States Gulf Ports and Curacao, Netherlands Antilles in accordance with the terms set forth in the agreement.

Dated: July 9, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-7432; Filed, July 13, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-595]

BROADCAST APPLICATIONS

Clarification of Applicability of New Financial Qualifications Standard

JULY 8, 1965.

In its Memorandum Opinion and Order in Ultravision Broadcasting Company, et al. (Docket Nos. 15254, 15255, 15250, 15323), FCC 65-581, released July 2, 1965, the Commission adopted a new standard for determining the financial qualifications of applicants for commercial broadcast facilities. The Commission stated: "* * * we shall hereafter require all applicants for commercial broadcast facilities, whether AM, FM, VHF-TV or UHF-TV, to demonstrate their financial ability to operate for a period of 1 year after construction of the station. In those instances where operation during the first year is dependent upon estimated advertising revenues, the applicants will be required to establish the validity of the estimate."

The Commission believes that a clarification of the applicability of the new standard to pending applications will be helpful. The new standard will be applied to all applications, whether now pending or hereafter filed, for new UHF-TV facilities in markets where three or more VHF stations are presently in operation. With respect to other applications for commercial broadcast facilities, whether AM, FM, UHF-TV or VHF-TV, the prior financial qualifications standard will be applied to those applications which were designated for hearing on or before July 2, 1965, the release date of the Commission's Memorandum Opinion and Order in Ultravision, and the new standard will be applied to all other broadcast applications.

Adopted: July 7, 1965.

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

[F.R. Doc. 65-7438; Filed, July 13, 1965; 8:48 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-891]

MORGAN BROADCASTING CO., AND DICK BROADCASTING COMPANY OF TENNESSEE

Order Continuing Prehearing Conference

In re applications of Harry J. Morgan, trading as MORGAN BROADCASTING CO., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

The Hearing Examiner having under consideration a joint "Petition For Continuance" filed this date by the applicants in the above-entitled matter regarding a prehearing conference heretofore scheduled for this same date, and

It appearing that the Broadcast Bureau agrees to the continuance and that, under the circumstances of the case, a continuance is necessary,

It is ordered, This 7th day of July, 1965 that the aforesaid petition is granted and that, accordingly, the prehearing conference heretofore scheduled for this date is continued to 9 a.m., July 30, 1965, in the Commission's Offices in Washington, D.C.

Released: July 8, 1965.

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

[F.R. Doc. 65-7439; Filed, July 13, 1965; 8:48 a.m.]

[Docket Nos. 15981, 15982; FCC 65M-892]

RADIO PHONE COMMUNICATIONS, INC., AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

Order Continuing Prehearing Conference

In re applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64; for a construction permit to establish new facilities in the

Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134–C2–P–64; for a construction permit to modify the facilities of station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

The Hearing Examiner having under consideration a motion filed on July 7, 1965, by American Radio-Telephone Service, Inc., requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for July 8, 1965, be continued; and

It appearing, that draft of a contract reflecting the agreement reached for the acquisition by American Radio-Telephone Service, Inc., of a 60 percent interest in Radio Phone Communications, Inc., was completed and transmitted to the principals on July 2; that due to the intervening holiday, there was not sufficient time to coordinate the comments of the parties on the draft and to prepare a final version of the agreement for execution; that it is expected that this will be accomplished within the next several days, and thus no useful purpose would be served by holding the prehearing conference as presently schedule; and

It further appearing, that counsel for the Common Carrier Bureau has informally consented to an immediate consideration of the instant motion; and counsel for Radio Phone Communications, Inc. supports the motion and consents to its immediate consideration;

It is ordered, This 7th day of July 1965, that the motion for continuance of the prehearing conference be and it is hereby granted; and the prehearing conference presently scheduled for July 8, 1965, be and it is hereby continued to July 22, 1965, at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: July 8, 1965.

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

[F.R. Doc. 65–7440; Filed, July 13, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP63–4]

CAROLINA PIPELINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Proposed Tariff Changes Pursuant to Settlement

JULY 7, 1965.

In the matter of Carolina Pipeline Co., complainant, v. Southern Natural Gas Co., defendant; Docket No. RP63–4.

Take notice that on June 9, 1965, a proposed stipulation and agreement on changes in Southern Natural Gas Co.'s tariff was read into the record in these reopened proceedings and certified to the Commission by the Presiding Examiner.

The terms of the proposed settlement agreed to by the parties participating in the reopened proceedings (as set forth at pages 836–838 of the transcript) are as follows:

The parties hereto, after informal conferences on April 27, and June 8, 1965, have agreed that this proceeding shall be terminated upon the following terms:

1. Southern shall make the following changes in its FPC Gas Tariff to be effective as soon as is feasible after the giving of appropriate notice.

A. The availability sections of the OCDL Rate Schedules shall be changed to read:

1. Availability: This rate schedule is available to an interstate natural gas pipeline company (whether or not it is also a distributor) (hereinafter called Purchaser) which obtains natural gas from one or more other sources, for the purchase, for resale, from Southern Natural Gas Co. (hereinafter called Company) of natural gas at such delivery points, located in the above-named rate zone, as may be agreed to from time to time, and set out in the contract between Company and Purchaser.

B. Section 9 of the General Terms and Conditions shall be changed by changing the period at the end of the next to last sentence to a semicolon and adding: "provided, that excess gas so available to resale customers shall, during the periods October 15, to April 1, be divided among such customers (to the extent that the Company's pipeline system is capable of delivering such quantities) in proportion to their respective Contract Demands or Maximum Delivery Obligations, each such customer desiring additional excess being eligible to receive pro rata the unused portion of the share of another. For the purpose of such division of excess gas among resale customers, the total of the Contract Demands for delivery points which have been grouped in an Exhibit A to an executed Service Agreement, shall be considered as a single Contract Demand separate from the Contract Demands for other groups."

C. A new rate schedule, available in each of Southern's zones providing for overrun service to OCD customers, shall be filed. The rates for such service shall be the same rates as are now being charged for such service. At such time as Southern makes a general change in its rates, it will give serious consideration to establishing overrun rates which would be higher than the rates now being charged for overrun service.

2. Upon request by the Commission's staff, Southern will furnish to the staff such data concerning deliveries of excess and interruptible gas as the staff shall specify.

3. Upon approval by the Commission of this Stipulation and the becoming effective of the above tariff changes, Carolina Pipeline Co. and Southern will execute a new Exhibit A to their service agreement which will provide for service under Rate Schedule OCD–3.

4. This stipulation is submitted as a package, and the agreement of all parties hereto, who note their agreement, is contingent upon the approval by the Commission of all portions of the stipulation. Upon the granting of such approval this proceeding shall be terminated.

Comments or protests concerning the proposed settlement may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.10) on or before July 26, 1965.

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 65–7386; Filed, July 13, 1965; 8:46 a.m.]

[Docket No. G–20411]

CRA, INC.

Order Substituting Respondent, Accepting Successor Company's Undertaking in Lieu of Predecessor's Surety Bond, and Redesignating Proceeding

JULY 7, 1965.

On May 24, 1965, CRA, Inc. (CRA)[1] filed an amended motion for substitution of party to its motion filed on November 6, 1964. The amended motion requests that CRA, Inc. be substituted as Respondent in lieu of Western Petroleum Co. and CRA, Inc.; that the agreement and undertaking filed by CRA, as corespondent, on February 11, 1965, be permitted to extend to and include the contingent refund obligation of Western Petroleum Co. (Western), and that the Commission cancel and release Western from its obligation under its surety bond now on file in this proceeding.

Pursuant to CRA's original motion, the Commission by order issued January 19, 1965, made CRA a corespondent in the proceeding in Docket No. G–20411 as of October 1, 1963; redesignated the proceedings as Western Petroleum Co. and CRA, Inc., and required CRA to submit an acceptable agreement and undertaking to assume the refund of any amount, together with interest at the rate of 7 percent per annum, collected by CRA as of October 1, 1963, in said docket.

In support of its amended motion, CRA states that paragraph 4 of its original motion indicated that CRA was to be liable for refunding only those amounts collected by it from and after October 1, 1963, which were in excess of the amount determined to be just and reasonable in the proceeding in Docket No. G–20411, and that said effective date of October 1, 1963, was in error inasmuch as the agreement between CRA and Western provided that CRA was to assume (and indemnify and hold Western harmless) the contingent refund liabilities of Western with respect to said gas sold by it from and after June 16, 1960, and that CRA accepts liability for all refund obligations of Western in said proceeding. CRA has on file an agreement and undertaking consistent with its proposal to assume Western's refund obligation in this proceeding.

The proceeding in Docket No. G–20411 relates to the jurisdictional sales of natural gas under CRA's FPC Gas Rate Schedule No. 10[2] to El Paso Natural Gas Co. from the Langlie-Mattix Field, Lea County, N. Mex. (Permian Basin Area). The proposed increased rate was suspended by the Commission's order issued December 18, 1959, in Docket No. G–20411, and became effective subject to refund on June 16, 1960, upon the filing by Western of a surety bond in the amount of $6,400.00.

[1] Successor to Western Petroleum Co. and CRA, Inc.

[2] Formerly designated as Western Petroleum Co.'s FPC Gas Rate Schedule No. 2.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder that CRA, Inc. be substituted as respondent in lieu of Western Petroleum Co. and CRA, Inc., in the above-entitled proceeding; that the agreement and undertaking filed by CRA extend to and include the refund obligation of Western, and that Western be discharged from the liability under its surety bond filed in this proceeding on July 18, 1960, as of the date of the issuance of this order.

The Commission orders:

(A) CRA, Inc., is substituted as respondent in lieu of Western Petroleum Co. and CRA, Inc., in the proceeding in Docket No. G-20411, and such proceeding is redesignated accordingly.

(B) The agreement and undertaking heretofore filed by CRA in the proceeding in Docket No. G-20411 shall remain in full force and effect until discharged by the Commission. Such agreement and undertaking shall extend to and include Western's obligation to refund any and all charges determined by the Commission to have arisen on or after the proposed increased rate became effective subject to refund on June 16, 1960.

(C) The surety bond submitted by Western on July 18, 1960, is hereby discharged as of the date of the issuance of this order.

(D) CRA shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

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

[F.R. Doc. 65-7387; Filed, July 13, 1965; 8:46 a.m.]

[Docket No. G-3025, etc.]

KEWANEE OIL CO. ET AL.

