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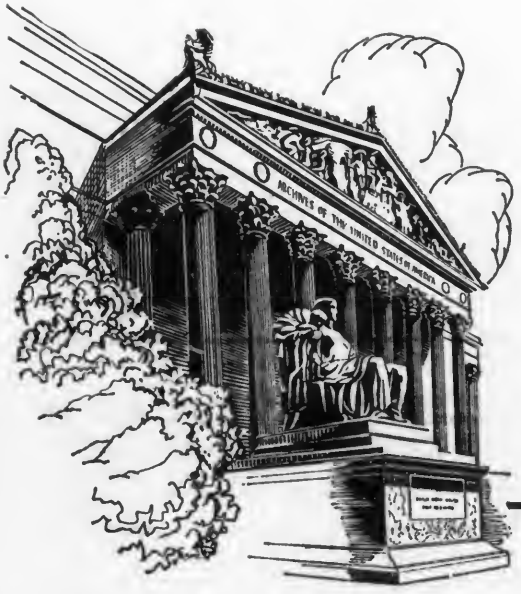

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

Announcing a New Information Service

Beginning August 2, 1965, the General Services Administration inaugurated a new information service, the "Weekly Compilation of Presidential Documents." The service makes available transcripts of the President's news conferences, messages to Congress, public speeches and statements, and other Presidential materials released by the White House up to 5 p.m. of each Friday.

The *Weekly Compilation* was developed in response to many requests received by the White House and the Bureau of the Budget for a better means of distributing Presidential materials. Studies revealed that the existing method of circularization by means of mimeographed releases was failing to give timely notice to those Government officials who needed them most.

The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

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List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3683

TERMINATION OF QUANTITATIVE LIMITATIONS ON IMPORTS OF UNMANUFACTURED LEAD AND ZINC

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to Section 350 of the Tariff Act of 1930, the President, on October 30, 1947, entered into, and by Proclamation No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), proclaimed, effective on and after January 1, 1948, the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A11; hereinafter referred to as "the General Agreement"), including a concession with respect to certain articles of unmanufactured zinc provided for in item 394 of Part I of Schedule XX of the General Agreement (61 Stat. (pt. 5) A1219); and, on April 21, 1951, entered into, and by Proclamation No. 2929 of June 2, 1951 (65 Stat. c12), proclaimed, effective on and after June 6, 1951, the Torquay Protocol to the General Agreement, including concessions with respect to certain articles of unmanufactured lead and zinc provided for in items 391, 392, 393, and 394 of Part I of Schedule XX of the Torquay Protocol (3 U.S.T. (pt. 1) 1167);

2. WHEREAS, pursuant to Section 7 of the Trade Agreements Extension Act of 1951, and in accordance with the provisions of Article XIX of the General Agreement (61 Stat. (pt. 5) A58), the President by Proclamation No. 3257 of September 22, 1958 (73 Stat. c3), proclaimed, effective on and after October 1, 1958, that the concessions with respect to the articles of unmanufactured lead and zinc identified in the first recital of this proclamation should be modified and that such articles should be subject to certain specified quantitative limitations, until the President should otherwise proclaim;

3. WHEREAS, after compliance with the requirements of Section 102 of the Tariff Classification Act of 1962 (76 Stat. 73), the President by Proclamation No. 3548 of August 21, 1963 (77 Stat. 1017), proclaimed, effective on and after August 31, 1963, the Tariff Schedules of the United States, which reflected, with modifications, and, in effect, superseded (1) the provisions of Proclamations Nos. 2761A and 2929 insofar as those proclamations proclaimed the concessions with respect to the articles of unmanufactured lead and zinc identified in the first recital of this proclamation (see Part 1 and Subparts G and H of Part 2 of Schedule 6 of the Tariff Schedules of the United States), and (2) the provisions of Proclamation No. 3257 (see Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States);

4. WHEREAS, following my request under Section 351(d)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(d)(2), the United States Tariff Commission conducted an investigation, including a hearing, pursuant to Section 351(d)(5) of that Act (19 U.S.C. 1981(d)(5)), and on June 8, 1965, submitted to me a report (30 F.R. 7619) advising me of its judgment as to the probable economic effect on the domestic industry concerned of the reduction or termination of the quantitative limitations specified in Proclamation No. 3257 (now reflected, with modifications, in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States);

5. WHEREAS, in relation to the possible reduction or termination of such quantitative limitations, I have received and taken into account the advice from the Tariff Commission, advice of the Secretary of Commerce and the Secretary of Labor in accordance with Section 351(c)(1)(A) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(c)(1)(A)), recommendations of the Special Representative for Trade Negotiations in accordance with Sections 3(b), 3(j), and 5(c) of Executive Order No. 11075 of January 15, 1963 (48 CFR 1.3(b), 1.3(j), and 1.5(c)), and advice of other interested agencies of the Government; and

6. WHEREAS, in accordance with Section 351(c)(1)(A) of the Trade Expansion Act of 1962, I have determined that the termination as herein proclaimed of the quantitative limitations specified in Proclamation No. 3257 (now reflected, with modifications, in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States) is in the national interest:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting pursuant to the authority vested in me by the Constitution and the statutes, including Section 351(c)(1)(A) of the Trade Expansion Act of 1962, and in accordance with the provisions of Article XIX of the General Agreement, do proclaim that:

(1) Proclamation No. 3257 shall be terminated.

(2) The following parts of the Appendix to the Tariff Schedules of the United States (reflecting, with modifications, the quantitative limitations specified in Proclamation No. 3257) shall be revoked:

(a) Items 925.01, 925.02, 925.03, and 925.04;

(b) The article description immediately preceding item 925.01; and

(c) Headnote 2 of Subpart A of Part 2.

(3) The concessions with respect to the articles of unmanufactured lead and zinc identified in the first recital of this proclamation shall be applied without quantitative limitations, in accordance with the provisions of Part 1 and Subparts G and H of Part 2 of Schedule 6 of the Tariff Schedules of the United States (reflecting, with modifications, concessions proclaimed by Proclamations Nos. 2761A and 2929).

(4) The actions proclaimed in paragraphs (1), (2), and (3) above shall be effective as follows:

(a) On the date of this proclamation, with respect to such articles provided for in items 925.01 and 925.02 of the Appendix to the Tariff Schedules of the United States as are entered, or withdrawn from warehouse, for consumption on or after such date; and

(b) On the 30th day following the date of this proclamation, with respect to such articles provided for in items 925.03 and 925.04 of the Appendix to the Tariff Schedules of the United States as are entered, or withdrawn from warehouse, for consumption on or after the 30th day following such date.

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

DONE at the City of Washington this twenty-second day of October in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and ninetieth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-11585; Filed, Oct. 25, 1965; 4:21 p.m.]

Proclamation 3684

NATIONAL PARKINSON WEEK

By the President of the United States of America

A Proclamation

WHEREAS many of our people are now afflicted with Parkinson's disease and more than 25,000 additional persons become victims of that disease each year; and

WHEREAS Parkinson's disease is one of the most prevalent neurological disorders; and

WHEREAS the causes of Parkinson's disease are still unknown; and

WHEREAS many persons have dedicated themselves to treating and rehabilitating persons afflicted with Parkinson's disease and to conducting research into the cause or causes of that disease and a cure for it; and

WHEREAS the Congress, by a joint resolution of October 23, 1965, has requested the President to designate the week beginning October 25, 1965, as National Parkinson Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning October 25, 1965, as National Parkinson Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also call upon the communications media, the medical and health professions, and all agencies and individuals interested in a national program for the control of Parkinson's disease to unite during that week in public dedication to such a program and in a concerted effort to impress upon the people of the United States the necessity for such a program.

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

DONE at the City of Washington this 23rd day of October in the year of our Lord nineteen hundred and sixty-five, and of [SEAL] the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-11586; Filed, Oct. 25, 1965; 4:21 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Rate of Assessment, Carryover of Unexpended Funds, and Handler Reports

Notice was published in the September 30, 1965, issue of the FEDERAL REGISTER (30 F.R. 12485) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning August 1, 1965, and ending July 31, 1966, carryover of unexpended funds, and handler reports, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries. The time for filing written data, views, or arguments was extended to include October 20, 1965 (30 F.R. 13013). 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 matter presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, and other available information, including a recommendation from the members of the executive committee of the Cranberry Marketing Committee that the assessment rate be fixed at one-half cent instead of at one cent and that reserve funds be used to supplement assessment income, it is hereby found and determined as follows:

A. The following section is added:

§ 929.206 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period August 1, 1965, through July 31, 1966, in accordance with the marketing agreement, as amended, and this part, will amount to $8,010.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at one-half cent ($0.005) per barrel of cranberries, or equivalent quantity of cranberries.

B. Section 929.204 is amended by adding thereto the following paragraph (c):

§ 929.204 Reserve.

* * * * *

(c) Assessments collected for the fiscal period ended July 31, 1965, were in excess of expenses for such period and the committee is hereby authorized to place such excess in the reserve, established pursuant to this section, in accordance with the provisions of § 929.42 of the marketing agreement and this part.

C. Section 929.105 is amended by inserting "(a)" immediately preceding the provisions thereof and by adding thereto the following as paragraph (b):

§ 929.105 Reporting.

* * * * *

(b) Certified reports shall be submitted to the committee by each handler not later than 10 days after each of the specified dates showing, for the preceding 3-month period, the total quantity of cranberries such handler acquired and the total quantity of cranberries such handler handled, and, as of the specified dates, the respective quantities of cranberries and cranberry products such handler had on hand: November 1, 1965; February 1, 1966; May 1, 1966; and August 1, 1966.

It is hereby found that good cause exists for not postponing the respective effective dates of § 929.206, and the amendatory provisions of §§ 929.204 and 929.105 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) With respect to § 929.206, the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cranberries from the beginning of such year; (2) the current fiscal period began on August 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable cranberries beginning with such date; (3) with respect to the amendatory provisions of § 929.204, unexpended assessment funds are on hand and should be transferred to the reserve promptly to enable the committee to use such funds in accordance with § 929.42; (4) with respect to the amendatory provisions of § 929.105, the first certified report should be due from handlers not later than November 10, 1965, because the harvesting of a considerable portion of the crop from all areas will be completed by November 1, and data should be promptly compiled from such reports and made available to the industry by the committee to provide the first and timely information with respect to the total size of the crop, thus enabling the industry to more effectively plan the utilization thereof, and handlers should be given as much advance notice of such reporting requirement as possible; and (5) the reporting requirements do not require any special preparation on the part of handlers for compliance therewith which cannot be completed by the effective time thereof and no useful purpose would be served by postponing such time beyond the date of publication in the FEDERAL REGISTER.

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

Dated, October 22, 1965, with §§ 929.204 and 929.105 to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 65–11528; Filed, Oct. 26, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6986; Amendment No. SFAR 12–1]

SFAR 12—PROVISIONAL MAXIMUM CERTIFICATED WEIGHTS FOR CERTAIN AIRPLANES OPERATED BY ALASKAN AIR CARRIERS, AIR TAXI OPERATORS IN ALASKA, AND THE DEPARTMENT OF THE INTERIOR

Extension of Expiration Date

This amendment extends for 6 months the expiration date of Special Federal Aviation Regulation 12 which expires October 25, 1965.