Findings and Order; Correction

JUNE 25, 1965.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Canceling Docket No., Substituting Respondents, Making Successor Corespondents, Redesignating Proceedings, Requiring Filing of Agreements and Undertakings, and Accepting Related Rate Schedules and Supplements for Filing, issued June 14, 1965, and published in the FEDERAL REGISTER, June 23, 1965 (F.R. Doc. 65-6496; 30 F.R. 8074), ordering paragraph (K) should read as follows:

(K) The Certificate heretofore issued in Docket No. CI65-453 is hereby amended to reflect Applicant as Operator and the related rate schedule is redesignated as The Atlantic Refining Co. (Operator), et al.

J. H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-7388; Filed, July 13, 1965; 8:46 a.m.]

[Docket No. G-3863, etc.]

C. H. LYONS, SR., ET AL.

Findings and Order After Statutory Hearing; Correction

JUNE 25, 1965.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Reinstating Certificate, Canceling Redesignation of Rate Schedule, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Making Successor Co-Respondent, Redesignating Proceeding, Accepting Surety Bond for filing, and Accepting Related Rate Schedules and Supplements for Filing, issued March 2, 1965 and published in the FEDERAL REGISTER March 11, 1965 (F.R. Doc. 65-2386; 30 F.R. 3328), change designation from "Dominion Oil & Gas Company, FPC Gas Rate Schedule No. 1" to "Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Company, FPC Gas Rate Schedule No. 7" after Docket No. CI65-644 listed in the chart.

J. H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-7389; Filed, July 13, 1965; 8:46 a.m.]

[Docket No. E-6670]

NORTHERN ELECTRIC COOPERATIVE

Notice of Application

JULY 7, 1965.

Take notice that The Northern Electric Cooperative (Applicant), incorporated under the laws of the State of Montana, with its principal place of business at Opheim, Mont., filed an application in the above-entitled proceeding on February 8, 1965, as supplemented on June 10, 1965, for a supplemental order pursuant to section 202(e) of the Federal Power Act modifying Applicant's current authorization to transmit electric energy from the United States to Canada as granted by Commission order issued April 17, 1963, 29 FPC 768.

Applicant currently exports electric energy at three points on the border between the United States and Canada over certain facilities of Applicant covered by a permit signed by the Chairman of the Federal Power Commission on December 12, 1956, in the above docket as amended by the aforementioned April 17, 1963, order of the Commission.

Applicant now requests that the authorization granted by Commission order issued April 17, 1963, referred to above, be modified as follows:

Line No. 1: Increase from 20,000 kwh per year at a rate of transmission not to exceed 20 kw to 24,000 kwh per year at a rate not to exceed 24 kw;

Line No. 2: Increase from 12,000 kwh per year at a rate of transmission not to exceed 15 kw to 18,000 kwh per year at a rate not to exceed 20 kw;

Line No. 3: Increase from 25,000 kwh per year at a rate of transmission not to exceed 25 kw to 36,000 kwh per year at a rate not to exceed 35 kw.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1965, file with the Federal Power Commission, Washington, D.C., 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

J. H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-7390; Filed, July 13, 1965; 8:46 a.m.]

[Docket No. CP65-424]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JULY 6, 1965.

Take notice that on June 30, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP65-424 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, as more fully described in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon (1) a 265-horsepower booster compressor station together with a meter and dehydration station and appurtenant facilities installed in the South Clara Driscoll Field, Nueces County, Tex., pursuant to a certificate issued by the Commission in Docket Nos. G-11235, et al., on March 5, 1957, and the operation of 3.37 miles of 4-inch purchase pipeline likewise authorized in said docket, and (2) a 344-horsepower booster compressor station and appurtenant facilities known as the "Albert West Booster Station No. 29" installed in the Oakville Field, Live Oak County, Tex., pursuant to a certificate issued by the Commission in Docket No. CP62-103 on April 27, 1962.

The reason for the proposed abandonment is that Applicant no longer receives gas from the wells where the facilities were utilized. Applicant intends to transfer these items within Gas Plant in Service as spare equipment.

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 July 30, 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, and the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission

on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 65-7391; Filed, July 13, 1965; 8:46 a.m.]

[Project No. 2410]

TUOLUMNE COUNTY WATER DISTRICT NO. 2, CALIF.

Notice of Land Withdrawal

JULY 8, 1965.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2410 for which application for major license was filed September 13, 1963, by Tuolumne County Water District No. 2, Rose Court, Sonora, Calif. Under said section 24 all lands of the United States lying within the boundaries of the project as outlined upon the maps filed in support thereof, are from said date of filing reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO PRINCIPAL MERIDIAN

T. 4 N., R. 16 E.,
Sec. 24: SE¼NE¼, N½SE¼.
T. 4 N., R. 17 E.,
Sec. 15: NE¼SW¼, NW¼SE¼, S½S½;
Sec. 19: Lot 3, NE¼SW¼, N½SE¼;
Sec. 20: N½NE¼, SW¼NE¼, S½NW¼, N½SW¼.
T. 5 N., R. 18 E.,
Sec. 31: NE¼;
Sec. 32: SW¼NW¼.
T. 6 N., R. 18 E.,
Sec. 1: (unsurveyed) N½NE¼, SW¼NE¼, NW¼;
Sec. 2: (unsurveyed) N½, N½S½, S½SW¼;
Sec. 3: (unsurveyed) NE¼, S½NW¼, S½;
Sec. 4: (unsurveyed) NE¼NE¼, S½NE¼, S½;
Sec. 9: (unsurveyed) N½;
Sec. 10: NW¼SW¼, S½SW¼; and (unsurveyed) NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 11: (unsurveyed) NE¼NW¼;
Sec. 15: SW¼NE¼, E½NW¼, W½SE¼, SE¼SE¼;
Sec. 22: E½NE¼;
Sec. 23: SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 26: E½NW¼, and (unsurveyed) SW¼NE¼, NW¼SE¼, S½SE¼;
Sec. 35: (unsurveyed) E½NE¼, N½SE¼.
T. 7 N., R. 18 E.,
Sec. 20: (unsurveyed) SE¼NE¼, SE¼;
Sec. 21: (unsurveyed) N½SW¼, SW¼SW¼;
Sec. 28: (unsurveyed) NW¼SW¼, S½SW¼;
Sec. 29: (unsurveyed) N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 33: (unsurveyed) SW¼NE¼, E½NW¼, NW¼SE¼, S½SE¼;
Sec. 35: (unsurveyed) SW¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 36: (unsurveyed) S½SW¼, SE¼.
T. 7 N., R. 19 E.,
Sec. 20: SE¼SE¼;
Sec. 21: S½SW¼;
Sec. 28: N½NW¼, SW¼NW¼;
Sec. 29: NE¼, SE¼NW¼, S½;
Sec. 30: (unsurveyed) S½SE¼;
Sec. 31: (unsurveyed) N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 32: NW¼NW¼.

The area of U.S. lands reserved pursuant to the filing of this application is approximately 7,011.63 acres, wholly within the Stanislaus National Forest. Of this area approximately 6,291.63 acres have been heretofore reserved under one or more of the following: Power Site Classification No. 220; Federal Power Commission Project Nos. 95, 1318, 2005, 2018, 2019, 2118, 2269, or 2271.

Copies of supporting project maps, Exhibit J (FPC No. 2410-1) and Exhibits K-1, K-2, and K-3 (FPC Nos. 2410-2 to -4, inclusive) have been transmitted to the Bureau of Land Management, Geological Survey, and the Forest Service.

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 65-7392; Filed, July 13, 1965; 8:46 a.m.]

NATIONAL POWER SURVEY REGIONAL ADVISORY COMMITTEES

Establishment and Purpose

JULY 7, 1965.

The Federal Power Commission is directed by section 202(a) of the Federal Power Act (16 U.S.C. 792-825r) to promote and encourage voluntary interconnection and coordination of the Nation's electric power facilities in the interest of economy and conservation, and is authorized by section 311 of the act to conduct broad investigations covering all aspects of the entire power industry. In order to accomplish more effectively the objectives of the National Power Survey, a report issued by the Commission in December 1964, and in accordance with the Executive Order 11007 of February 26, 1962 (27 F.R. 1875) relating to the Formation and Use of Advisory Committees, we have concluded that it is in the public interest that six National Power Survey Regional Advisory Committees, as listed below, be, and hereby are, established:

Northeast.	South Central.
Southeast.	West Central.
East Central.	West.

1. *Purpose.* The Regional Advisory Committees will assist the Commission in updating the guidelines of the National Power Survey, and in encouraging the utility systems in each Region to pursue courses of action consistent with them. The Committees will facilitate the exploration of all practicable opportunities for more efficient development and operation of power systems in each region. Meetings of the Committees will constitute forums for the exchange of ideas and for fostering better communication and understanding among all utilities of the region involved. All systems of every segment of the industry would be encouraged to support the analyses through an expression of their needs and desires. The Committees will be consultative only and they will operate within the limits established by the Commission and enunciated on many occasions, that the National Power Survey was not intended as a blueprint or as a means of compelling the construction of particular facilities.

2. *Selection of Committee members.* All Committee members and alternates shall be selected by the Chairman of the Commission with the approval of the Commission.

3. *Conduct of meetings.* The Chairman of the Commission, or in his absence, the Acting Chairman, or any full-time employee of the Commission, designated by the Chairman or Acting Chairman of the Commission, shall act as chairman of Committee meetings and shall be responsible for opening and conducting meetings and for adjourning meetings when, in his judgment, adjournment is in the public interest.

4. *Minutes.* The Chairman of the Commission having made a finding that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the secretary of each Committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by each Committee.

5. *Secretary of the Committee.* The Chairman of the Commission shall appoint a secretary of each Committee from the Commission staff who shall be responsible for preparing summary minutes of all Committee meetings, preparing agenda, notifying members of the meetings and maintaining all records related to organization, membership and operations of each Committee. The secretary or his alternate shall be present during all meetings and shall certify the accuracy of all minutes.

6. *Location and time of meetings.* The initial meeting of each Committee will convene at the call of the Chairman or Acting Chairman of the Commission at the Office of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426. Subsequent meetings normally will be convened at the call of the appropriate Regional Engineer with meetings being held in the Commission's regional offices. Ordinarily, meetings will be held during the regular working hours of the Federal Power Commission.

7. *Report of the Committee.* The reports of the Committees will be presented to the Commission in written form. These reports, among other things, will outline the possibilities for meeting early goals for improvement in electric power supply, and will project longer range potential patterns for attaining major gains in the interest of the public welfare and economy of each region.

8. *Duration of the Committee.* Each Committee shall terminate not later than 2 years subsequent to its date of establishment, unless the Commission determines in writing, not more than 60 days prior to the expiration of such 2-year

period, that continued existence of the Committee is in the public interest. A like determination by the Commission shall be required not more than 60 days prior to the end of each subsequent 2-year period to continue the existence of each Committee thereafter.

9. The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER in accordance with the provisions of the Bureau of the Budget Circular No. A-63.

By the Commission.

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

[F.R. Doc. 65-7394; Filed, July 13, 1965; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Society Corp., a registered bank holding company located in Cleveland, Ohio, for the Board's prior approval of the acquisition by the Applicant of 80 percent or more of the voting shares of The North Madison Banking Co., North Madison, Ohio.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 8th day of July 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-7368; Filed, July 13, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4289]

BLUE RIDGE GAS CO. AND COLUMBIA GAS SYSTEM, INC.

Proposed Issue and Sale of Installment Notes by Subsidiary Company to Holding Company and Capital Contribution by Holding Company to Subsidiary Company

JULY 8, 1965.

Notice is hereby given that the Columbia Gas System, Inc., ("Columbia"), 120 East 41st Street, New York, N.Y., 10017, a registered holding company, and Blue Ridge Gas Co. ("Blue Ridge"), a newly acquired subsidiary company of Columbia, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, 12(b), and 12(f) of the act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

On or prior to March 31, 1966, Blue Ridge proposes to issue and sell to Columbia, and Columbia proposes to acquire installment notes in amounts aggregating $1,100,000. The installment notes are to be unsecured and nonregistered, will be dated when issued, and the principal thereof will be due in 25 equal annual installments on January 15 of each of the years 1967 to 1991, inclusive. Interest on the notes is to be paid semiannually at an annual rate of 4.6 percent, which is approximately equal to the cost of money to Columbia with respect to its sale of debentures on May 6, 1965 (Holding Company Act Release No. 15229).

In addition, Columbia proposes to make a cash capital contribution to Blue Ridge of $800,000. Blue Ridge states that the capital contribution will be credited to its capital surplus account and that, thereafter, such account will be charged with the deficit in its earned surplus account. At March 31, 1965, Blue Ridge's earned surplus deficit amounted to $499,446 after giving effect, pro forma, to the transfer to that account of capital stock expense amounting to $13,959.

The proceeds of $1,900,000 from the issue and sale of the installment notes and the capital contribution will be used by Blue Ridge (1) to prepay its outstanding long-term debt, all held by an institutional investor, at an estimated total cost of $1,031,000, including a 6-percent redemption premium and accrued interest; (2) to repay and prepay its outstanding 6-percent bank loans at a cost of $449,000, including accrued interest; (3) to complete its 1965 construction program at an estimated cost of $226,000; and (4) to pay approximately $121,000 of deferred accounts payable. The balance, approximately $73,000, will be used for additional working capital.

Upon completion of the proposed transactions, Blue Ridge's outstanding securities will consist of common stock and installment notes, all held by Columbia.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $150 for Columbia and $550 for Blue Ridge. The filing states that authorization for the sale of the installment notes by Blue Ridge to Columbia and for the capital contribution to Blue Ridge by Columbia is required from the State Corporation Commission of Virginia. A copy of that commission's order is to be filed by amendment.

Notice is further given that any interested person may, not later than July 26, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-7381; Filed, July 13, 1965; 8:46 a.m.]

[File No. 24A-1761]

BLUE STAR PRODUCTIONS, INC.

Order Temporarily Suspending Exemption and Notice of Opportunity for Hearing

JULY 8, 1965.

I. Blue Star Productions, Inc. ("Issuer"), 513 Ainsley Building, Miami, Florida, 33232, a Florida corporation, filed with the Commission on April 29, 1965, a notification, offering circular and

other exhibits relating to a proposed offering of 100,000 shares of its $0.05 par value common stock at $2.00 per share for an aggregate of $200,000.00 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. L. A. Francis, Ltd., 79 Wall Street, New York, N.Y., was named as the underwriter for the offering. A comment letter was mailed by the Atlanta Regional Office on May 10, 1965. The filing was amended on June 10, 1965, but has not yet been cleared for the offering to commence.

II. The Commission has reasonable cause to believe that:

A. The issuer has violated the registration requirements of section 5 and the prohibitions of section 17(a) of the Securities Act of 1933, in that prior to the establishment of an effective commencing date for the Regulation A offering, it offered for sale shares of its unregistered common stock covered by the notification and failed to make any disclosure with respect thereto in the pending offering circular.

B. The terms and conditions of Regulation A have not been met in that:

1. The $300,000 ceiling imposed by Rule 254, computed in compliance with the provisions of Rule 253(c), is exceeded due to the fact that the issuer's securities subject to the requirements of Rule 253(c)(2) have not been effectively escrowed and must be charged against the Regulation A ceiling, with the result that the $300,000 ceiling is exceeded by $198,000, thereby making Regulation A unavailable to the issuer.

2. The written offer of the issuer's unregistered common stock to be covered by the Regulation A filing, made prior to the establishment of an effective commencing date for the offering without the use of an offering circular containing the information specified in Schedule I of Form 1-A, violated the prohibitions of Rule 256(a)(1).

C. The amended notification and offering circular fail to meet the requirements of Regulation A, contain false statements of material facts, omit to state material facts and contain a materially misleading presentation of facts with respect to the identification of the issuer's promoters; the consideration for which its stock was issued to insider; the filing of the Consent and Certification by the underwriter and the consent of the underwriter's attorney to be named in the offering circular; the escrow of the issuer's unregistered securities subject to the provisions of Rule 253(c); the purposes for which the proceeds of the offering are to be used; and the overstatement of the issuer's assets in the amount of $8,648.25.

D. The tenor and wording of the narrative section of the amended offering circular is misleading and in violation of section 17(a) of the Securities Act with respect to the issuer's properties, material transactions relating to the acquisition thereof, its proposed business activities, the nature of its competition in the field in which it proposes to operate, the business experience in that field by its officers and directors, and the direct and indirect use of the proceeds of the offering for the benefit of its insiders.

E. The issuer has failed to cooperate in that it did not file amendments correcting all material deficiencies in its original filing as requested in the letter of comments from the Atlanta Regional Office dated May 10, 1965.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

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

[F.R. Doc. 65-7382; Filed, July 13, 1965; 8:46 a.m.]

[File No. 70-4198]

COLUMBIA GAS SYSTEM, INC.

Application for Approval of Acquisition by Holding Company of Common Stock Awarded in Reorganization

JULY 8, 1965.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st Street, New York, N.Y., 10017, a registered holding company, has filed with this Commission an application and amendments thereto, pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act"), for approval of the acquisition of all of the outstanding common stock of The Inland Gas Co., Inc. ("Inland").

All interested persons are referred to the application, as amended, on file at the office of this Commission, for a statement of the proposed transactions and related facts which are summarized as follows:

Inland, a Kentucky corporation, is the successor corporation to Inland Gas Corp., Kentucky Fuel Gas Co., and American Fuel & Power Co. ("debtors"), pursuant to a plan of reorganization confirmed on June 2, 1958, by the U.S. District Court for the Eastern District of Kentucky in proceedings under Chapter X of the Bankruptcy Act. Under the plan, which was consummated pursuant to a series of subsequent orders issued by the court in 1959 and 1960, Columbia was awarded all of the common stock of Inland, consisting of 302,157 shares with a par value of $10 per share, in satisfaction of Columbia's claims against the debtors. In recognition of Columbia's status as a registered holding company, the plan provided that all of said common stock of Inland be placed in escrow; that the escrowed Inland stock be thereafter delivered to Columbia if authorized by the Commission under the applicable provisions of the act; and that, otherwise, the escrowed stock be disposed of pursuant to Columbia's instructions. In its present application, Columbia requests authority to acquire the escrowed common stock of Inland.

Inland, which is stated in the filing to be a gas utility company, is engaged in the production, purchase, and sale of natural gas. At December 31, 1963, its total assets (after deducting depreciation and depletion reserves of $7,929,521) amounted to $5,363,722, while for the year then ended its revenues amounted to $7,482,142, and its net income was $536,905. Inland's sole outstanding securities consist of the 302,157 escrowed shares of common stock of which, as indicated above, Columbia is the beneficial owner subject to the terms of the escrow. At December 31, 1963, the book value of the Inland common stock amounted to $4,443,592.

Inland has no residential customers. Its sales are made principally to a limited number of industrial customers on a firm, noninterruptible basis for direct use in their industrial operations. To a very minor extent Inland also sells gas for resale. Inland's two largest industrial customers, accounting for approximately 92 percent of its revenues, are located in Ashland, Ky. and in neighboring South Point, Ohio. Inland's gas production facilities are located in several counties of Kentucky, where it owns and operates gas wells and related gathering lines. A main 16" pipeline, also owned and operated by Inland, extends some 66 miles northward from its production area to its service area. Inland's principal gas supply is obtained by purchase under a long-term demand-commodity contract from Tennessee Gas Transmission Co. and, to a minor extent, from local producers in its own production area. Four emergency connections exist between Inland and subsidiaries of Columbia, but gas does not normally pass through these connections and Inland's supply is independent of Columbia.

The filing states that Inland's service area is located within the metropolitan tri-cities area of Ashland (Kentucky), Huntington (West Virginia) and Ironton (Ohio), a residential and industrial complex that receives its entire domestic gas supply from subsidiaries of Columbia serving communities in all directions from Inland's service area. It is fur-

ther stated that, under common ownership, connections can be established whereby the unusually high-B.t.u.-content gas produced by Inland would be delivered to an extraction plant of a Columbia subsidiary company, United Fuel Gas Corp. ("United Fuel"), for extraction of valuable hydrocarbons, in exchange for a commensurately larger volume of normal B.t.u. gas for delivery to Inland's customers; that this economically desirable arrangement would result in appreciable benefits both to Inland and to Columbia; and that this arrangement would also permit the continued economic utilization of a pipeline now owned by a Columbia subsidiary company, Kentucky Gas Transmission Corp., which had been scheduled for abandonment. The filing further states that Inland's supplies of natural gas from Appalachian sources are obtained from gas fields in which the Columbia system also operates; that under common ownership more economic development of future gas production should be possible by utilization of gathering systems closest to new wells; that the close geographical relationships between Inland's and the Columbia system's transmission facilities would promote a more efficient utilization of these facilities; that in the light of the wide variations in Inland's gas purchases in response to the varying demands of its industrial customers, the storage facilities of United Fuel could be made available to Inland to enable it to purchase gas at a higher load factor than at present, with resulting benefits to both Inland and United Fuel, which has a large cold-weather domestic demand; that common ownership would permit the establishment of additional emergency connections between Inland and subsidiary companies of Columbia, promoting greater flexibility of operations; and that the availability to Inland of Columbia's engineering, accounting, and financial services would result in substantial economies in Inland's operations.