The Federal Aviation Agency has together with this amendment issued a notice of proposed rule making (Notice 65–31 [1]) proposing to amend FAR Part 91 to incorporate therein the authorization presently contained in SFAR–12. The purpose of this amendment is to temporarily extend the effectiveness of SFAR–12 to allow adequate time for the Agency to evaluate any comments received in response to Notice 65–31.

Since this amendment merely extends for a six-month period the authorization presently contained in SFAR–12 and imposes no additional burden on any person, I find that the notice and public procedure provisions of the Administrative Procedure Act need not be complied with and this amendment may be made effective on less than 30 days notice.

[1] See F.R. Doc. 65–11493, in Proposed Rule Making Section, *infra*.

In consideration of the foregoing the last sentence of SFAR–12 is hereby amended, effective immediately, by striking out the words "October 25, 1965" and by inserting in place thereof the words "May 1, 1966."

(Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424)

Issued in Washington, D.C., on October 21, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65–11492; Filed, Oct. 26, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Water Resources Council

Section 213.3380 is added to show that the position of Director, Water Resources Council Staff, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER § 213.3380 is added as set out below.

§ 213.3380 Water Resources Council.

(a) Director, Water Resources Council Staff.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–11516; Filed, Oct. 26, 1965; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 131—INTERPRETATIVE STATEMENTS RE WARNING ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Ipecac Syrup in One Fluid Ounce Containers; Required Warnings and Directions

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Title 21 is amended in the following respects.

1. Part 3 is amended by adding thereto the following new section:

§ 3.30 Ipecac syrup; warnings and directions for use for over-the-counter sale.

(a) It is estimated that each year about 500,000 accidental poisonings occur in the United States and result in approximately 1,500 deaths, of which over 400 are children. In the emergency treatment of these poisonings, ipecac syrup is considered the emetic of choice. The immediate availability of this drug for use in such situations is critical, since rapid treatment may be the difference between life and death. The restriction of this drug to prescription sale limits its availability in emergencies. On the other hand, it is the consensus of informed medical opinion that ipecac syrup should be used only under medical supervision in the emergency treatment of poisonings. In view of these facts, the question of whether ipecac syrup labeled as an emergency treatment for use in poisonings should be available over the counter has been controversial.

(b) In connection with its study of this problem, the Food and Drug Administration has obtained the views of medical authorities. It is the unanimous recommendation of the American Academy of Pediatrics, the American Association of Poison Control Centers, the American Medical Association, and the Medical Advisory Board of the Food and Drug Administration that ipecac syrup in 1 fluid ounce containers be permitted to be sold without prescription so that it will be readily available in the household for emergency treatment of poisonings, under medical supervision, and that the drug be appropriately packaged and labeled for this purpose.

(c) In view of the above recommendations, the Commissioner of Food and Drugs has determined that it is in the interest of the public health for ipecac syrup to be available for sale without prescription, provided that it is packaged in a quantity of 1 fluid ounce (30 milliliters), and its label bears, in addition to other required label information, the following, in a prominent and conspicuous manner:

(1) A statement conspicuously boxed and in red letters, to the effect: "For emergency use to cause vomiting in poisoning. Before using, call physician, the Poison Control Center, or hospital emergency room immediately for advice."

(2) A warning to the effect: "Warning—Keep out of reach of children. Do not use in unconscious persons. Ordinarily, this drug should not be used if strychnine, corrosives such as alkalies (lye) and strong acids, or petroleum distillates such as kerosine, gasoline, coal oil, fuel oil, paint thinner, or cleaning fluid have been ingested."

(3) Usual dosage: 1 tablespoon (15 milliliters) in persons over 1 year of age.

2. Section 131.16 is amended by inserting therein in alphabetical order a new item reading as follows:

§ 131.16 Drugs for human use; warning and caution statements required by regulations.

* * * * *

IPECAC SYRUP IN ONE-FLUID OUNCE CONTAINERS FOR EMERGENCY TREATMENT OF POISONING, TO INDUCE VOMITING. (See § 3.30 of this chapter.)

Ipecac syrup packaged for over-the-counter sale must bear statements to the following effect, in a prominent and conspicuous manner:

The following statement (boxed and in red letters):

"For emergency use to cause vomiting in poisoning. Before using, call physician, the Poison Control Center, or hospital emergency room immediately for advice."

The following warning: Warning—Keep out of reach of children. Do not use in unconscious persons. Ordinarily, this drug should not be used if strychnine, corrosives such as alkalies (lye) and strong acids, or petroleum distillates such as kerosine, gasoline, coal oil, fuel oil, paint thinner, or cleaning fluid have been ingested.

* * * * *

(Secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a))

Dated: October 19, 1965.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 65–11386; Filed, Oct. 26, 1965; 8:45 a.m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 130—NEW DRUGS

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Chlorcyclizine, Cyclizine, Meclizine; Statement of Policy re Warning etc.

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 503(b)(1)(C), 505, 701, 52 Stat. 1052, 1055, as amended 65 Stat. 648, 649, 76 Stat. 781 et seq.; 21 U.S.C. 353(b)(1)(C), 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Title 21 is amended as set forth below:

1. Part 3 is amended by adding thereto the following new section:

§ 3.29 Chlorcyclizine, cyclizine, meclizine; warnings; labeling requirements.

(a) The Food and Drug Administration, pursuant to its responsibility for the safety and effectiveness of drugs, has conducted active investigations of reports of available animal data which reveal that chlorcyclizine hydrochloride, cyclizine hydrochloride and lactate, and meclizine hydrochloride exert a terato-

genic response in animals such as the rat, mouse, rabbit, pig, and dog. While clinical studies to date are inconclusive, scientific experts are of the opinion that these drugs may possess a potential for adverse effects on the human fetus. Investigations have led to the conclusion that there exists sufficient evidence of teratogenicity in animals administered these drugs to justify warnings against their use in pregnancy except on advice of a physician. An Ad Hoc Advisory Committee on the Teratogenic Effect of Certain Drugs, comprised of scientists in various branches of medicine concerned with the problem, has submitted its findings and conclusions to the Commissioner of Food and Drugs and has recommended that all over-the-counter preparations containing chlorcyclizine, cyclizine, or meclizine or their salts bear a warning.

(b) On the basis of studies made by the Food and Drug Administration and on the recommendations of the Advisory Committee, the Commissioner of Food and Drugs has concluded that it is necessary for the protection of users that the label and labeling of all over-the-counter preparations containing chlorcyclizine, cyclizine, or meclizine or their salts bear a statement of the following effect: "*Warning*—Not for use by women who are pregnant or who may possibly become pregnant, unless directed by a physician, since this drug may have the potentiality of injuring the unborn child."

(c) The marketing of oral and parenteral drugs containing chlorcyclizine, cyclizine, or meclizine or their salts may be continued provided that all the following conditions are met:

(1) Within 30 days from the date of publication of this statement in the FEDERAL REGISTER.

(i) The label and applicable labeling of drugs containing chlorcyclizine, cyclizine, or meclizine or their salts, at acceptable levels for over-the-counter distribution, shall prominently and conspicuously display the statement: "*Warning*—Not for use by women who are pregnant or who may possibly become pregnant, unless directed by a physician, since this drug may have the potentiality of injuring the unborn child."

(ii) The package labeling and other labeling providing professional use information concerning prescription drugs containing chlorcyclizine, cyclizine, or meclizine or their salts and not contraindicated for use in pregnancy because of some other ingredient, shall bear, in accordance with § 1.106(b)[1] of this chapter, a section under "Adverse Reactions" headed "Use in Pregnancy," as follows:

The following information should be taken into account in determining whether the potential benefits of [chlorcyclizine, cyclizine, meclizine, or their salts] outweigh the risks of their use in women of childbearing age and particularly during pregnancy. A review of available animal data reveals that this drug exerts a teratogenic response in the [rat, mouse, rabbit, pig, dog]. While available clinical data are inconclusive, scientific experts are of the opinion that this drug may possess a potential for adverse effects on the human fetus. Consequently, consideration should be given to initial use of a nonprenothiazine agent that is not suspected of having a teratogenic potential. In any case, the dosage and duration of treatment should be kept to a minimum.

This statement shall be followed with an appropriate summary of the pertinent animal studies and adverse clinical experiences, with adequate references to the scientific literature. Also, the labeling shall contain, in juxtaposition with any representation for use in the treatment of nausea and vomiting in pregnancy, the following statement:

The effectiveness of ------ for the prevention and treatment of nausea and vomiting of pregnancy has not been established, and the decision to use ------ should be based on the seriousness of the situation, remembering that while this drug has been used clinically for a decade, there are yet no controlled studies to demonstrate its usefulness in an objective fashion. In most cases, nausea and vomiting of pregnancy may be unpleasant but do not present a serious threat to the health of the patient or to the progress of her pregnancy. In view of the desirability of keeping the administration of all drugs to a minimum during pregnancy, management by physiologic means such as proper nutrition and by psychologic support is preferable to antiemetic therapy.

(2) Within 30 days from the date of publication of this statement of policy in the FEDERAL REGISTER, the applicant under an approved new-drug application for a drug containing chlorcyclizine, cyclizine, or meclizine or their salts shall submit a supplement to his new-drug application, providing for appropriate labeling changes as described in subparagraphs (1) (i) or (ii) of this paragraph.

(3) Within 90 days from the date of publication of this statement of policy in the FEDERAL REGISTER, the manufacturer, packer, or distributor of any drug containing chlorcyclizine, cyclizine, or meclizine or their salts for which a new-drug approval is not in effect shall submit a new-drug application containing satisfactory information of the kinds required in the new-drug application form contained in § 130.4(c) of this chapter, including appropriate labeling as described in subparagraphs (1) (i) or (ii) of this paragraph.

(d) In view of the fact that no substantial evidence has been offered for the effectiveness of chlorcyclizine, cyclizine, and meclizine or their salts in the prevention and treatment of nausea and vomiting of pregnancy, but mindful of the fact that some practicing physicians believe that these drugs exert a beneficial effect upon this condition, the Food and Drug Administration will permit a modified claim in indications for this use for a period not exceeding 2 years. However, this modified indication for use of these drugs in the prevention and treatment of nausea and vomiting of pregnancy will be deleted from the labeling unless substantial evidence is offered before the expiration of this period of time. The Food and Drug Administration will also continue to follow the large-scale surveys of clinical experience and any reports of adverse reaction that may be due to the use of these drugs under the revised labeling.

2. Section 130.102(a) is amended by adding to subparagraph (6) (vii) a new (*e*) and by adding to subparagraph (25) (vii) a new (*c*), as follows:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) * * *

(6) Meclizine hydrochloride * * *

(vii) * * *

(*e*) Administration of the drug to women who are pregnant or who may become pregnant, unless directed by a physician, since the drug may have the potentiality of injuring the unborn child.

* * * * *

(25) Chlorcyclizine hydrochloride * * *

(vii) * * *

(*c*) A clear warning statement against administration of the drug to women who are pregnant or who may become pregnant, unless directed by a physician, since this drug may have the potentiality of injuring the unborn child.

3a. Section 131.15 is amended by changing the cross-reference after the item "ANTIHISTAMINICS, ORAL" to read as indicated below and by inserting after the last sentence new text, as follows:

§ 131.15 Drugs for human use; recommended warning and caution statements.

* * * * *

ANTIHISTAMINICS, ORAL. (See also §§ 3.29 and 130.102(a) (4), (6), (13), (24), and (25) of this chapter.)