The filing states that the proposed acquisition by Columbia of the escrowed common stock of Inland is not subject to the jurisdiction of any State regulatory commission or of any Federal regulatory commission other than this Commission. An estimate of fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, on or before July 26, 1965, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application, as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-7383; Filed, July 13, 1965; 8:46 a.m.]

[812-1716]

GOLCONDA MINING CORP.

Notice of and Order for Hearing on Application for Order That Company Is Not an Investment Company

JULY 7, 1965.

Notice is hereby given that Golconda Mining Corp. ("Applicant"), Wallace, Idaho, an Idaho corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses. All interested persons are referred to the application, which is on file with the Commission, for a full statement of Applicant's representations, which are summarized below.

Applicant has filed unaudited financial statements on a valuation basis as of June 30, 1964, which indicate its total assets to be $10,239,635, including $41,300 of cash. Among the assets listed are "investment securities", as defined in section 3(a)(3) of the Act, with an aggregate value of $9,966,843, including $7,326,000 in the securities of Hecla Mining Co. ("Hecla") (13 percent owned), and a total of $143,300 in securities of five other less-than-majority-owned companies, Bell Mining Co. (40 percent owned), Granada Lead Mines Co. (26 percent owned), Mullan Silver-Lead Mines Co. (46 percent owned), United Lead-Zinc Mines Co. (37 percent owned), and Bullion Mining Co. (31 percent owned).

Section 3(a)(3) of the Act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Golconda's $9,966,843 of investment securities represent approximately 97.7 percent of its total assets exclusive of cash. Applicant concedes that it is an investment company as defined in section 3(a)(3) of the Act. Applicant contends, however, that it is entitled to a finding and order under section 3(b)(2) of the Act that it is not an investment company.

Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), a company is not an investment company if the Commission upon application finds and by order declares it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. Applicant claims that it is primarily engaged in the mining business directly, through three majorty-owned subsidiaries, Alice Silver-Lead Mines Co., Black Bear Mines Co., and Square Deal Mining and Milling Co., and through the six less than majority-owned companies mentioned in the previous paragraph, including Hecla.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 3(b)(2):

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 24th day of August, 1965, at 9:30 a.m., in the offices of the Commission's Seattle Regional Office, 9th Floor, Hoge Building, 701 Second Avenue, Seattle, Wash. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

It is further ordered, That Warren E. Blair, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application and that, on the basis thereof, the following matter is presented for consideration, without prejudice to its specifying additional matters upon further examination: Whether Golconda is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

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

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Applicant and to Hecla Mining Co., Wallace, Idaho; that Applicant shall cause a copy of this notice and order to be mailed to its stockholders at their last known address on or before August 1, 1965; and that notice to all other persons be given by publication in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-7384; Filed, July 13, 1965; 8:46 a.m.]

[812-1788]

HANNA MINING CO.

Notice of Filing of Application for Order

JULY 8, 1965.

Notice is hereby given that The Hanna Mining Co. ("Hanna Mining"), 100 Erieview Plaza, Cleveland, Ohio, 44114, approximately 46.5 percent of the outstanding voting stock of which is owned by The M. A. Hanna Co. ("Hanna"), a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application under section 17(d) of the Act and Rule 17d-1 promulgated thereunder for an order of the Commission permitting National Steel Corp. ("National"), more than 5 percent of whose outstanding stock is owned by Hanna, to participate with Hanna Mining in an iron ore pelletizing project near Keewatin, Minn. Under section 17(d) of the Act, and Rule 17d-1 thereunder, as here pertinent, it is unlawful for any affiliated person of a registered investment company to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which such registered investment company, or a company controlled by such registered investment company, is a participant, unless an application regarding such joint enterprise has been granted by order of the Commission. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Hanna Mining and National hold mineral rights in various lands containing magnetic taconite reserves located on the Mesabi Range in Minnesota. Such rights are held directly in some instances, but for the most part they are held indirectly through Hanna Ore Mining Co. (owned 85 percent by National and 15 percent by Hanna Mining).

National and Hanna Mining propose to enter into a joint venture agreement which will provide for the acquisition and development of the required mining and related properties, for the construction of a concentrating and pelletizing plant having a capacity for the production of approximately 2,400,000 tons of pellets annually, and for the operation of such properties. National and Hanna Mining will hold undivided interests in the properties and plant in proportion to their respective 85 percent and 15 percent participations in the venture and will agree to pay the costs of the venture and take delivery of the pellets in these same proportionate amounts. The magnetic taconite reserves for the venture other than those to be contributed through Hanna Ore Mining Co. will be contributed directly by National and Hanna Minning on a basis which will result in National providing 85 percent of the reserve tonnages and Hanna Mining the remaining 15 percent.

The joint venture agreement will provide that it shall remain in effect for a period of 20 years after the end of the calender year in which commercial production of pellets is begun, and from year to year thereafter, except that either venturer may terminate the agreement at the end of such 20-year period or any succeeding 1-year period by giving written notice of such termination to the other venturer at least 1 year in advance.

National and Hanna Mining also propose to enter into a management agreement under which Hanna Mining will manage and supervise the acquisition, construction, development, and operation of the properties. As compensation for its managerial services Hanna Mining will receive 10 cents per ton of pellets (or other iron ore products) delivered to or for the account of the participants, subject to adjustment to reflect changes in the consumer price index for commodities. The rate of 10 cents per ton on which the management fee is to be based is the rate which Hanna Mining has received for managing National's iron ore operations since 1929. During the last 3 years payments to Hanna Mining for services performed under management agreements with National covering its ore operations amounted to approximately $1,450,000. Hanna Mining believes that the proposed management fee will provide adequate compensation for the services involved.

Notice is further given that any interested person may, not later than July 29, 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon Hanna Mining 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 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. 65-7385; Filed, July 13, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 4.3]

DIRECTOR, ADMINISTRATIVE OPERATIONS STAFF, FINANCIAL ASSISTANCE

Delegation on Financial Assistance

I. Pursuant to the authority delegated by the Administrator to the Deputy Administrator for Financial Assistance in Delegation No. 4, as amended (29 F.R. 5489, 29 F.R. 18194), there is hereby redelegated to the Director, Administrative Operations Staff, Financial Assistance, the following authority:

A. To determine eligibility of loan applicants within the framework of prior determinations.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Administrative Operations Staff, Financial Assistance.

IV. All authority previously delegated by the Deputy Administrator for Financial Assistance to the Director, Administrative Operations Staff, Financial Assistance, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to date hereof.

Effective date: July 1, 1965.

LOGAN B. HENDRICKS,
Deputy Administrator for Financial Assistance.

[F.R. Doc. 65-7427; Filed, July 13, 1965; 8:48 a.m.]

[Delegation of Authority 4.2-1]

ECONOMIC DEVELOPMENT ASSISTANCE

Delegation of Financial Assistance

I. Pursuant to the authority delegated by the Deputy Administrator for Financial Assistance to the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance), Delegation of Authority No. 4.2 (30 F.R. 6609), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Director, Office of Disaster Loans.*

1. To determine eligibility of disaster loan applicants within the framework of prior determinations.

2. To authorize acceptance of disaster loan applications after expiration of the original disaster period.

B. *Director, Office of Area Redevelopment.* To take all necessary actions in connection with the servicing and liquidation of partially or fully disbursed loans made by the Area Redevelopment Administration in accordance with the memorandum of understanding between the Small Business Administration and the Area Redevelopment Administration, dated January 16, 1963, as revised.

C. *Director, Office of Economic Opportunity Assistance.* 1. To approve the establishment of Small Business Development Centers to assist in making loans under the Economic Opportunity Act of 1964.

2. To approve or decline loans made under the Economic Opportunity Act of 1964, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

3. To approve amendments of loan authorizations in loans in I.C.2., above, that: (a) Have, or (b) have not been fully disbursed.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. All authority previously delegated by the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) to the Directors, Office of Disaster Loans, Office of Area Redevelopment, and Office of Economic Opportunity Assistance is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to date hereof.

V. All actions taken by the Directors, Office of Disaster Loans, Office of Area Redevelopment, and Office of Economic Opportunity Assistance authorized by this redelegation, but taken prior to this redelegation are hereby ratified.

Effective date: July 1, 1965.

HAROLD D. BROWN,
Acting Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance).

[F.R. Doc. 65-7428; Filed, July 13, 1965; 8:48 a.m.]

[Delegation of Authority 4.1-1]

BUSINESS LOANS ASSISTANCE

Delegation of Financial Assistance

I. Pursuant to the authority delegated by the Deputy Administrator for Financial Assistance (Business Loans Assistance), Delegation of Authority No. 4.1 (30 F.R. 6608), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Director, Office of Loan Administration.* 1. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of partially or fully disbursed loans, other obligations and acquired property, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

(d) To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participation bank under any alleged violation of a participation agreement.

B. *Chief, Loan Servicing Division.* 1. To take all necessary actions in connection with the servicing, administration, collection, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

(d) To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation agreement.

C. *Chief, Loan Liquidation Division.* 1. To take all necessary actions in connection with the liquidation of partially or fully disbursed loans, other obligations and acquired property, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

(d) To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation agreement.

D. *Director, Office of Loan Processing.* 1. To approve or decline business and disaster loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations in loans that: (a) Have, or (b) have not been fully disbursed.

E. *Chiefs, eastern and western area loan groups.* 1. To approve or decline business and disaster loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To approve amendments of loan authorizations in loans that: (a) Have, or (b) have not been fully disbursed.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. All authority previously delegated by the Assistant Deputy Administrator for Financial Assistance (Business Loan Assistance) to the Directors, Office of Loan Administration, and Office of Loan Processing, is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

V. All action taken by the Directors, Office of Loan Administration and Office of Loan Processing, authorized by this redelegation, but taken prior to the redelegation, are hereby ratified.

Effective date: July 1, 1965.

PIERRON R. LEEF,
Acting Assistant Deputy Administrator for Financial Assistance (Business Loans Assistance).

[F.R. Doc. 65-7429; Filed, July 13, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 64; Amdt. 1]

STEEL CARRIERS' TARIFF ASSOCIATION, INC.

Application for Approval of Amendments to Agreement

JULY 9, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed March 30, 1965, as amended June 21, 1965, by: Herbert Baker, James R. Stiverson, 50 West Broad Street, Columbus, Ohio, 43215.

Amendments involved: Changes in the agreement for which approval is sought include modifications principally for the purpose of clarification of the provisions thereof, and to revise and add procedures for the consideration of proposals and independent actions.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

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

[F.R. Doc. 65-7416; Filed, July 13, 1965; 8:47 a.m.]