* * * * *

Cyclizine-containing preparations should include the following:

Warning—Not for use by women who are pregnant or who may possibly become pregnant, unless directed by a physician, since this drug may have the potentiality of injuring the unborn child.

b. Section 131.16 is amended by changing the cross-reference after the item "ANTIHISTAMINICS, ORAL * * *" to read as indicated below and by inserting after the last sentence new text, as follows:

§ 131.16 Drugs for human use; warning and caution statements required by regulations.

* * * * *

ANTIHISTAMINICS, ORAL (PHENYLTOLOXAMINE DIHYDROGEN CITRATE, MECLIZINE HYDROCHLORIDE, DOXYLAMINE SUCCINATE, CHLOROTHEN CITRATE, CYCLIZINE HYDROCHLORIDE, AND CHLORCYCLIZINE HYDROCHLORIDE PREPARATIONS), (See §§ 3.29 and 130.102(a) (4), (6), (13), (24), and (25) of this chapter.)

* * * * *

For chlorcyclizine-, cyclizine-, or meclizine-containing preparations, the statement:

[1] Section 1.105 will require that prescription drug advertising contain this warning.

Warning—Not for use by women who are pregnant or who may possibly become pregnant, unless directed by a physician, since this drug may have the potentiality of injuring the unborn child.

Effective date. Except as to those portions of § 3.29 which set forth specific time limits for compliance, this order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 503(b)(1)(C), 505, 701, 52 Stat. 1052, 1055, as amended 65 Stat. 648, 649, 76 Stat. 781 et seq.; 21 U.S.C. 353(b)(1)(C), 355, 371)

Dated: October 21, 1965.

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

[F.R. Doc. 65-11487; Filed, Oct. 26, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII is amended as follows:

SUBCHAPTER E—SECURITY

PART 850—SAFEGUARDING CLASSIFIED INFORMATION

In § 850.9, paragraph (f)(3) is revised to read as follows:

§ 850.9 Dissemination and disclosure authority.

* * * * *

(f) * * *

(3) *Safeguarding requirements.* Classified information and material disseminated according to subparagraph (2) of this paragraph shall be permitted only to persons or activities participating in the DOD Industrial Security Program as the result of the negotiation of a DOD Security Agreement (DD Form 441). Prior to dissemination, it must be ascertained that the proposed recipient has an appropriate and current facility security clearance and the capability to safeguard the classified material. (Part 852 of this subchapter contains further details on the industrial security program.)

SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE REGULAR AIR FORCE

In § 888.2, paragraph (p)(2) is revised to read as follows:

§ 888.2 Definitions.

* * * * *

(p) *Prior service.* * * *

(2) Enlisted or former enlisted members of Reserve components of the Armed Forces who served a continuous period of active duty or ACDUTRA exceeding 6 months.

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 904—DETAILING PERSONNEL TO NON-FEDERAL ESTABLISHMENTS FOR AVIATION INSTRUCTION

Part 904 is deleted.

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

1. Present §§ 1001.312 and 1001.312–50 are deleted and the following inserted, as follows:

§ 1001.312 Voluntary refunds.

(a) *General.* A voluntary refund is a payment or credit, not required by any contractual or other legal obligation, made to the Government by a contractor or subcontractor either as a payment or as an adjustment under one or more contracts or subcontracts. It may be unsolicited or it may be made in response to a request by the Government. Where it is desired to solicit a voluntary refund from a subcontractor, the prime contractor should be encouraged to facilitate the making of such refund. In deciding whether to solicit a voluntary refund or to accept an unsolicited refund, the contracting officer shall ask legal counsel to review the contract or contracts and all data relevant thereto to determine whether the Government's rights would be jeopardized or impaired by the contracting officer's proposed action.

(b) *Solicited refunds.* Voluntary refunds may be requested during or after contract performance. They shall be requested only when it is considered that the Government was overcharged under a contract or was inadequately compensated for the use of Government-owned property or in the disposition of contractor inventory, and retention by the contractor or subcontractor of the amount in question would be contrary to good conscience and equity. Generally, retention by the contractor or subcontractor shall not be considered contrary to good conscience and equity, and thus a voluntary refund shall not be requested, unless the overcharge or inadequate compensation was due, at least in part, to the fault of the contractor or subcontractor. The decision to solicit a voluntary refund shall be made by the Secretary concerned.

(c) *Disposition of voluntary refunds.* (1) If a refund is offered prior to final payment, it is preferable that the contract price be appropriately modified to reflect the refund. In such a case, the amount of the refund shall be credited to the applicable appropriation cited in the contract.

(2) In cases where the refund is to be made by check rather than by an adjustment in the contract price, the check shall be made payable to the Treasurer of the United States and shall be forwarded immediately to the comptroller of the appropriate Department, or other Departmental officer responsible for the control of funds. When forwarded, the check shall be accompanied by a letter identifying it as a voluntary refund, giving the number of the contract or contracts involved and, where possible, giving the account number of the appropriation to which the refund should be credited.

§ 1001.312–50 General.

(a) Generally, conditions resulting in the solicitation of voluntary refunds will have been disclosed (1) by DOD personnel engaged in contract administration and contract audit activities, or (2) through GAO reports questioning the reasonableness of contract prices and recommending that efforts be made to obtain adjustments.

(b) Where a contractual basis for refund exists, the administrative contracting officer (in consultation and coordination with the appropriate office, staff judge advocate) will determine the amount of and obtain such refund. Where a remedy must be based on extra-contractual considerations, the director of procurement of the major command (for AFSC, the DCS/Procurement and Production), or higher authority, will determine the amount of and obtain any refund to be affirmatively sought by the Air Force. In such a case, where an AFLC or AFSC procurement is involved, recommendations based on appropriate preliminary review, including coordination with the appropriate office, staff judge advocate, will be forwarded for necessary action to the Director of Procurement (or DCS/Procurement and Production) through AFLC (MCPPP) or AFSC (SCKPF), as appropriate.

(c) If the Director of Procurement (or DCS/Procurement and Production) determines, on the basis of such recommendation, that a refund based on extra-contractual consideration is to be sought, he will:

(1) If the refund action being initiated results from in-house investigation (see paragraph (a)(1) of this section) forward to the Secretary of the Air Force through Hq USAF (AFSPPDA) for review and approval a detailed statement which will include the following information:

(i) The facts and factors of the case.

(ii) Reason for seeking a price adjustment.

(iii) The proposed action to be taken.

(2) Upon receipt of approval from the Secretary of the Air Force to proceed with proposed action, prepare a letter to the president or principal officer of the contractor which:

(i) Advises the contractor that he is acting in behalf of the Secretary of the Air Force to whom the results of his actions will be forwarded.

(ii) States the results of his review of the matter.

(iii) Advises that the Air Force considers it important that an equitable adjustment be made promptly.

(iv) Requests the contractor to refund the determined amount or make the necessary adjustment voluntarily.

(v) If desired, invites the contractor's president or appropriate principal officer to discuss personally the payment of the refund to the Government.

(3) If the refund action has been recommended by the GAO (see paragraph (2) of this section) forward to the Secretary of the Air Force through Hq USAF (AFSPPCB) for review and approval a proposed response to the GAO which will contain the information required by subparagraph (1) (i), (ii), and (iii) of this paragraph.

(4) Upon notification of approval of the proposed response to the GAO by the Secretary of the Air Force, prepare a letter to the president or principal officer of the contractor which will contain the information required by subparagraph (2) (i) through (v) of this paragraph.

(d) The Director of Procurement (or DCS/Procurement and Production) will exhaust every available means to obtain the refund or adjustment. If unable to secure the adjustment, he will report his actions to the commander of the major command and recommend what further action should be taken. The Commander will then exhaust every available means and, if necessary, forward the matter to Hq USAF (AFSPPDA) or (AFSPPCB) as appropriate, with recommendations for further action.

(e) Regarding refunds involving responses to GAO reports, a determination may be made to seek or accept a refund less than that recommended by GAO. If so, such a decision must be fully documented by the Director of Procurement (or DCS/Procurement and Production) and have the concurrence of the commander of the major command. If the Command concurs in the recommendation but fails to obtain a refund because of the contractor's refusal, the response should state the basis for the refusal and whether or not the Command agrees with it.

(f) Attention is directed to the need for thorough analysis and justification of our position in any case in which a GAO recommendation to seek an adjustment is not complied with since our position will be contained in a final report addressed to the Congress. If a GAO recommendation to seek a refund is rejected, the response to GAO will adequately state the facts and arguments supporting the Command's position and the response should also indicate that legal recourse was considered and the results of such consideration.

2. New §§ 1001.325 thru 1001.325–2 are added as follows:

§ 1001.325 Variation in quantity.

§ 1001.325–1 Processing variations permitted by the contract.

Whenever the quantity delivered by a contractor contains an overrun or underrun within the limits and for the causes permitted by the contract, the delivery may be accepted by the appropriate AF personnel usually responsible for accepting deliveries. Disbursement vouchers will be used to adjust obligations upward in the instance of overruns; deobligation and decommitment action will be taken by the accounting and finance activities, in the case of underruns, after payment of the final voucher and upon the receipt of AFPI Form 14, Contract Records Disposition Notice, from the ACO. No action by the procuring contracting officer or ACO is required either to approve quantities delivered by the contractor or to adjust obligations within the permitted variation. Where necessary, additional shipping instructions, required as a result of overruns, will be obtained from the buyer.

§ 1001.325–2 Processing variations not permitted by the contract.

(a) *Overruns.* If the contractor produces an overrun under a contract which does not provide for any variation in quantity, or if the overrun exceeds the percentage permitted by the contract, the Government is under no obligation to accept the unanticipated excess. Ordinarily, the contractor will be notified by the ACO that the Government does not consider itself obligated to, and does not desire to accept the extra quantity. The unanticipated excess will then be returned or tendered to the contractor for disposition by the contractor at his expense, including all transportation and handling charges. When the unanticipated overrun for an individual shipment is: (1) Less than $10, it will be considered inconsequential and be ignored, (2) $10 or more, the ACO will promptly make an investigation upon receipt of an AF Form 672, Report of Discrepancy, from the receiving activity and within 30 days send written instructions to the receiving activity for the proper disposition to be made of the overrun.

(b) *Underruns.* It is the responsibility of the contractor to deliver and of the Air Force to accept the quantities called for by the terms of the contract, unless the contract has been terminated according to the terms of the contract. If the contractor requests the Air Force to accept quantities less than those permitted by the variation clause, the ACO will carefully consider the reasons for the underrun as extended by the contractor and determine whether acceptance of the underrun is warranted. Where acceptances appear justified, the ACO will submit the facts to the buyer, who will reply, stating the decision made and the action to be taken by the procuring contracting officer. If the contractor, however, underruns the quantity called for on an FP contract for $5,000 or under, which does not contain a variation in quantity clause, the underruns will be considered inconsequential and will be ignored if it does not exceed 5 percent of the quantity of any one item, or an aggregate of $50 of the total contract obligation.

Present Subpart K is deleted and the following is inserted therefor:

Subpart K—Qualified Products

Sec.
1001.1103 Justification for inclusion of qualification requirements.
1001.1105 Opportunity for qualification.
1001.1108 Waiver of qualification requirement.

AUTHORITY: The provisions of this subpart are issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133, 10 U.S.C. 8012, 2301–2314.

§ 1001.1103 Justification for inclusion of qualification requirements.

The Directorate of Maintenance Engineering (MCMC), AFLC, and the Directorate of Systems Policy (SCSV), Hq AFSC, are the control points for coordination within their respective commands of the justification for inclusion of qualification requirement in specifications. Command approval of the justification will be forwarded to Hq USAF (AFSPPE) for final approval. The conditions of § 1.1103(a) of this title, concerning time required for testing will not be a basis for justification unless the time required to perform any one test exceeds 45 calendar days. Any series of two or more tests that must be performed in sequence will be considered as one test for the purpose of this condition.

§ 1001.1105 Opportunity for qualification.

A copy of the notice will be forwarded to Hq USAF (AFSPPE).

§ 1001.1108 Waiver of qualification requirement.

Where products have been approved for inclusion on a Qualified Product List, waivers of the qualification requirement will be according to § 1.1108 of this title, with an information copy forwarded to each of the three organizations listed in § 1001.1103.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

§ 1002.404–2 [Deleted]

1. Section 1002.404–2 is deleted.

2. A new § 1002.406–3 is added as follows:

§ 1002.406–3 Other mistakes.

(a) to (d) No implementation.

(e) The data required by § 2.406–3(e) of this title will be submitted in the most expeditious manner to AFLC (MCJCR), marked "Immediate Attention—Mistake In Bid." Review Branch (MCJCR), Hq AFLC, will evaluate the facts presented and prepare an administrative determination according to § 2.406–3(a) of this title.

(f) Doubtful mistakes in bids will not be submitted by contracting officers directly to the Comptroller General for advance decisions.

(g) If modification is authorized and award is made to the bidder alleging the mistake, a copy of the determination will be furnished to the accounting and fi-

nance officer to support payment. MCJCR, Hq AFLC, will maintain the record required by § 2.406–3(g) of this title. At the end of each 6-month period, or more often if warranted, the Staff Judge Advocate will forward to the Procurement Division (MCPP), Hq AFLC, the number of cases handled for the period by types, and his findings as to any pattern disclosed that may indicate the need for additional or revised procurement instructions or procedures. Following review of the findings a copy will be furnished by MCPP to Hq USAF together with a statement showing the action taken.

3. Section 1002.406–4 is revised to read as follows:

§ 1002.406–4 Disclosure of mistakes after award.

(a) and (b) No implementation.

(c) The authority delegated as listed in § 2.406–4(c)(3) of this title has been redelegated by the Commander, AFLC, to the Director of Procurement and Production and to the Deputy Director of Procurement and Production, Hq AFLC.

(d) Mistakes disclosed after award and processed according to § 2.406–4(d) of this title will be forwarded by the contracting officer to AFLC (MCPKA). Mistakes involving contracts for the sale of Government-owned surplus property will be processed according to chapter 7, section C, Part Two, AFM 177–101 (Basic Systems at Base Level).

4. Present § 1002.407–9 is deleted and the following inserted, as follows:

§ 1002.407–9 Protests against award.

(a) No implementation.

(b) Protests before award: (1) No implementation.

(2) No implementation. (i) If the written protest is received by the contracting officer within the required time, he will investigate. It is the responsibility of the contracting officer to decide, whenever possible, with the concurrence or advice of the local staff judge advocate, if necessary, whether the protest has any valid basis and to take appropriate action on the protest. If his conclusion is affirmative, he will take necessary action to rectify the erroneous action. If his conclusion is negative or if he deems it desirable to obtain the views of higher authority, he will make a written statement of his opinion in the matter supported by copies of all pertinent papers. Contracting officers at activities other than AFSC activities will submit the protest and statement to AFLC (MCPP) for decision. Contracting officers at AFSC activities will submit their protests to AFSC (SCKP) for decision. The letter of transmittal should be forwarded by the most expeditious means and marked "Immediate Action—Protest Before Award." The protest report will include the following:

(*a*) Copy of the IFB.

(*b*) Copy of abstract of bids received.

(*c*) Copy of the low bid or copy of the bid of the successful bidder to whom award has been made or is proposed to be made.

(*d*) Copy of bid submitted by protester, if any.

(*e*) Current status of award or contract: If award has been made, indicate if performance has commenced, shipment or delivery has been made, award action has been suspended, or stop work order issued.

(*f*) Contracting officer's statement of facts and circumstances: The contracting officer will discuss the merits of the protest and support evaluation by citations from appropriate ASPR or AFPI provisions or other authority.

(*g*) Contracting officer's conclusion and recommendations will be included and will be based upon the material discussed in the report. All facts brought out in the report will be supported by documentary evidence and will be included with the file and referenced in the report.

(*h*) The file will be assembled in an orderly fashion including an index of inclosures. Inclosures will be tabbed in alphabetical sequence.

(*i*) Name and complete telephone number of person within the procurement office who may be contacted for information relevant to the protest.

(*l*) Submission of protests to AFLC (MCPP) or AFSC (SCKP) under this section may be dispensed with by the contracting officer if he is satisfied that the protest is without any reasonable degree of foundation or that it was made solely to obstruct and hinder the contracting officer or otherwise successful bidder. In such case, except as modified in subparagraphs (2) (ii) and (iii) of this paragraph, and paragraph (e) of this section, the contracting officer on his own responsibility, or after asking such advice as he may desire, may disallow the protest. In such case, the contracting officer should reply to the protester in writing making a timely and complete answer to the allegations of the protesting bidder.

(ii) Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination by the contracting officer to make award under § 2.407–9(b)(3) of this title must be approved by Hq USAF before the award is made.

(iii) Notices of intent to make awards with appropriate justification will be furnished to Hq USAF (AFSPPCA) for submittal to the Comptroller General. A copy of the notice of intent will be sent to AFLC (MCPP) or AFSC (SCKP), as appropriate. Hq USAF will advise the contracting officer forwarding the notice of intent whether the determination to make award prior to decision by the Comptroller General is approved or disapproved. This notice will be made through AFLC (MCPP) or AFSC (SCKP), as appropriate.

(c) Protests after award: All protests after award will be processed to AFLC (MCPP) or AFSC (SCKP) as appropriate. The protest report will include the material listed in paragraph (b)(2)(i) of this section.

(d) Except as modified in paragraph (e) of this section, the Director of Procurement and Production (MCP), the Assistant to the Director (MCP–3), Hq AFLC, the Deputy Chief of Staff/Procurement and Production, and the Assistant Deputy Chief of Staff/Procurement and Production (SCK), Hq AFSC, are authorized to render final decision on protests before and after award which are lodged at no higher than major command or subordinate field organization level.

(e) Reports on protests before and after award which are filed at Hq USAF or higher level, including cases where copies of protests are known to have been furnished to Hq USAF or a higher level, such as to Congressmen and the Comptroller General, will be forwarded through Hq AFLC (MCPP) or Hq AFSC (SCKP), as appropriate, to USAF (AFSPPCA) for decision. In addition, complicated cases which involve policy not clearly enunciated in regulations, and those where the protester indicates intention to carry the protest to a higher level unless favorably considered will also be forwarded through established command channels to Hq USAF for decision.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart C—Determinations and Findings

1. In § 1003.301, paragraph (a) is revised to read as follows:

§ 1003.301 Nature of determinations and findings.

(a) Class determinations and findings will normally authorize negotiation of contracts during a single fiscal year. However, class determinations and findings may be signed prior to the beginning of the fiscal year for which requested and, in that event, such determinations and findings will authorize negotiation of contracts from the date of signing until the close of the fiscal year. Unless otherwise specified by the official signing a particular class determinations and findings, it is not a prerequisite that the contracts are awarded prior to the close of the fiscal year cited in the class determinations and findings. It is required that negotiations leading to the award of such contracts are instituted prior to the close of such fiscal year, i.e., that the Requests for Proposals are issued and the resulting contracts are thereafter awarded in a timely manner. In requesting class determinations and findings, the supporting information will be as detailed as the supporting information required for an individual determinations and findings under the particular section of the Act involved. In addition, the principal items of CFE, as defined and within the purview of AFR 70–9 (System Procurement) to be developed by or incorporated in the production and item by the contractor(s) will be itemized and explained. When the determinations and findings covers a weapon or support system, the major subsystems only will be itemized. When it covers a major subsystem, the major CFE equipments

and components will be itemized. CFE items which are not within the scope of the approved determinations and findings will be listed in the letter forwarding the signed determinations and findings.

* * * * *

2. In § 1003.306(b), subparagraph (3) "Limitation" is redesignated as paragraph (c); and in paragraph (d)(3) a new sentence is added.

Paragraph (d)(3) now read as follows:

§ 1003.306 Procedure with respect to determinations and findings.

* * * * *

(d) * * *

(3) The letter transmitting a determinations and findings to the Secretary is an important document which will be responsive to the requirements imposed by the individual determinations involved. In addition, the letter of transmittal will reference previous determinations and findings, if any, authorizing negotiation for the same item during the past 2 fiscal years and will state the required contract placement date for the current request. Review and approval of determinations and findings will be handled by indorsement through all command levels.

* * * * *

Subpart F—Small Purchases

§ 1003.605–2 [Deleted]

1. Section § 1003.605–2 is deleted.

2. Present § 1003.605–3 is deleted and the following inserted:

§ 1003.605–3 Establishment of blanket purchase agreements.

(a) and (b) No implementation.

(c) The accounting and finance office will be furnished information on obligation of funds by one of the following methods:

(1) A copy of the call register showing the totals of the appropriations obligated and signed by the contracting officer will be furnished at the end of each month.

(2) Where the procurement office uses DD Form 250, DD Form 1155, or informal correspondence as a call document a copy of the document may be signed by the contracting officer and furnished daily or periodically during the month.

3. New § 1003.608–50 is added as follows:

§ 1003.608–50 Blanket delivery orders.

Blanket delivery orders (BDO) against indefinite delivery contracts will be issued monthly or prior to the beginning of each fiscal quarter.

(a) The procedures set forth below apply to: (1) Products listed in Supply Bulletins issued by the Defense Subsistence Supply Center. However, permission must be obtained from the supplier if not specifically authorized by the Supply Bulletin.

(2) Commissary requirements not listed in Supply Bulletins.

(3) All services of a recurring nature.

(4) Motor vehicle and equipment repair parts obtained from an on-base contractor-operated vehicle parts store.

(5) All other supplies provided the procurement office schedules deliveries.

(b) Upon receipt of the purchase request, the contracting officer will submit a delivery order (DD Form 1155) to the contractor for the estimated requirements for the period covered. The delivery order will not itemize the items listed on the contract, but will cite the appropriate accounting classification and will contain a statement similar to the following:

> For _____ products covered by Contract No. _____ to be delivered during the months of _____ as scheduled by the _____ officer. Aggregate monetary total of all deliveries made against this delivery order shall not exceed $_____ unless authorized in writing by the contracting officer.

(c) The activity scheduling deliveries set forth in the contract will maintain informal records against the delivery orders to insure that the designated monetary limitations are not exceeded. Orders will be placed in numerical sequence and recorded. The sequence of recording deliveries will run for the duration of the BDO.

(d) On the last day of the month the requiring activity will prepare a consolidated receiving report (by line item of the contract) for all deliveries made during the monthly period. Obligations will be recorded and reported in the month in which they are incurred. One copy of each consolidated receiving report prepared shall be furnished to complete the files in the base procurement office.