[Notice 358]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 9, 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 41432 (Deviation No. 7), EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex., 75226, filed June 28, 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 78 and Alabama Highway 202 (formerly U.S. Highway 78) and junction U.S. Highway 431 (formerly U.S. Highway 78) over U.S. Highway 78, 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 junction U.S. Highway 78 and Alabama Highway 202 (formerly U.S. Highway 78) over Alabama Highway 202 to Anniston, Ala., thence over U.S. Highway 431 (formerly U.S. Highway 78) to junction U.S. Highway 78, and return over the same route.

No. MC 45158 (Deviation No. 2), KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Louisville, Ky., 40216, filed July 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 Interstate Highway 65 to junction Indiana Highway 60, thence over Indiana Highway 60 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 150 at Shoals, 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 a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 150 to Vincennes, Ind., thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

No. MC 52709 (Deviation No. 17), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216, filed June 28, 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 Denver, Colo., over U.S. Highway 40 to junction Interstate Highway 70 at or near Oakley, Kans., thence over Interstate Highway 70 to Kansas City, 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 Denver, Colo., over U.S. Highway 6 to junction Nebraska Highway 3, thence over Nebraska Highway 3 via Oxford, Nebr., to Beatrice, Nebr., thence over U.S. Highway 77 to Marysville, Kans., thence over U.S. Highway 36 to St. Joseph, Mo., and thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

No. MC 52709 (Deviation No. 18), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216, filed July 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 junction U.S. Highway 36 and U.S. Highway 75 at or near Fairview, Kans., over U.S. Highway 75 to junction Interstate Highway 70 at or near Topeka, Kans., thence over Interstate Highway 70 to Kansas City, 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 Beatrice, Nebr., over U.S. Highway 77 to Marysville, Kans., thence over U.S. Highway 36 to St. Joseph, Mo., and thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

No. MC 105275 (Deviation No. 3), W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., 13602. Applicant's representative: William A. Ballantyne (same address as applicant's), filed June 28, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follow: (1) From Syracuse, N.Y., over U.S. Highway 11 to junction Interstate Highway 81 at Nedrow, N.Y., thence over Interstate Highway 81 to junction Pennsylvania Turnpike, Northeast Extension, at Scranton, Pa., thence over Pennsylvania Turnpike, Northeast Extension, to junction Pennsylvania Turnpike near Plymouth Meeting, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 422 near Plymouth Meeting, thence over U.S. Highway 422 to Philadelphia, Pa.; (2) from Syracuse, N.Y., over the route specified above to Plymouth Meeting, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 309 near Fort Washington, Pa., thence over U.S. Highway 309 to Philadelphia, Pa.; (3) from Syracuse, N.Y., over U.S. Highway 11 to junction Interstate Highway 81 near Nedrow, N.Y., thence over Interstate Highway 81 to junction New York Highway 281 near Tully, N.Y., thence over New York Highway 281 to Cortland, N.Y., thence over U.S. Highway 11 to junction New York Highway 79 at Whitney Point, N.Y., thence over New York Highway 79 to junction New York Highway 12 at Chenango Forks, N.Y., thence over New York Highway 12 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Interstate Highway 81, thence over the route specified in (1) above to Philadelphia, Pa.; (4) from Syracuse, N.Y., over U.S. Highway 11 to junction Interstate Highway 81 at Nedrow, thence over Interstate Highway 81 to junction U.S. Highway 611 at Scranton, Pa., thence over U.S. Highway 611 to junction Pennsylvania Highway 132 at Neshaminy, Pa., thence over Pennsylvania Highway 132 to Southampton, Pa., thence over Pennsylvania Highway 232 to Philadelphia, Pa.; (5) from Syracuse over the route described in (3) above to junction Interstate Highway 81 near Binghamton, N.Y., thence over Interstate Highway 81 to junction U.S. Highway 611 at Scranton, Pa., thence over U.S. Highway 611 over the route described in (4) above to Philadelphia, Pa., 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 a pertinent service route as follows: From Syracuse over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Bartonville, Pa., thence over Pennsylvania Highway 12 to Saylorsburg, Pa., thence over Pennsylvania Highway 115 to Easton, Pa., thence over U. S. Highway 611 to Philadelphia, Pa., and return over the same route.

No. MC 105275 (Deviation No. 4), W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., 13602. Applicant's representative: William A. Ballantyne (same address as applicant's), filed June 28, 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 Syracuse, N.Y., over New York Highway 48 to junction New York Highway 370 at Baldwinsville, N.Y., thence over New York Highway 370 to junction U.S. Highway 104 near Westbury (Cayuga County), N.Y., thence over U.S. Highway 104 to Rochester, 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 pertinent service routes as follows: (1) From Syracuse, N.Y., over New York Highway 5 via Geneva, N.Y., to Canadaigua, N.Y., thence over New York Highway 332 to junction New York Highway 96, and thence over New York Highway 96 to Rochester, N.Y., and (2) from Syracuse, N.Y., over New York Highway 5 to Geneva, N.Y., thence over unnumbered highway via Oaks Corners, N.Y., to junction New York Highway 96, thence over New York Highway 96 to

Rochester, N.Y., and return over the same routes.

No. MC 107500 (Deviation No. 23), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's representative: John W. Murray (same address as applicant's), filed June 28, 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 Interstate Highway 80 and Nebraska Highway 44, near Kearney, Nebr., and Cheyenne, Wyo., over Interstate Highway 80, 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 Grand Island, Nebr., over U.S. Highway 30 to Kearney, Nebr., thence over Nebraska Highway 44 to junction U.S. Highway 6; (2) from Denver, Colo., over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to McCook, Nebr.; (3) from Omaha, Nebr., over U.S. Highway 6 to junction unnumbered highway about 4 miles southwest of Atlanta, Nebr., thence over unnumbered highway via Mascot, Nebr., to Oxford, Nebr., thence over Nebraska Highway 3 via Edison, Nebr., to junction U.S. Highway 6, and thence over U.S. Highway 6 to McCook, Nebr., and (4) from Brighton, Colo., over U.S. Highway 85 to Cheyenne, Wyo., thence over U.S. Highway 87 via Casper, Wyo., to Billings, Wyo., and return over the same routes.

No. MC 111625 (Deviation No. 3), BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1209, Binghamton, N.Y., 13902, filed June 30, 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 Elmira, N.Y., over New York Highway 17 to Horseheads, N.Y., thence over New York Highway 13 to Cortland, N.Y., thence over U.S. Highway 11 (also over Interstate Highway 81) to junction Interchange 36 of the New York Thruway, thence over the New York Thruway to junction Interchange B3 of the Berkshire section of the New York Thruway, thence over the Berkshire section to junction Massachusetts Turnpike, thence over Massachusetts Turnpike to Boston, Mass., 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 Binghamton, N.Y., over New York Highway 7 to Duanesburg, N.Y., thence over U.S. Highway 20 to junction Massachusetts Highway 9, and thence over Massachusetts Highway 9 to Boston, Mass. (also over U.S. Highway 20), (2) from Binghamton, N.Y., over New York Highway 17 via Owego and Elmira, N.Y., to Elmira Heights, N.Y., and (3) from Binghamton, N.Y., over New York Highway 17C to Owego, N.Y., and thence over New York Highway 17 to Elmira Heights, N.Y., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1193 (Sub-No. 2) (Deviation No. 1), NEW HAVEN AND SHORE LINE RAILWAY CO., INC., 24 Hamilton Street, New London, Conn. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C., filed June 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers over a deviation route as follows: Between New London, Conn., and New Haven, Conn., over Interstate Highway 95, over the following access roads (a) from junction Interstate Highway 95 and Connecticut Highway 153 over Connecticut Highway 153 to junction U.S. Highway 1; (b) from junction Connecticut Highway 145 and Interstate Highway 95 over Connecticut Highway 145 to junction U.S. Highway 1; (c) from junction Connecticut Highway 81 and Interstate Highway 95 over Connecticut Highway 81 to junction U.S. Highway 1; (d) from junction Connecticut Highway 79 and Interstate Highway 95 over Connecticut Highway 79 to junction U.S. Highway 1, and (e) from junction Connecticut Highway 77 and Interstate Highway 95 over Connecticut Highway 77 to junction U.S. Highway 1, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between New Haven, Conn., and New London, Conn., over U.S. Highway 1.

By the Commission.

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

[F.R. Doc. 65-7417; Filed, July 13, 1965; 8:47 a.m.]

[Notice 790]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 9, 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 114211 (Sub-No. 61) (CLARIFICATION), filed August 7, 1964, published FEDERAL REGISTER issue of August 26, 1964, clarified July 6, 1965, and republished this issue. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe making machinery, parts* of such machinery, and *auxiliary equipment*, used in connection with such machinery, from Waterloo, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, and Wisconsin and *rejected shipments* on return. NOTE: The purpose of this republication is to clearly set forth the authority sought.

HEARING REMAINS ASSIGNED: July 26, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 107107 (Sub-No. 340) (REPUBLICATION), filed March 17, 1965, published FEDERAL REGISTER, issue of April 1, 1965, and republished this issue after Order of the Commission. Applicant: ALTERMAN TRANSPORT LINES, INC., Miami, Fla. By application filed March 17, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, of the commodities and from and to the points set forth below but subject to the restrictions that service to Memphis will be limited to partial delivery of truckload shipments with the remaining portion of such shipments being delivered at a point other than Memphis. An Order, Operating Rights Board No. 1, dated June 29, 1965, served July 7, 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 frozen foods, from Belvidere, Ill., to Memphis, Tenn.; and that 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 111729 (Sub-No. 53) (REPUBLICATION), filed March 3, 1965, published FEDERAL REGISTER, issue of March 23, 1965, and republished this issue after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed March 3, 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 the commodities and between the points indicated below, except that applicant requests that the service sought be limited to shippers other than banks and banking institutions, that the commodities include those named "of all kinds" and exclude plant removals, and subject to the continuing right of the Commission to ensure compliance

with section 210 of the Interstate Commerce Act. An Order, Operating Rights Board No. 1, dated June 25, 1965, served July 1, 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 *business papers, records,* and *audit and accounting media* (except cash letters), between Baltimore, Md., on the one hand, and, on the other, New York, N.Y., and Arlington, Va.; and that 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 any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 118196 (Sub-No. 17) (REPUBLICATION), filed March 25, 1964, published FEDERAL REGISTER, issues of April 8 and April 22, 1964, and republished this issue after Report of Commission. Applicant: RAYE & COMPANY TRANSPORTS, INC., Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington, D.C. By application filed March 25, 1964, 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 dairy products (1) from points in Iowa and Nebraska (restricted to shipments having an initial pickup at Neosho, Mo.), to points in Wyoming, Montana, Utah, Idaho, Oregon, Washington, California, Arizona, New Mexico, and Nevada, and (2) from Neosho, Mo. (restricted to traffic requiring a stop at points in Nebraska or Iowa for completion of loading), to points in California, Arizona, and New Mexico. A Report of the Commission, Operating Rights Review Board Number 3, decided June 25, 1965, served July 6, 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 *cheese* from Neosho, Mo., to points in California, Arizona, and New Mexico, and that inasmuch as the authority granted herein is somewhat broader than that sought, and because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