(e) Requirements Contracts and Delivery Orders for Commissary Resale items will coincide with the inventory date (e.g., 25th of each month) of the commissary. Items will be reported for the month for which the consolidated receiving report is prepared. Delivery order numbers should be taken from the register sufficiently in advance so as to come within the subsequent month's business.

(f) When it is desired to allow the requiring activity to schedule deliveries of supplies not authorized in paragraph (a) of this section, request for approval with complete justification will be forwarded to AFLC (MCPPL).

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENTS

Subpart A—Procurement of Construction

In § 1004.150–4 the introductory paragraph is revised as follows, and the last undesignated paragraph is deleted.

§ 1004.150–4 Criteria for use.

The following procedures are authorized for use wherein the cognizant civil engineering office:

* * * * *

Subpart X—Contract Vehicle Maintenance

In § 1004.2402(a) the term "blanket purchase agreements" and the reference are amended; and in paragraph (e)(1) the two symbols "BPA" are changed to "BDO." As amended, paragraph (a) now reads as follows:

§ 1004.2402 Contracts for vehicle maintenance.

(a) *General.* The contracting officer will select the type of contract which will afford maximum competition from qualified sources. Blanket delivery orders (BDO) will be issued according to § 1003.608–50 of this subchapter when indefinite delivery type contracts are used.

* * * * *

Subpart Y—Packing and Crating

Present § 1004.2502 is deleted and the following inserted, as follows:

§ 1004.2502 Placement of calls against basic contract.

The procedures established herein provide for placement of calls by an individual located in the base procurement office, a person designated by a blanket delivery order, or a contracting officer located in the transportation office against a BDO established by the contracting officer (base procurement) for a specified period in an estimated amount.

(a) General: Individuals authorized to place calls, when in receipt of Special Orders authorizing movement of household goods and citing funds, will assume that funds have been committed for the packing and crating requirement incident to the movement of the individual named in the Special Orders.

(b) The person placing oral calls will establish a control record at the beginning of each month indicating the call number, name of individual for whom services are to be performed, date of placement of call, Special Order Number, voucher number, date payment was made, amount and accumulated expenditures. In no event will the sequence of call numbers be interrupted. The accumulated expenditure will be brought forward to the control record for the next month. At the end of each month the amount column should be totalled for reporting purposes.

(c) Calls will be numbered according to § 1003.605–3(c) of this subchapter.

(d) Prior to contacting the contractor to place a call the individual authorized to place calls will be furnished a copy of the Special Order indicating the individual for whom services are to be ordered and a form letter in duplicate indicating date and place of pickup, estimated weight of household goods, special markings, destination, and any other information required incident to the services to be performed. On receipt of the above information, he will contact the contractor, establish a firm pickup date, and issue a call number from control records. This information will then be placed on a duplicate copy of the form letter and returned to the transportation officer who will use this information when preparing the Standard Form 1034. In addition the transportation officer will

keep the contracting officer informed of contractor performance on a daily basis to assure contractor compliance.

(e) Wherever possible calls should be placed in the month in which services are to be performed. Services should be scheduled no more than 48 hours in advance if call is placed during the last 2 days of a month.

(f) Payment for services rendered may be on a consolidated monthly basis or at more frequent intervals as determined by the contracting officer. Payment vouchers should not reflect services performed in more than 1 month.

(g) The contractor's invoices for services will be directed to the transportation officer who will place upon them a certificate of services rendered. The transportation officer will then periodically (normally at the end of each month) prepare Standard Form 1034 setting forth each call number, individual for whom services were performed, special order number, the dollar amount, and citations of the various funds set forth in the special orders with the total amount chargeable to each and add necessary special orders and vendors invoices and forward them to the contracting officer. The contracting officer will then certify Standard Form 1034 and forward the entire package to accounting and finance for payment.

(h) The transportation officer will be responsible for performing technical assistance and for notifying the contracting officer of noncompliance with contractual requirements.

PART 1006—FOREIGN PURCHASES

Subpart T—Offshore Procurement

In § 1006.2005, paragraph (c) is revised to read as follows:

§ 1006.2005 Prohibitions.

* * * * *

(c) *Purchases from sources in the continental United States.* With the exception of the procurement activities listed in subparagraph (1) of this paragraph, contracting officers in oversea commands, including United States possessions, will not normally effect base procurement of supply items from sources within the continental United States. However, BUSH (Buy United States Here) contracts may be effected with domestic as well as foreign sources; also, urgent requirements including medical supplies, which are readily available from domestic sources, may be procured, provided these procurements are consistent with the Department of Defense balance of payments program. When supplies are not available for base procurement from sources in the oversea area, and the purchase is not for an urgent requirement procured from a CONUS source the procedures contained in paragraph 26, Chapter 8, Part One, Volume I, AFM 67–1 will be followed.

* * * * *

PART 1007—CONTRACT CLAUSES

Subpart A—Clauses for Fixed-Price Supply Contracts

§§ 1007.103–22; 1007.104—1007.104–28; 1007.105–5 [Deleted]

1. Sections 1007.103–22, 1007.104 through 1007.104–28 and 1007.105–5 are deleted.

2. Section 1007.105 is amended by the deletion of the reference and now reads as follows:

§ 1007.105 Additional clauses.

The following instructions pertain to the use of such clauses.

Subpart N—Special Clauses

1. In § 1007.4028(a), clause paragraph (c)(3) is revised to read as follows:

§ 1007.4028 Estimated requirements.

(a) * * *

ESTIMATED REQUIREMENTS (JANUARY 1963)

* * * * *

(c) * * *

(3) When it is contemplated that a BDO will be used to place requirements against the contract, the third sentence of Paragraph (b) may be changed to "Delivery orders for supplies or services shall be issued by the Contracting Officer in writing, dated and numbered." Subparagraph (ii) will be deleted.

* * * * *

§§ 1007.4051; 1007.4063 [Deleted]

2. Sections 1007.4051 and 1007.4063 are deleted.

PART 1011—FEDERAL, STATE AND LOCAL TAXES

Subpart C—State and Local Taxes

Present § 1011.351 is deleted and the following inserted:

§ 1011.351 Texas sales and use tax—construction contracts.

(a) A construction contractor (or subcontractor) may purchase materials exempt from Texas Limited Sales, Excise and Use Tax if his contract (or subcontract) provides separate amounts applicable to the performance of services and furnishing of the materials.

(b) Instructions for preparation of construction contracts in Texas.

(1) The following statements will be included in Invitations for Bids on fixed price construction contracts to be performed in Texas:

The contract to be awarded will be a construction contract which contains separate amounts applicable to the performance of the services and the furnishing of the materials as defined in Article 20.01(T)(2), Title 122A, Revised Civil Statutes of Texas, and Ruling No. 9, Comptroller of Public Accounts. The bidder awarded the contract, must obtain a Limited Sales, Excise and Use Tax Permit as provided by Texas law. Exemption from Texas Limited Sales, Excise and Use Tax for materials to be incorporated by the contractor (and his subcontractors) into the structure or improvement of real estate must be secured under the terms of cited law and regulation and bid prices should not include any element for this tax on such materials.

The contract will be awarded to bidders on the basis of the total of the amounts bid applicable to material to be incorporated into the structure or improvement and the amounts applicable to the performance of services and other obligations of the construction contract.

(2) The following will be printed on the bid from (construction):

Materials to be incorporated into the structure or improvement upon real estate---------- $------
Services and other obligations of construction contract---------- $------
Total ---------- $------

(3) The contract should include the separate amounts and total price bid and an additional general provision as follows:

This contract contains separate amounts applicable to the performance of the services and the furnishing of materials as defined in Article 20.01(T)(2), Title 122A, Revised Civil Statutes of Texas.

The contractor has or will obtain a Limited Sales, Excise or Use Tax Permit, as provided by Texas law and regulation.

If the contractor awards any subcontract of $10,000 or more under this contract, such subcontract(s) shall contain separate amounts applicable to the performance of services and the furnishing of materials.

Notwithstanding any other provisions of this contract, the contract price does not include any amount for Texas Limited Sales, Excise or Use Tax on materials to be incorporated by the contractor (or subcontractors in compliance with the above) into the structure or improvement of real estate. The Government agrees to furnish the contractor, upon request, appropriate tax exemption certificates. In the event the contractor is required to bear the burden of excluded tax, by reason of failure to furnish exemption certificates, or otherwise, without fault of the contractor, the contract price will be correspondingly increased.

(4) Modifications of such contracts should, where appropriate, similarly indicate separate amounts applicable to such materials and for services and the exclusion of subject tax.

PART 1013—GOVERNMENT PROPERTY

Subpart F—Use of Government-Owned Industrial Facilities on Work Other Than for a Military Department

New §§ 1013.608 and 1013.608–50 are added as follows:

§ 1013.608 Control of Government property.

It is provided in § 30.2, appendix B paragraph 205.5 and § 30.3, appendix C, paragraph 103.3 of this title, that property to which the Government has acquired a lien or title solely as result of partial, advance, or progress payments will not be controlled under the procedures of either Manual. The foregoing means that for the purposes of accounting, control, identification, etc.,

that such property will not be subject to the procedures established for Government property defined as Government-furnished or contractor-acquired. Nothing in the foregoing intends that the Government's title or right of title to such property is in any way lessened. Accordingly, when a development under the contract requires that action be taken to protect the Government's interests, the handling, disposition, etc., of such property will be subject to the provisions of the Default clause, Termination clause, or Special Tooling clause, as applicable.

§ 1013.608–50 Delegations of authority.

The commanders, AFLC and AFSC, have been delegated the authority to (a) Control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (b) grant deviations, in individual cases, from established policy with respect to record requirements on such property, (c) appoint property administrators, and (d) authorize multicontract cost and material control systems. This delegation does not include authority to act on policy matters relating to furnishing Government-owned industrial property and the control thereof, except as specifically stated.

(1) The Commander, AFLC, has vested the authority contained in this section in the Director and Deputy Director of Procurement and Production, Hq AFLC. The Director of Procurement and Production, Hq AFLC, has further delegated authority to (i) Control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (ii) grant exceptions, in individual instances, according to § 1030.2, paragraph B-301 of this subchapter, with respect to the policy that contractor's records will be designated and used as official contract records, and (iii) appoint property administrators, to the following, subject to limitations set forth herein:

(a) Commanders and vice commanders of major air commands (AFSC and OAR with respect to base procurement only) with power of redelegation limited to the level of a staff officer responsible for procurement within command headquarters and within the headquarters of the first echelon of command immediately subordinate to a major command (numbered Air Force Hq Transport Air Forces and Aeronautical Chart and Information Center or comparable level).

(b) Commanders and deputy commanders of AFLC field procurement activities with power of redelegation limited to that authority cited in paragraph (d)(1)(ii) of this section to the staff officer responsible for procurement matters, provided such officer is not below the level of the director of procurement and production at the air materiel area level, or equivalent organization. Authority contained in paragraph (d)(1)(i) and (iii) of this section is not subject to further redelegation.

(c) Commanders and deputy commanders of air procurement regions (AFRE and APRFE) with power of redelegation limited to a staff officer responsible for procurement or contract administration.

(b) The Commander, AFSC, has vested the authority contained in this section in the Deputy Chief of Staff, Associate Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, Hq AFSC, with power of redelegation. The Deputy Chief of Staff, Procurement and Production, Hq AFSC, has delegated authority to (1) Control Government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (2) grant exceptions, in individual instances according to § 1030.2, paragraph B-301 of this subchapter, with respect to the policy that contractor's records be designated and used as official contract records, and (3) appoint property administrators to the following:

(i) Commander, Office of Aerospace Research, with power of redelegation limited to the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to OAR.

(ii) Commanders and deputy commanders of AFSC divisions.

(iii) Commanders and deputy commanders of contract management regions or the AF contract management division with power of redelegation limited to chiefs, contract management districts, test site offices, and AF plant representatives.

(iv) Commanders and deputy commanders of AFSC centers.

(c) Staff supervision and technical direction over the authority in paragraphs (a) and (b) of this section will be exercised by the following:

(1) The Field Operations Branch (MCPKF), Hq AFLC, which will exercise staff supervision and technical direction over the control of Government-owned industrial property for all elements of the Air Force, except AFSC and OAR. MCPKF's responsibility relative to AFSC and OAR in this area is limited to base procurement only. MCPK is authorized to grant deviations from established policy in regard to record requirements and authorize multicontract cost and material control systems (AFSC and OAR with respect to base procurement only).

(2) The Property and Plant Clearance Division (SCKAP), Hq AFSC, which will exercise staff supervision and technical direction over the control of Government-owned industrial property within AFSC and OAR other than base procurement. SCKAP is authorized to grant deviations from established policy in regard to records requirements and authorize multicontract cost and material control systems for AFSC and OAR other than base procurement.

(d) The granting of deviations (i.e., waiver of further accounting and auditing requirements) is limited to instances where: (1) The contract(s) involved have been completed and final payment made, (2) reconstruction of the property records in technical compliance with § 30.2, appendix B and § 30.3, appendix C of this title would serve no constructive purpose, and (3) it is determined, after investigation and documentation of the inadequacies, that waiver of further accounting and auditing action would be in the best interest of the Government.

Subpart X—Facility Expansion Procedure

Sections 1013.2403–1 and 1013.2403–2 are revised to read as follows:

§ 1013.2403–1 Preliminary facilities application.

Preliminary applications are used to establish early identification of additional or replacement facilities requirements as an aid in planning and budgeting and for initiating facilities expansions in directed programs. Procuring activities will review current and projected programs under their respective sponsorship. When the requirement for additional or replacement facilities is indicated, including capital type rehabilitation (nonrecurring maintenance) of Government-owned plants, the contractors or prospective contractors will be requested to furnish preliminary applications utilizing AFPI Form 16, Industrial Facilities Program, prepared in accordance with AFPI Form 16A, Instructions for Preparation of AFPI Form 16, covering their requirements by individual location and fiscal year for each project. DD Form 1106, Plant Equipment Replacement Work Sheet, will be prepared and included with each AFPI Form that involves facilities replacement (modernization) requirements. The preliminary application may lack complete description of facilities; however, the information as submitted should provide reasonable cost estimates. In cases of development or other programs (RDT&E), and where the contractors are unknown, the AF sponsoring activity will prepare and submit the AFPI Form 16 for their specific projects. AFPI Forms 16 will be submitted at the earliest practical date, but no later than August 1st of the year preceding the fiscal year in which the facilities are required to the cognizant contract administration activity. Following initial appraisal and correction of any deficiencies, the contract administration activity will submit AFPI Form 16 with appropriate recommendations to the cognizant AFSC division not later than August 10th. One advance information copy of the AFPI Form 16 will be forwarded direct to AFSC (SCKMI). Formal applications will follow as soon as practicable.

§ 1013.2403–2 Contractor's formal application for facilities.

A separate formal application for Government provided facilities is required for each facilities project. The formal application consists of three documents: Industrial Facilities Program, AFPI Form 16; attachment to the AFPI Form 16 providing information pertinent to paragraphs (a) through (h) of this sec-

tion; and an appendix "A" prepared according to instructions in § 1013.2404.

NOTE: Where AFPI Form 16 has been furnished as a preliminary facilities application, formal application for facilities will provide only that data applicable to paragraphs (a) through (h) of this section plus the appendix "A".

(a) *Financial progress.* Provide a 5-year summary of the contractor's financial progress as follows, by company division, if appropriate:

Year	Net profit	Dividends paid	Invested in facilities	Depreciation charged	Net company-owned facilities after depreciation	Retained income
1960						
1961						
1962						
1963						
1964						

(b) *Subcontracting.* Percentage of subcontracting planned by dollar amount and/or percent of total effort. Justify reasons for not subcontracting additional items. To the degree possible, identify subcontractors and items to be subcontracted. If facilities are anticipated for subcontractors, identify.

(c) *Complete facility.* Does the proposal constitute a complete facility? If not, what elements are not included, and how will they be provided?

(d) *Information concerning floor space.* If additional floor space will be required for the proposed expansion, the following information should be provided:

(1) Floor space in existing buildings (on location pertaining to this expansion) broken down into productive and nonproductive areas by the following categories: AF owned, privately owned, and leased.

(2) Portion of the above space now devoted to aerospace production broken down in the same categories.

(3) The floor space in addition to that currently devoted to aerospace production to be used for the proposed expansion, broken down in the same categories. Indicate proposed method of acquisition of additional floor space required to support this proposal.

(e) *Information concerning labor (as applicable to this project).* (1)—

	I Direct employment (military contracts)	II Direct employment (nonmilitary contracts)	III Indirect employment	IV Total employment (Col I+II+III)
(i) Current employment				
(ii) Additional planned employment for previous submitted expansion proposals (approved or pending).[1]	----------	xxxxx		
(iii) Additional planned employment (new hires) as a result of this expansion proposal.[1]	----------	xxxxx		
(iv) Additional estimated employment needed to meet scheduled peak requirements on nonmilitary production.	xxxxx			
(v) Total planning employment (items A+B+C+D)				
(vi) Maximum employment which could be utilized effectively on a 1-shift operation.				

[1] This figure is a net increase in employment. It includes only newly recruited employees. It excludes training and upgrading of unskilled and semiskilled workers presently employed and presently employed workers made available for military production through "phasing out" projects or through intraplant rearrangements.

(2) (i) On what date will planned peak employment be attained under this proposed facilities expansion?

(ii) On what date will planned total peak employment on nonmilitary production be attained?

(3) List below additional (new hires) special technical or skilled personnel[1] required for:

Job title	Full utilization of present and previously authorized facilities on military production	Full utilization of present and planned facilities on nonmilitary production	Maximum employments as a result of facilities requested in this proposal

(4) (i) Estimated number of workers required who must be recruited outside of the local labor market.

(ii) Are local housing and rental units available at reasonable rates for the necessary in-migration?

(iii) If new construction is necessary, estimate the number of units which must be constructed.

(5) What are the conditions of access roads to the plant and to the surrounding communities from which labor will be drawn?

(6) What is the normal commuting range to your plant?

(7) Is there bus service between the facility and the various localities in which present and future employees live?

(ii) If not can such service be arranged during the hours when the shifts are changing?

(8) List any manpower problems anticipated in the performance of this contract not covered above:

(f) *Information concerning screening of existing facilities (as applicable to this project).* (1) Have lists of available reserve plants of all three departments been screened? Identify and give brief explanation for rejection of facilities which appear to be suitable.

(2) Have production equipment inventories been screened?

(3) Have non-stock-listed inventories been screened?

(4) With respect to test facilities, are Government-owned facilities available, and if so, why are they not being used?

(5) Can production be effected in Government-owned—Government-operated facilities, e.g., arsenals, shipyards, or rehabilitated facilities, except for production for inventory.

(g) *Facilities clause.* Where applicable, quote the facilities clause in the procurement (end item) contract which refers to the facilities to be provided. Also give procurement contract number and date effected or anticipated date of procurement contract coverage.

(h) *Royalties charge data.* Applications for facilities which contemplate an expenditure estimated to be in excess of $10,000 and the payment of a royalty charge in excess of $250 will contain the information required by § 9.110(a)(2)(i) of this title. All facilities applications of an estimated cost in excess of $10,000 for which royalties are estimated at less than $250 will contain a statement of that fact. In applying this provision only royalties to be reimbursed under the facilities contract or other contract under which the facilities are to be provided will be considered.

Subpart Y—Industrial Real Property—Construction, Rehabilitation, Modification and Alteration

Sections 1013.2501(c), 1013.2502(k), 1013.2503 (a) and (h), 1013.2504 and 1013.2504–1 are revised to read as follows:

§ 1013.2501 Applicability of subpart.

* * * * *

(c) Under the surveillance of Deputy Chief of Staff, Systems and Logistics, Hq USAF, AFSC is responsible for the over-all management of the AF industrial facilities programs. The Industrial Facilities and Property Administration Division (SCKMI), Hq AFSC, is the responsible office. The industrial facilities activity of the AFSC division will manage the industrial facilities program.

§ 1013.2502 Definitions.

* * * * *

(k) Technical supervision: Evaluation, approval of plans and specifica-

[1] Includes only workers in hard-to-recruit categories such as engineers, tool and die makers, etc.

tions, supervision and inspection of expansions, changes, or alterations of any AF industrial property operated by a contractor under a facilities contract, will be the responsibility of the facilities contracting officer. Arrangements for technical assistance in reviewing facility projects will be accomplished by the facilities contracting officer, when appropriate, with local AF laboratories, offices of the judge advocate and civil engineer, or any other available DOD technical service or agency.

§ 1013.2503 General provisions.

(a) All Government-owned real property operated by a contractor under a separate facilities contract will receive over-all program management from the industrial facilities organization of the AFSC division. The cognizant facilities contracting officer will insure that proper and adequate contractual coverage, adequate and effective engineering supervision is provided, and that the necessary coordination of projects within the Department of Defense is obtained from Hq USAF through AFSC (SCKMI) when required, according to current regulations and directives.

* * * * *

(h) Construction and rehabilitation requirements will be included in the industrial facilities program and will be submitted in accordance with § 1013.2403 of this part as amended.

§ 1013.2504 Minor or major projects.

After review of the industrial facilities program by the division, proposed construction and/or rehabilitation projects will be designated "minor" or "major," and an appropriate assignment number will be affixed to each major project. Should cognizance of the contract under which a construction or rehabilitation project is covered be reassigned from the initiating division to another division, the management responsibility for the project changes with the contract.

§ 1013.2504–1 Capital type rehabilitation (nonrecurring maintenance).

All requirements for nonrecurring maintenance (CTR) will be included in the industrial facilities program and will be submitted according to § 1013.2403 of this part. The expected future usage of the real property concerned and the necessity for protection of Government property will be major factors in development and approval of such projects.

2. In § 1013.2504–2 the last sentence has been amended. This section now reads as follows:

§ 1013.2504–2 Minor projects.

Normally minor projects will not be assigned a project number. In such cases local building codes will be complied with as a matter of policy. In cases requiring close technical support, or coordination under interservice agreements, a minor project number will be assigned. In such cases, technical supervision will be provided.

3. In § 1013.2504–3 paragraphs (b) (15), (c), and (d) have been amended and now read as follows:

§ 1013.2504–3 Major projects.

* * * * *

(b) * * *

(15) * * *

Two bound ozalid copies with the project identification and number on the binding, will be forwarded to the cognizant division. The division will perform engineering and cost evaluations of the proposal. One marked copy will be returned, through channels, to the contractor with technical review comments which will include authorization from the facilities contracting officer to proceed with the third phase.