NOTICE OF FILING OF PETITIONS

Nos. MC 3468, MC 3468 (Sub-No. 3), MC 3468 (Sub-No. 114), MC 3468 (Sub-No. 122), MC 3468 (Sub-No. 145), and MC 3468 (Sub-No. 152) (PETITION FOR MODIFICATION), filed June 21, 1965. Petitioner: F. J. BOUTELL DRIVE-AWAY CO., INC., Flint, Mich. Petitioner's attorneys: Harry C. Ames, Jr., and Wilmer A. Hill, 529 Transportation Building, Washington, D.C., 20006. Petitioner states that it files this petition under the provisions of Rule 1.102 of the General Rules of Practice and in response to *Matson, Inc., Ext.—Self-Unloading Material Bodies,* 96 M.C.C. 648, for modification of its outstanding certificates in the above-designated proceedings so as to eliminate therefrom certain inappropriate descriptive phrases. Petitioner holds a number of certificates which authorize it to transport a variety of commodities, the majority of them identified with the automobile manufacturing industry. By the instant petition, it seeks modification of the above-numbered certificates by elimination of the phrases, "Restricted to initial movements, in truckaway service," "Restricted to secondary movements, in truckaway service," "Restricted to secondary movements, in driveaway service," "Restricted to initial movements, in truckaway or driveaway service," "Restricted to secondary movements, in truckaway or driveaway service," "Restricted to secondary movements, in driveaway or truckaway service," "In truckaway service, in initial movements," "In driveaway service, in initial movements," "Restricted to initial movements, in truckaway and driveaway service," and "In initial movements, in truckaway service," insofar as the transportation of "New Bodies," "New Cabs," "Bodies," "Cabs," "Automobile Bodies," "Automobile parts and accessories moving in connection therewith," "Automobile show equipment and paraphenalia," "Farm and garden tractors and parts and accessories thereof, moving in connection therewith," and "Automobile parts," is authorized in the said certificates or in any of them, so that they will read as follows: *No. MC-3468, issued May 16, 1944.*

New automobiles, new trucks, and new chassis, restricted to initial movements, in truckaway service, and new bodies and new cabs, from places of manufacture and assembly in Wayne County, Flint, and Pontiac, Mich., and Warren Township, Macomb County, Mich., to points and places in Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia, traversing Delaware for operating convenience only. New automobiles, new trucks, and new chassis, restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway service, and new bodies and new cabs, during the game season, from Cleveland, Ohio, Erie, Pa., and Buffalo, N.Y., to points and places in Delaware, Maryland, Massachusetts, New York, Pennsylvania, Ohio, and West Virginia, traversing New Jersey, Connecticut, and Rhode Island for operating convenience only; Automobiles, trucks, and chassis, new, used, unfinished, and/or wrecked, restricted to secondary movements, in truckaway service, and bodies and cabs, new, used, unfinished, and/or wrecked, between all points and places as described above, traversing Virginia, for operating convenience only. New automobiles, new trucks, and new chassis, restricted to initial movements, in driveaway service, and new bodies and new cabs, from places of manufacture and assembly in Wayne County, Flint, and Pontiac, Mich., and Warren Township, Macomb County, Mich., to points and places in Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, District of Columbia, and the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, traversing Delaware for operating convenience only.

New automobiles, new trucks, and new chassis, restricted to secondary movements, during the season of open navigation on the Great Lakes, in driveaway service, and new bodies and new cabs, during the said season, from Cleveland, Ohio, Erie, Pa., and Buffalo, N.Y., to points and places in Delaware, Maryland, Massachusetts, New York, Pennsylvania, Ohio, West Virginia, and the District of Columbia, traversing Rhode Island and New Jersey for operating convenience only. Automobiles, trucks, and chassis, new, used, unfinished, and/or wrecked, restricted to secondary movements, in driveaway service, and bodies and cabs, new, used, unfinished, and/or wrecked, between all points and places as described above, traversing Connecticut, Rhode Island, and Virginia for operating convenience only. *No. MC-3468 (Sub-No. 3), issued August 23, 1941.* New automobiles, new trucks, and new chassis, restricted to initial movements, in truckaway or driveaway service, and new bodies and new cabs, from Detroit, Mich., to points and places in Connecticut, Vermont, Rhode Island, New Hampshire, and Maine, traversing Massachusetts for operating convenience only. New automobiles, new trucks, and new chassis, restricted to initial movements, in truckaway service, and new bodies and new cabs, from Pontiac and Flint, Mich., to points and places in the above-specified destination territory.

RESTRICTION: No commercial vehicle or trucks are authorized to be transported from Pontiac. New automobiles, new trucks, and new chassis, restricted to secondary movements, in truckaway or driveaway service, during the season of open navigation on the Great Lakes, and new bodies and new cabs, during the said season of open navigation, from Cleveland, Ohio, Erie, Pa., and Buffalo, N.Y., to points and places in the above-specified destination territory. Return, with no transportation for compensation except as otherwise authorized, to the above-specified origin points. Automobiles, trucks, and chassis, new, used, unfinished, or wrecked, restricted to secondary movements, in driveaway or truckaway service, and bodies and cabs, new, used, unfinished, or wrecked, between points and places in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. *No. MC-3468 (Sub-No. 114), issued February 3, 1947.* New automobiles and automobile chassis, in truckaway service, in initial movements, and automobile bodies, automobile parts and accessories moving in connection there-

with, automobile show equipment and paraphernalia, and farm and garden tractors and parts and accessories thereof, moving in connection therewith, from Willow Run in Washtenaw County, Mich., to all points and places in Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia, traversing Virginia, Delaware, and Massachusetts for operating convenience only. New automobiles and automobile chassis, in driveaway service, in initial movements, and automobile bodies, automobile parts and accessories moving in connection therewith, automobile show equipment and paraphernalia, and farm and garden tractors and parts and accessories thereof, moving in connection therewith, from Willow Run in Washtenaw County, Mich., to all points and places in Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, the District of Columbia, and the zone defined in Chicago, Ill., commercial zone, 1 M.C.C. 673, traversing Virginia, Delaware, and Massachusetts for operating convenience only.

Rejected shipments of the above-specified commodities, from the above-specified destination points and places to the respective origin points and places. *No. MC-3468 (Sub-No. 122), issued September 15, 1950.* New automobiles, new trucks, and new chassis, restricted to initial movements, in truckaway and driveaway service, and new bodies and new cabs, over irregular routes, from points and places of manufacture and assembly in Wayne County, Flint, Pontiac, and Willow Run, Mich., and Warren Township, Macomb County, Mich., to points and places in Delaware. From points and places of manufacture and assembly in Flint, Pontiac, and Willow Run, Mich., to points and places in Massachusetts. Return with no transportation for compensation except as otherwise authorized. Authority is granted to traverse Ohio, Pennsylvania, West Virginia, Maryland, New York, New Jersey, Connecticut, and Rhode Island for operating convenience only. *No. MC-3468 (Sub-No. 145), issued December 5, 1961.* New automobiles, new trucks, and new chassis, in initial movements, in truckaway service, and new bodies and new cabs, from places of manufacture and assembly in Detroit, Mich., and Warren Township, Macomb County, Mich., to Omaha, Nebr., Joliet, Ill., and points in Iowa and Michigan, with no transportation for compensation on return except as otherwise authorized. Automobiles, trucks, and chassis, new, used, or unfinished, in secondary movements, in truckaway service, and bodies and cabs, between all points described above. RESTRICTION: The operating rights described immediately above shall not be joined, directly or indirectly, with any authority otherwise held by the carrier for the purpose of performing through transportation of traffic under such combination. *No. MC-3468 (Sub-No. 152), issued April 30, 1965.* New automobiles and new trucks, restricted to initial movements, in truckaway service, and new bodies and automobile parts, from places of manufacture and assembly in Pontiac, Mich., to points in Illinois (except Chicago, Ill.) and Missouri, with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The authority described above may not be combined with other initial or secondary movement rights of the carrier for the through transportation of traffic under such combination. New automobiles, new trucks, and new chassis, restricted to initial movements, in truckaway service, and new bodies, from places of manufacture and assembly at Pontiac, Mich., to Chicago, Ill., and points in Indiana, with no transportation for compensation on return except as otherwise authorized. Any person or persons desiring to participate in this proceeding, 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-9145 (EAZOR EXPRESS, INC.—CONTROL AND MERGER—OHIO SOUTHERN EXPRESS, INC.), published in the June 17, 1965, issue of the FEDERAL REGISTER on page 7859. The purpose of this supplemental notice is to inform that the present transaction includes all operating rights which OHIO SOUTHERN EXPRESS, INC., proposes to purchase from VERMILION TRUCK LINE, INC. (CHARLES M. HYMAN, TRUSTEE), in No. MC-F-7919. See notice published in the July 19, 1961, issue of the FEDERAL REGISTER on page 6503. The transaction in No. MC-F-7919 was conditionally approved and authorized, 97 M.C.C. 93, the condition requiring cancellation of the irregular route authority proposed to be purchased, and a petition for reconsideration is pending.

No. MC-F-9159. Authority sought for control by DENVER CHICAGO TRUCKING COMPANY, INC., 45th Avenue, at Jackson, Denver, Colo., of (A) YALE EXPRESS SYSTEM, INC., 460 12th Avenue, New York 18, N.Y.; (B) YALE TRANSPORT CORP.; (C) REPUBLIC CARLOADING AND DISTRIBUTING CO., INC. (KENNETH B. KEATING, TRUSTEE for the above three corporations); and (D) AMERICAN FREIGHT FORWARDING CORPORATION, through management, and for acquisition by LESLIE G. TAYLOR, also of Denver, Colo., of control of (A), (B), (C), and (D) through the acquisition by DENVER CHICAGO TRUCKING COMPANY, INC. (A) YALE EXPRESS, SYSTEM, INC., is a holding company, and a motor carrier for limited purposes, but holds no operating authority from this Commission. (C) REPUBLIC CARLOADING AND DISTRIBUTING CO., INC., and (D) AMERICAN FREIGHT FORWARDING CORPORATION, are both freight forwarders, holding authority in FF-148 and subs, and FF-125, respectively. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., and Royall, Koegel & Rogers, 200 Park Avenue, New York 17, N.Y. Operating rights sought to be controlled: (B) (YALE TRANSPORT CORP.) *General commodities*, excepting, among others, household good and commodities in bulk, as a *common carrier*, over regular routes, between New Haven, Conn., and New Britain, and Bridgeport, Conn., serving no intermediate points, between New York, N.Y., and Danbury, Conn., serving all intermediate points, between Concord, N.H., and Boston, Mass., serving all intermediate and certain off-route points; *general commodities*, except used household goods, and except Class A and B explosives, and commodities requiring dump truck service, between New York, N.Y., and Amsterdam, N.Y., between New York, N.Y., and Boston, Mass., between New York, N.Y., and Washington, DC., serving certain intermediate and off-route points, between junction U.S. Highway 1 and New Jersey Highway 3 and Secaucus, N.J., serving no intermediate points and with no service at junction U.S. Highway 1 and New Jersey Highway 3, between New York, N.Y., and Walton, N.Y., serving no intermediate points; *skin creams, skin lotions, suntan preparations, cosmetics, antiseptic creams, shaving creams, shaving products*, and *other skin preparations*, serving from the plantsite of the Noxzema Chemical Co., at or near Cockeysville, Md., as an off-route point in connection with carrier's presently authorized regular-route operations to or from Baltimore, Md.

General commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between New Haven, Conn., on the one hand, and, on the other, points in Massachusetts, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, Morris, Middlesex, Passaic, and Bergen Counties, N.J., between Secaucus, N.J., on the one hand, and, on the other, points in Hudson, Essex, Union, Morris, Middlesex, Passaic, and Bergen Counties, N.J., from New York and New Rochelle, N.Y., and points in Westchester County, N.Y., within 15 miles of New Rochelle, to points in Connecticut, from points in Connecticut, on and west of U.S. Highway 5 to New York, N.Y., and New Rochelle and points in Westchester County, within 15 miles of New Rochelle; *general commodities*, except used household goods, and except Class A and B explosives, and commodities requiring dump truck service, between New York, N.Y., on the one hand, and, on the other, points in Nassau County, Long Island, N.Y.; *the commodities* classified as meat, meat products, and meat byproducts, and dairy products, in sections A and B of the appendix to the report in *Modification of Permits-Packing House Products*,

46 M.C.C. 23, and *fresh fruits and vegetables*, from New York, N.Y., to points in Florida, and *fresh fruits and vegetables*, from points in Florida to New York, N.Y.; *roofing* and *roofing materials*, and *asphalt composition siding*, and *articles* used in connection with the installation thereof not requiring special equipment, specialized handling or rigging, from East Rutherford, N.J., to points in Calvert, St. Marys, Charles, Anne Arundel, and Prince Georges Counties, Md., except those portions of Anne Arundel and Prince Georges Counties on or within 10 miles of U.S. Highway 50; *liquid linoleum cement*, in bulk, in tank vehicles, from Whippany, N.J., to Fullerton, Pa., and Wilmington, Del.; *fertilizer*, from North Weymouth, Mass., to West Haven, Conn., from Baltimore, Md., to West Haven, Conn., from West Haven, Conn., to points in Massachusetts, from Carteret, N.J., to points in Connecticut; *glass bottles* and *glass jugs*, from Jersey City, N.J., to points in Connecticut; *waste paper* and *rags*, between New Haven, Conn., on the one hand, and, on the other, points in New Jersey; and *insecticides* and *fungicides*, between West Haven, Conn., and Baltimore, Md. DENVER CHICAGO TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Colorado, Washington, Illinois, Missouri, Arizona, California, New York, Idaho, Indiana, Pennsylvania, Wyoming, Nebraska, New Mexico, Ohio, Connecticut, Iowa, Kansas, Massachusetts, New Jersey, Oregon, Rhode Island, Utah, Michigan, Kentucky, and Tennessee. Application has been filed for temporary authority under section 210a(b). NOTE: Because of the emergency facing the debtors, temporary authority was granted on July 2, 1965.

No. MC-F-9160. Authority sought for control and merger by LONG ISLAND DELIVERY CO., INC., Central Avenue, Farmingdale, N.Y., of the operating rights and property of CARLTON HILL TRUCKING CO., INC., Morton Place, Carlton Hill, N.J., and for acquisition by NELLIE M. MacLEER, CHARLES A. FRANCOLINI, and RICHARD J. KUSTER, all of Farmingdale, N.Y., of control of such rights and property through the transaction. Applicant's attorneys and representative: William Biederman, 280 Broadway, New York, N.Y., 10007, James H. Clayton, 17 Ames Avenue, Rutherford, N.J., 07070, and George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlessex, Monmouth, Morris, Ocean, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester Counties, N.Y. LONG ISLAND DELIVERY CO., INC., is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9161. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., 19512, of the operating rights and certain property of CLARENCE H. ZERN, doing business as C. H. ZERN TRANSPORTATION, Gilbertsville, Pa., and for acquisition by WINFIELD A. WEST, also of Boyertown, Pa., of control of such rights and property through the purchase. Applicants' attorneys: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C., 20015, Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, and Arthur R. Littleton, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Operating rights sought to be transferred: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier* over irregular routes, between Boyertown, Pa., and points in Pennsylvania within 35 miles of Boyertown, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Delaware, Virginia, and the District of Columbia, traversing West Virginia for operating convenience only; *fresh fruits*, from points in Lehigh, Berks, Montgomery, and Chester Counties, Pa., to points in New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, Ohio, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and the District of Columbia; *manure and insecticides*, from points in the above-mentioned States to points in Lehigh, Berks, Montgomery, and Chester Counties, Pa.; *eggs*, from Worcester, Pa., to points in New Jersey, New York, Maryland, Delaware, and the District of Columbia; *used egg crates*, from points in Delaware, Maryland, Michigan, New Hampshire, Massachusetts, New Jersey, New York, Vermont, Rhode Island, Virginia, West Virginia, Ohio, Connecticut, Maine, and the District of Columbia, to Worcester, Pa.; *soil pipe and soil pipe fittings, tank heaters, boilers, stoves, ranges, and hot-air furnaces*, from Boyertown, Pa., to points in Virginia, West Virginia, Ohio, Michigan, Rhode Island, New Hampshire, Maine, Vermont, New York, New Jersey, Delaware, Maryland, Massachusetts, Connecticut, and the District of Columbia.

Iron castings, between Boyertown, Pa., on the one hand, and, on the other, points in New Jersey, New York, Delaware, Virginia, West Virginia, Ohio, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and the District of Columbia; *soil pipe fittings, hot water and steam boilers, ranges*, and *stoves*, from Boyertown, Pa., to points in New York, New Jersey, Delaware, Maryland, Massachusetts, and Connecticut; *agricultural commodities*, from Boyertown, Pa., to points within 10 miles of Boyertown, to New York, N.Y., and points in Massachusetts; *wrecked or disabled motor vehicles*, from points in New Jersey, New York, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Virginia, West Virginia, Ohio, Indiana, Illinois, Delaware, Maryland, and the District of Columbia, to Boyertown and Pennsburg, Pa.; *furnace and heater hoods, jackets*, and *castings*, from Boyertown, Pa., to points in Vermont, the District of Columbia, and points in the States named above, except Illinois and Indiana; and *iron and steel* and *equipment* used or useful in the erection thereof, between Pottstown, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, Rhode Island, Iowa, Massachusetts, Delaware, Maryland, New Jersey, Vermont, Wisconsin, Colorado, Kansas, Virginia, West Virginia, Ohio, Mississippi, Missouri, New Hampshire, Tennessee, Illinois, Indiana, Michigan, North Carolina, South Carolina, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maine, Minnesota, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 65-7418; Filed, July 13, 1965; 8:47 a.m.]

[Notice 792]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 9, 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.

Special notice: 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

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer

to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 114457 (Sub-No. 35), filed July 2, 1965. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Lexington, Nebr., and points within 5 miles thereof, and Minden, Nebr., and points within 5 miles thereof, and points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: July 26, 1965, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Parks M. Low.

No. MC 115826 (Sub-No. 70), filed July 1, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 T.A., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Nebr., and points within five (5) miles thereof, and Minden, Nebr., and points within five (5) miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

HEARING: July 26, 1965, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Parks M. Low.

No. MC 117119 (Sub-No. 227), filed July 6, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Nebr., to points in Arkansas, Oklahoma, Texas, Louisiana, New Mexico, Arizona, Nevada, and California.

HEARING: July 26, 1965, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Parks M. Low.

No. MC 117119 (Sub-No. 230), filed July 6, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minden, Nebr., and points within five (5) miles thereof, to points in Arkansas, Oklahoma, Texas, Louisiana, New Mexico, Arizona, Nevada, and California.

HEARING: July 26, 1965, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Parks M. Low.

No. MC 118196 (Sub-No. 34), filed June 29, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as defined by the Commission, from Minden and Lexington, Nebr., and points within ten (10) miles thereof, to points in California, Arizona, Washington, Oregon, Nevada, Idaho, Montana, Minnesota, Wisconsin, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Illinois, Mississippi, Alabama, Georgia, Florida, Tennessee, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, Kansas, and Iowa.

HEARING: July 26, 1965, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Parks M. Low.

No. MC 123393 (Sub-No. 68), filed July 6, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Lexington, Nebr., and points within five (5) miles thereof, and Minden, Nebr., and points within five (5) miles thereof, to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Delaware, Maryland, the District of Columbia, New Jersey, Pennsylvania, Ohio, Michigan, New York, Rhode Island, Connecticut, Massachusetts, New Hampshire, Maine, and Vermont.

HEARING: July 26, 1965, at the Hotel Sheraton Fontenelle, Omaha, Nebr., before Examiner Parks M. Low.

By the Commission.

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

[F.R. Doc. 65-7419; Filed, July 13, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 9, 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 No. assigned L-13383, filed May 18, 1965. Applicant: ROBERT P. K. McNEILL, doing business as McNEILL TRANSPORT COMPANY, 13201 Grand River, Detroit, Mich., 48227. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Air freight*, between points in Macomb, Oakland, Washtenaw, and Wayne Counties, Mich., on the one hand, and, on the other, the Detroit Metropolitan Airport and Detroit Willow Run Airport, restricted to shipments having a prior or subsequent movement by air.

HEARING: July 28, 1965, 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned 17455, filed June 23, 1965. Applicant: ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, Va. Applicant's attorney: 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*, between Richmond, Va., and junction Virginia Highway 47 with U.S. Highway 15 and U.S. Highway 360 at or near Barnes Junction via U.S. Highway 360 for operating convenience only.