(c) * * *

Approved by:

(Air Force supervising engineer—cognizant division)

Approved by:

(Air Force facilities contracting officer—cognizant division)

* * * * *

(d) *Fourth phase—construction.* Change orders issued by the contractor during construction affecting previously approved plans and specifications will be reviewed by the cognizant division as they occur, and if authorized, will be approved by the appropriate facilities contracting officer to whom the facilities contract is assigned.

4. In § 1013.2505, the first sentence of the introductory portion of paragraph (e) has been amended, and a new subsection (3) has been added to the certification in subparagraph (1)(vi) of paragraph (e). As amended these portions now read as follows:

§ 1013.2505 Inspection and acceptance.

* * * * *

(e) At the time of completion of construction a physical inspection of the project will take place. Deficiencies in portions of the construction work required by the contract or lack of specific items of equipment need not necessarily delay the transfer of usable new construction. The completed work for all major construction projects will be documented by the prime contractor and the certification and acceptance will be evidenced by a receipt containing the following summary data:

(1) * * *

(vi) Certification:

* * * * *

Accepted by:

* * * * *

(3) (Air Force Facilities Contracting Officer.)

5. In § 1013.2506(c), subparagraph (1)(viii)(*b*) and the last sentence of the Note at the end of the section have been amended, as follows:

§ 1013.2506 Reports.

* * * * *

(c) * * *

(1) * * *

(viii) Design and specifications.

* * * * *

(*b*) Facilities contracting officer approval ---------- (date).

* * * * *

NOTE: * * * BOB approval 21–R–138 is assigned to this report.

PART 1016—PROCUREMENT FORMS

Subpart E—Special Contract and Order Forms

§§ 1016.505–1016.505–51 [Deleted)

Sections 1016.505 through 1016.505–51 are deleted.

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart B—Requests for Contractual Adjustment

1. In § 1017.203, paragraphs (a) and (b) are revised and § 1017.205–2 is revised, as follows; and in § 1017.205 the text is deleted.

§ 1017.203 Authority of other officers and officials.

* * * * *

(a) The Commander, AFLC, has redelegated his authority to the Director of Procurement and Production and to the Deputy Director of Procurement and Production, Hq AFLC.

(b) The Commander, AFSC, has redelegated his authority to the Deputy Chief of Staff, Procurement and Production, to the Director of Procurement, and while he is so acting as the Director of Procurement, to the Deputy Director of Procurement, Hq AFSC. However, the Commanders, AFSC and AFLC have agreed that requests for contractual adjustment arising under contracts of the Air Force Systems Command will be treated in the same manner as requests under paragraph (c) of this section.

* * * * *

§ 1017.205–2 Additional limitations upon authority below Secretarial level.

In addition to the limitations in § 17.205–2 of this title, officers and officials below the Secretarial level will not approve contractors' requests, regardless of dollar amount, if implementation of the approval would require action at the Secretarial level; for example, if a determination and findings under 5 U.S.C. 55a (P.L. 600, 79th Cong., as amended by P.L. 86–370, 86th Cong.) would be required. Such requests may be denied or submitted to the Air Force Contract Adjustment Board (see § 17.203(a) (1) and (3) of this title).

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

§§ 1053.406–1053.406–6 [Deleted]

Sections 1053.406 through 1053.406–6 are deleted.

PART 1054—CONTRACT ADMINISTRATION

Subpart O—Preparation and Issuance of Shipping Instructions

In § 1054.1502(b), subparagraphs (2) and (3) are revised to read as follows:

§ 1054.1502 Application.

* * * * *

(b) * * *

(2) Shipping instructions for base procurement as defined in § 1001.201–54 of this subchapter.

(3) Shipping instructions for complete aircraft, target drones, and missiles (excluding guided aircraft rockets) in Federal Supply Class 1410, 1510, and 1550 will be issued by the Aerospace Vehicles Distribution Office (SGLA), Directorate of Air Force Support, Hq AFLC, directly to the plant representative or contract management office.

* * * * *

PART 1057—REPORTS

Subpart C—Systems of Assigning and Reporting Aircraft, Guided Missile, Ballistic Missile and Target Drone Serial Numbers

Section 1057.302 is revised to read as follows:

§ 1057.302 Requirements.

(a) AF serial numbers will be assigned (under the conditions defined in paragraph (b) of this section) to:

(1) Aircraft (production and experimental models).

(2) Target drones (production and experimental models).

(3) Missiles (including boosters).

(4) Space vehicles (including boosters).

(b) AF serial numbers will be assigned to above items under the following conditions:

(1) All items under paragraph (a) of this section procured for AF use regardless of procuring agency.

(2) All items in paragraph (a) of this section procured on AF contracts for Mutual Security Program, Military Assistance Program, Mutual Security Military Sales, Navy program and any other aircraft not covered in these programs for which the AF has support responsibilities. (In the case of the Navy program, the AF serial number will be for administrative purposes only and must be cross-referenced with the Navy serial number.)

(3) To flyable static test articles for convenience only and will be cancelled upon arrival of the articles for static tests.

(4) All aircraft (paragraph (a)(1) of this section) procured for the Army regardless of procuring agency.

(Sec. 8012, 70A stat. 488, secs. 2301–2314, 70A stat. 127–133, 10 U.S.C. 8012, 2301–2314) [AFPI Rev. Nos. 56, July 29, 1965 and 57, Aug. 31, 1965. AFPC Nos. 24, Aug. 17, 1965; 27, Aug. 27, 1965; 30, Sept. 7, 1965; 31, Sept. 9, 1965; 32, Sept. 10, 1965; 33, Sept. 14, 1965; 34, Sept. 15, 1965]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–11488; Filed, Oct. 26, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 151—FEDERAL FINANCIAL ASSISTANCE FOR RESEARCH AND RESEARCH RELATED ACTIVITIES IN THE FIELD OF EDUCATION AND FOR CONSTRUCTION OF NATIONAL AND REGIONAL RESEARCH FACILITIES

Part 151 establishes rules and regulations for the administration of research and research related activities under the Cooperative Research Act, P.L. 83–531, 68 Stat. 533, 20 U.S.C. 331–332b, as amended by P.L. 89–10, 79 Stat. 27.

Grants made and contracts executed pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88–352).

Part 151 reads as follows:

Subpart A—General Provisions

Subpart B—Grants and Contracts

Subpart C—Training

Subpart D—National and Regional Research Facilities

AUTHORITY: The provisions of this Part 151 are promulgated under the authority of 5 U.S.C. 22. Interprets or applies 20 U.S.C. 331 et seq.

Subpart A—General Provisions

§ 151.1 Scope and purpose.

The rules and regulations in this part govern programs of Federal financial assistance by the U.S. Commissioner of Education for the conduct of research, research related activities, and the construction of national and regional research facilities pursuant to the provisions of the Cooperative Research Act, P.L. 83–531. These programs of financial assistance may include grants and contracts with eligible parties under the Cooperative Research Act.

§ 151.2 Definitions.

As used in this part:

(a) "Act" means the Cooperative Research Act (P.L. 83–531), 20 U.S.C. 331.

(b) "Applicant" means an eligible party seeking Federal financial assistance under the Act and this part.

(c) "Colleges and Universities" means institutions of higher education awarding a bachelor's or higher degree or offering not less than a two year program acceptable for credit toward such a degree, accredited or approved by a nationally recognized accrediting agency by a State Department of Education, by a State university, or such institutions operating under public control. This definition shall include but not be limited to institutions known as "Junior Colleges," "Community Colleges," and "Vocational or Technical Colleges" where these meet the above requirements.

(d) "Commissioner" means the United States Commissioner of Education.

(e) "Construction and cost of construction" means:

(1) the construction of new buildings and the expansion, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or off-site improvements, and

(2) equipping new buildings and existing buildings, whether or not expanded, remodeled, or altered.

(f) "Curricular capability" means programs, courses, activities and materials required to provide training in research and research related activities in the field of education.

(g) "Dependent" means an individual receiving more than one-half his support from a trainee (1) who is that trainee's spouse, child (including step-child), parent (including stepparent or parent-in-law) or (2) for whose support the trainee is legally responsible.

(h) "Equipment" includes, in addition to machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house them, all other equipment necessary for the operation of the particular type of research or research related activities to be provided by a facility, but does not include consumable supplies.

(i) "Facility" means one or more structures in one or more locations, constructed or to be constructed pursuant to section 4 of the Act and this part.

(j) "Fiscal year" means the period beginning on the first day of July and ending on the following June 30. (The calendar year of the ending date is used to designate the fiscal year.)

(k) "Nonprofit" as applied to any agency, organization, or institution means an agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(l) "Program plan" includes in the case of national and regional laboratories the soundness of organizational structure and extent of involvement of both institutions of higher education and local school systems throughout the Nation or region.

(m) "Research and research related activities" means research, research training, surveys, or demonstrations in the field of education, or the dissemination of information derived therefrom, or all of such activities, including (but not limited to) experimental schools, except that such term does not include any such activities in the field of sectarian instruction.

(n) "Secretary" means the Secretary of Health, Education, and Welfare.

(o) "Site" means any location or locations on which a facility is constructed or to be constructed pursuant to section 4 of the Act and this part.

(p) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(q) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State's supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the governor or by State law.

(r) "Training staff" means persons whose duties are related to the preparation of other persons to engage in research and research related activities in the field of education.

Subpart B—Grants and Contracts

§ 151.3 Eligible parties.

Except as otherwise specifically provided in this part, an eligible party is a university or college or other public or private agency, institution, or organization, and an individual, provided that no private agency, organization, or institution other than a nonprofit one may receive a grant.

§ 151.4 Applications for grant.

An application for a grant of Federal financial assistance under this part must be filed with the Commissioner by the applicant and shall be executed by the applicant or an official or representative of the applicant duly authorized to make such application. The application shall contain such information as the Commissioner may require for any program under this part and shall provide any assurances which may be required. The Commissioner may require an applicant to file such additional information, documents, written statements, justification and exhibits as he may deem necessary. Where he deems it necessary or desirable for the efficient administration of a particular program, the Commissioner may require the applicant to submit a preliminary proposal for review and approval prior to the acceptance of the application required for any program. The Commissioner may also establish and announce "cut-off" dates for the filing of applications for any program where he deems it necessary for the efficient administration of the particular program.

§ 151.5 Priorities.

(a) Except as otherwise specified, application for each program will be considered as nearly as possible in the order in which they are received by the Commissioner.

(b) The Commissioner may at any time:

(1) Defer action on any application or on groups of applications;

(2) Institute priorities for the consideration and approval of applications, if in his judgment the funds available are not or may not be sufficient to cover the amounts requested in applications then pending, or if he determines that such action is necessary to promote or otherwise achieve the objectives of the Act and this part.

§ 151.6 Advice and recommendations on applications.

The Commissioner will, prior to the approval of any application under section 2(a) of the Act, obtain and consider the advice and recommendations of a panel of competent specialists who are not employees of the Federal Government.

§ 151.7 Criteria.

In addition to whatever other criteria may be specified with regard to a particular program or project all applications will be evaluated on the basis of the following criteria:

(a) The soundness of program or project plan;

(b) The likelihood of securing productive results;

(c) The adequacy of resources to conduct the proposed program or project; and

(d) The relationship of the proposed program or project to other similar programs or projects already completed or in progress.

§ 151.8 Approval of applications.