HEARING: September 21, 1965, at 10 o'clock, a.m., standard time, Courtroom, State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Virginia State Corporation Commission, Post Office Box 1197, Richmond 9, Va., and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned 18778, filed December 23, 1964. Applicant: RUSSELL RICE, doing business as COLORADO RIVER TRANSPORTATION CO., Star Route 4, Box 50, Yuma, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: (1) *Passengers and baggage and light freight*, between San Luis, Ariz., and Topock, Ariz., via U.S. Highway 95 to Quartzsite, Ariz., thence along U.S. Highway 60–70 to Ehrenberg, Ariz., thence along the county road to Parker, Ariz., passing through Poston, Ariz., thence along Arizona Highway 95 to the junction U.S. Highway 66, thence west to Topock, serving all intermediate points; and (2) *freight and general commodities*, between San Luis, Ariz., and Topock, Ariz., excepting (1) no transportation of commodities that have both an origin point and destination point within 25 miles of Yuma, Ariz., (2) excluding machinery, construction materials, and fertilizers and insecticides in excess of 5,000 pounds per shipment, and (3) excluding liquid commodities in bulk in tank vehicles.

HEARING: July 30, 1965, at 10 a.m., Council Chambers, City Hall, Yuma, Ariz. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arizona Corporation Commission, Capital Annex Building, Phoenix, Ariz., and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned 47717, filed July 1, 1965. Applicant: "CALL MAC" TRANSPORTATION COMPANY, a Corporation, 2215 Cooley Avenue, East Palo Alto, Calif. Applicant's attorney: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif., 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: General commodities, between all points and places as follows: (1) All points and places in the San Francisco territory as defined in Minimum Rate Tariff No. 2; (2) Between all points and places on and within 20 miles of points and places on the following described routes: a. Between San Rafael and King City via U.S. Highways 101 and 101 bypass, b. between San Francisco and Sacramento via U.S. Highway 40 and Interstate Highway 80; c. between San Francisco and Stockton via U.S. Highway 50; d. between Sacramento and Modesto via U.S. Highway 99; e. between Oakland and Sacramento via California Highway 24; f. between Richmond and Stockton via California Highway 4; g. between Fairfield and Lodi via California Highway 12, and h. between San Francisco and Monterey via California Highway 1; (3) applicant may make use of any street, road, highway, ferry, or toll bridge necessary or convenient for the purpose of performing the service herein authorized; (4) true routes and rates may be established between any and all points specified in (1) and (2) a. through h. above; applicant shall not transport any shipment of (A) used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (B) automobiles, trucks, and buses viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (C) livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (D) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (E) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles, (F) commodities when transported in bulk in dump trucks or in hopper-type trucks; (G) commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (H) high explosives.

HEARING: Date, time, and place of hearing not known at this time. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, California State Building, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 65-7421; Filed, July 13, 1965; 8:48 a.m.]

[Notice 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 9, 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 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (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 56210 (Sub-No. 8TA), filed July 8, 1965. Applicant: PROSPECT TRUCKING CO., INC., 2129 Nottingham Way, Trenton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections, from Pemberton (Burlington County), N.J., to Trenton, N.J., for 180 days. SUPPORTING SHIPPER: Presidential Homes, Inc., Arney's Mount Road, Pemberton, N.J. SEND PROTESTS TO: District Supervisor, Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations and Compliance, 410 Post Office Building, Trenton, N.J., 08608.

No. MC 66562 (Sub-No. 2096TA), filed July 8, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx, 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Amarillo and Lubbock, Tex., from Amarillo over U.S. Highway 87 to Lubbock, and return over the same route, serving the intermediate points of Canyon, Happy, Tulia, Kress, Plainview, Hale Center, and Abernathy, Tex., for 180 days. SUPPORTING SHIPPERS: Mr. Gill, Traffic Manager, 555 Co., Lubbock, Tex.; Mr. Tarbox, President, Elmers Heights, Lubbock, Tex.; Mr. J. E. Crawford, Central Stores & Property Manager, Texas Tech., Lubbock, Tex.; Mr. Holloway, Manager, Mabel Wholesale Floral & Supply Co., Lubbock, Tex.; Mrs. Greenwood, Lubbock Poster Co., Lubbock, Tex.; J. C. Hunsacker, Manager, American National Insurance Co., Lubbock, Tex.; J. Blankenship, President, Background Music, Lubbock, Tex.; Mr. Howard, Traffic Manager, Western Tank & Steel, Lubbock, Tex.; Bobby Jacks, Parts Manager, Hancock Manufacturing Co., Lubbock, Tex.; Jack Knerr, Film Director, KLBK–TV, Lubbock, Tex.; Mr. Aday, Manager, Travelers Insurance Co., Lubbock, Tex.; Dargansins of Dargains of Plainview, Plainview, Tex.; Lloyd L. Davis, President Plainview Chamber of Commerce, Plainview, Tex.; L. Charles Swift, Jackquies, 1405 West Fifth, Plainview, Tex.; Gabriels Department Store, Frank Gabriel, Plainview, Tex.; Jess West, West Pharmacy, Plainview, Tex.; Mr. Vetta, Office Manager, Levi Strauss, Inc., Amarillo, Tex.; Harold Smith, owner, Hub Clothiers, Amarillo, Tex.; Carroll Posey, Traffic Manager, Maywood, Ind., Amarillo, Tex.; Hancock Manufacturing Co., Lubbock, Tex.; The Travelers, Lubbock, Tex.; American National Insurance Co., Lubbock, Tex.; Consolidated Pipe & Tube Co., Lubbock, Tex.

Lubbock News Co., Lubbock, Tex.; Lubbock Poster Co., Lubbock, Tex.; Elmer's Weights, Inc., Box 5426, Lubbock, Tex.; Amburn's Stationery, Tulia, Tex.; A&H Printing, Tulia, Tex.; Ed Crawford Men's Store, Tulia, Tex.; Olympic Barber Shop, Tulia, Tex.; Smith Furniture & Appliance, Tulia, Tex.; Happy Wheat Grower, Inc., Happy, Tex.; Wallace Motor Co., Happy, Tex.;

Harman-Toles Elevator Co., Happy, Tex.; Tulia Chamber of Commerce & Agriculture, Tulia, Tex.; J-Gee Department Store, Tulia, Tex.; Swisher County Diamond Jubilee, Tulia, Tex.; the First National Bank, Tulia, Tex.; L. R. Givens, Manager, Abernathy Motor Co., Abernathy, Tex.; Dan Z. Ward, Owner, Ward's Men's Store, Abernathy, Tex.; Struve Hardware & Dry Goods, Abernathy, Tex.; A. B. Reid, Manager, Reid Chevrolet Co., Abernathy, Tex.; Jennings Men's Wear, Canyon, Tex.; Thompson's of Canyon, Inc., Canyon, Tex.; Dan's Fifth Avenue Store, Canyon, Tex.; Don Fisher, Manager, Hale Center, Fisher Ford Sales, Hale Center, Tex.; Corcorran's Men's Wear, Plainview, Tex.; Haydon Shoes, Inc., Plainview, Tex.; Garrison Furniture & Appliance, Plainview, Tex.; Dargan Sims, owner, Dargan's of Plainview, Plainview, Tex.; Gabriel's, Plainview, Tex.; Charlie R. Young, Executive Vice President, Plainview, Tex. SEND PROTESTS TO: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 79082 (Sub-No. 3TA), filed July 8, 1965. Applicant: MORRIS COHEN, doing business as M.C. AUTO TRUCKING COMPANY, 1171 Ocean Parkway, Brooklyn, N.Y. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, materials, equipments, and supplies used in the manufacture of tin plate*, crated and uncrated (in conjunction with plant removal), from Brooklyn, N.Y., to Elizabeth, N.J., for 180 days. SUPPORTING SHIPPER: Tin Plate Lithographing Co., Inc., 14th Avenue and 37th Street, Brooklyn, N.Y. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 79082 (Sub-No. 4TA), filed July 8, 1965. Applicant: MORRIS COHEN, doing business as M.C. AUTO TRUCKING COMPANY, 1171 Ocean Parkway, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Tin plates (plain, lacquered, lithographed, printed, or painted), between Elizabeth, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., under contract with Tin Plate Lithographing Co., Inc., for 180 days. SUPPORTING SHIPPER: Tin Plate Lithographing Co., Inc., 14th Avenue and 37th Street, Brooklyn, N.Y. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 107839 (Sub-No. 79TA), filed July 8, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Post Office Box 9021, Denver, Colo. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, for 180 days. SUPPORTING SHIPPER: United Fruit Sales Corp., subsidiary of United Fruit Company, 30 Saint James Avenue, Boston, Mass., 02116. SEND PROTESTS TO: District Supervisor Paul A. Naughton, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 119777 (Sub-No. 40TA), filed July 8, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer 31, Madisonville, Ky., U.S. Highway 41, South. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guard rail, guard rail posts, and accessories*, from Evansville, Ind., to points in Arkansas, Colorado, Florida, Georgia, Delaware, Kansas, Louisiana, Maryland, Mississippi, Missouri (except Kansas City and St. Louis County), Nebraska, Oklahoma, Texas, and West Virginia, for 180 days. SUPPORTING SHIPPER: Mr. Barry Shapiro, Vice President, Anderson "Safeway" Guard Rail Corp., Box 4499 Station A, Evansville, Ind., 47711. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

By the Commission.

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

[F.R. Doc. 65-7422; Filed, July 13, 1965; 8:48 a.m.]

[Notice 1203]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 9, 1965.

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

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

No. MC-FC-67970. By order of July 8, 1965, the Transfer Board approved the transfer to Robert B. Kubach, Farmington, Mich., of certificate in No. MC-61029, and of permits in Nos. MC-115582, MC-115582 (Sub-No. 1) and MC-115582 (Sub-No. 2), issued December 2, 1949, December 4, 1956, November 7, 1958, and June 24, 1963, respectively, to Detroit Terminal and Cartage Co., a corporation, Detroit, Mich., authorizing transportation in common carriage of: New furniture, from Detroit, Mich., to points within 8 miles of Detroit; and in contract carriage of: Parts, assemblies, and materials used in the manufacture of motor vehicles, between Detroit, Mich., on the one hand, and, on the other, points as specified in Michigan, between Detroit, Mich., and the site of the Ford Motor Co. plant at Mount Clemens, Mich., and between the site of the plant of the Ford Motor Co., at the intersection of 23-Mile Road and Mound Road, Macomb County, Mich., and Detroit, Mich. Ramon S. Regan, 2255 Penobscot Building, Detroit, Mich., 48226, attorney for applicants.

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

[F.R. Doc. 65-7423; Filed, July 13, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JULY

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