After consideration of any application and the advice and recommendations of appropriate specialists as set forth in § 151.7 above, the Commissioner may approve or deny the application, or he may approve the application subject to conditions he deems necessary or desirable.

§ 151.9 Amount of grant.

The Commissioner may approve any application for the full amount of the grant requested, or for such lesser or greater amount as he may deem necessary or desirable for the completion of the approved program or project.

§ 151.10 Acceptance of grant.

In each case where an application shall be approved by the Commissioner, he shall notify the applicant in writing of such approval and the conditions imposed on the grant, if any. The applicant shall inform the Commissioner of its acceptance of the grant within 30 days of receipt of the Commissioner's notice of application approval and the grant shall not be effective until receipt of the applicant's acceptance by the Commissioner. Failure to accept the grant within this period will permit the Commissioner to rescind the grant without further notice to the applicant.

§ 151.11 Revocation of grant.

(a) Any effective grant may be revoked by the Commissioner on any of the following grounds:

(1) Failure of the grantee to commence the approved program or project within a reasonable period of time.

(2) Failure of the grantee, in a noncontinuing type of program or project, to complete the program or project within a reasonable period of time.

(3) Failure of the grantee to use Federal funds for the purposes for which granted.

(4) Failure to comply with any grant requirement or condition or any requirement of State or Federal law.

(b) If an effective grant is revoked pursuant to this part, the Commissioner will pay no further Federal funds to the grantee under that grant and may take whatever steps he deems necessary or desirable to protect the Federal financial interest.

§ 151.12 Termination of grant.

(a) Any effective grant may be terminated by the Commissioner where he determines that the program or project is no longer susceptible of productive results.

(b) Where action is taken under this section, the Commissioner may authorize the expenditure of Federal funds in such amounts as he may deem necessary for the purposes of terminating the program or project financed by the grant which is being terminated.

§ 151.13 Grant payment procedures.

Payments of grants will be made from time to time in such amounts as may be determined by the Commissioner to be needed to reimburse grantees for costs incurred or to be incurred in carrying out of the approved program or project. Such amounts will be determined on the basis of requests for reimbursement submitted by grantees, cost estimates which may have been submitted, and such other information as the Commissioner may request or have available. For payment procedures with regard to construction programs or projects, see § 151.44.

§ 151.14 Allowable costs.

Allowable costs for any approved program or project shall be determined in accordance with, and governed by, the principles and procedures set forth in Bureau of Budget Circular No. A21 or such other Federal requirements concerning cost determination that may be applicable.

§ 151.15 Effect of payments.

Neither the approval of any application or administrative budget nor any payment to a grantee shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the grantee to observe, before or after such administrative action, any Federal requirement.

§ 151.16 Estimates and reports.

An applicant or grantee may be required to submit, in addition to any other requirements of this part, in accordance with procedures established by the Commissioner:

(1) A description of activities to be carried on during the fiscal year;

(2) A statement of estimated total expenditures for activities to be carried on during the fiscal year, and where estimated amounts exceed the amount of available Federal funds, the availability of other funds to pay the non-Federal share of estimated costs;

(3) A report of total expenditures made during the fiscal year at the end of the fiscal year; and

(4) Such other estimates and reports as the Commissioner may deem necessary to account properly for Federal funds.

§ 151.17 Interest on Federal grants.

Interest earned on grants made under this part shall be credited to the United States. The grantee shall submit as a part of any annual financial report a statement showing the amount of interest earned on Federal funds during that fiscal year. Ordinarily such interest earnings will be considered as a set-off against amounts due the grantee from grant funds; but for the last year or part of the last year of the program or project, payment of interest shall be made by the grantee to the Commissioner.

§ 151.18 Records.

(a) The grantee shall provide for keeping separate, intact, and accessible and will make available to the Commissioner on request, all records supporting claims under Federal grants or relating to the accountability for Federal funds:

(1) For three years after the close of the fiscal year in which an expenditure was made;

(2) Until the grantee is notified that such records are not needed for program administration review; or

(3) Until the grantee is notified of the completion of the financial audit, whichever is later.

(b) Records involved in any claim or expenditure which has been questioned by the Commissioner shall be maintained until necessary adjustments have been reviewed and cleared by the Commissioner.

(c) Where non-consumable equipment costing $250 or more per unit is purchased in whole or in part, with Federal funds, the grantee shall maintain inventories and other records supporting accountability for such equipment until grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment.

§ 151.19 Copyrights and patents.

The acquisition of copyrights and/or patents for any materials produced in whole or in part, with Federal funds provided by a grant under the Act and this part shall be governed by the policy of the Office of Education in effect at the time the grant is awarded. In the case of programs or projects which will be conducted beyond the fiscal year following the fiscal year in which the grant is awarded, the grantee's acceptance of any change in the copyright or patent policy of the Office may be required by the Commissioner as a condition precedent to continued financial support under the grant. All contracts entered into under the Act and this part shall contain a provision incorporating the substance of this section.

§ 151.20 Title to equipment.

The Commissioner may, where he deems such action necessary or desirable for the achievement of the purposes of the Act or this part, transfer title to any equipment owned by the Government to the grantee or other appropriate eligible party.

§ 151.21 Contracts.

In lieu of a grant under this part, the Commissioner may enter into a contract with any eligible party for the conduct of a program or project except for a training program or project under Subpart C of this part. Such contracts may include whatever provisions may be deemed necessary or desirable for the achievement of the purposes of the Act.

§ 151.22 Subcontracts.

The Commissioner may authorize at the time of grant award or execution of a contract, or subsequently, subcontracting arrangements in connection with a program or project where he determines that such subcontracts will not be inconsistent with the objectives of the program or project, applicable provisions of the Act and this part, or other applicable Federal requirements.

§ 151.23 Animal care.

In any program or project financed in whole or in part with Federal funds where research animals are utilized, every precaution to assure proper care and humane treatment of research animals shall be taken.

§ 151.24 Transfer of funds.

The Commissioner may, with the approval of the Secretary, transfer funds appropriated under the Act to any other Federal agency for use by that agency for purposes for which the Commissioner could expend such funds under section 2 of the Act. Such a transfer will be made in accordance with an agreement between the Commissioner and the transferee agency and the transferred funds may be used by the agency alone, or in combination with its own funds. The Commissioner may also accept and expend funds transferred from any other Federal agency for the purposes stated in section 2 of the Act.

Subpart C—Training

§ 151.25 Eligible parties.

Only public and private nonprofit universities and colleges and public and private nonprofit agencies, institutions and organizations are eligible parties under this subpart.

§ 151.26 Training grants.

Grants may be made by the Commissioner pursuant to section 2(b) of the Act and this subpart to eligible parties for the purposes of developing and strengthening their training staffs and curricular capabilities for such training. The Commissioner may authorize the use of such grants for the purpose of establishing and maintaining research traineeships, internships, personnel exchanges, and pre- and post-doctoral fellowships. Where the grantee is a State educational agency, it may provide such programs directly, or through arrangements with public or other nonprofit agencies, institutions, or organizations. No training grant will be made for training in sectarian instruction or for work to be done in an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

§ 151.27 Stipends and allowances.

In connection with training grants made under the Act and this Subpart, the Commissioner may authorize the payment of stipends and allowances (including but not limited to allowances for travel, dependents, and institutional allowances) in such amounts as he shall determine to be appropriate for a particular training program.

Subpart D—National and Regional Research Facilities

§ 151.28 Eligible parties.

Only a college or university or a public or private nonprofit agency, institution, or organization, or any combination of these, competent to engage in the national or regional research related activities for which a facility is to be constructed pursuant to the Act and this subpart is an eligible party under this subpart.

§ 151.29 Assurances.

As a condition to the approval of a construction grant, the applicant shall furnish an assurance acceptable to the Commissioner that:

(a) The applicant has the necessary legal authority to apply for and receive a construction grant and to construct, maintain, and operate the proposed facility in accordance with the provisions of the Act and this part.

(b) The applicant has or will have a fee simple or such other estate or interest in the proposed facility site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of construction and operation of the proposed facility for a period of not less than fifty years from the date of acceptance of the award.

(c) The applicant has on hand, or is assured of obtaining sufficient funds to meet the non-Federal share of the cost of construction if the construction application requests or is approved for less than 100 percent of the cost of construction.

(d) The facility will be used only for research and research related purposes in accordance with the Act and this part for as long as the period of Federal interest therein.

(e) No portion of the facility financed in whole or in part with Federal funds will be used for religious worship or sectarian instruction or for research, research training, surveys, or demonstrations in the field of sectarian instruction or the dissemination of information derived therefrom.

§ 151.30 Fixed price contracts and competitive bidding.

Actual construction work is to be performed under fixed price contracts; competitive bidding will be invited prior to awarding the construction contract, either by public advertisting or by obtaining three or more bids; the contract will be awarded to the responsible bidder submitting the lowest acceptable bid; and the concurrence of the Commissioner will be obtained before awarding a construction contract.

§ 151.31 Contract performance bonds.

The grantee shall require the contractor to furnish performance and payment bonds each of which shall be in the full amount of the contract price, and shall itself, or require the contractor to maintain during the life of the contract adequate fire, workmen's compensation, public liability and property damage insurance (unless applicant furnishes evidence of such other acceptable arrangements for any and all such insurance).

§ 151.32 Davis-Bacon Act.

The grantee shall comply with the requirements of the Davis-Bacon Act and shall include the following in its construction contracts or subcontracts supported in whole or in part by Federal funds:

(c) All laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of any project under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this clause, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15); and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

§ 151.33 Antikickback.

The grantee shall comply with the Copeland Act, and shall include the following in its construction contracts supported in whole or in part by Federal funds.

The Contractor will comply with the regulations applicable to contractors and subcontractors (29 CFR Part 3, copy of which is attached) issued by the Secertary of Labor pursuant to the Copeland Act, as amended (48 Stat. 948; 62 Stat. 862; 63 Stat. 108; 72 Stat. 967; 40 U.S.C. 276c), and any amendments, or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

§ 151.34 Equal employment opportunity.

In all contracts in excess of $10,000 financed in whole or in part with Federal funds, the grantee will include the contract clauses relating to nondiscrimination in employment as required by and set forth in the rules and regulations in effect under Executive Order 11246.

§ 151.35 Conflict of interest.

No officer or employee of the grantee or any firm, organization, corporation or partnership which such officer or employee controls or directs shall receive funds from the grantee for payment for services provided in connection with the planning, design, construction or equipping of a facility.

§ 151.36 Commissioner's approval.

Approval of the final working drawings and specifications will be obtained from the Commissioner before the construction covered by the application is advertised or placed on the market for bidding.

§ 151.37 Initiation of construction.

If the application for a construction grant is approved, the construction financed in whole or in part by the construction grant will be commenced within six months from date of acceptance of the construction grant by the applicant provided that a longer period for commencement of construction may be approved by the Commissioner for good cause shown.

§ 151.38 Construction supervision.

The grantee shall be responsible for on-site supervision of the construction project and compliance with all applicable Federal, State, and local laws. Architectural or engineering supervision and inspection will be provided for by the grantee at the construction site to insure that the completed work conforms with the approved plans and specifications, and "as built" drawing will be made available to the Commissioner upon completion of the project.

§ 151.39 Change requests.

Any time prior to completion of construction a grantee desires to make changes in the project which will affect the nature or scope of the project he shall inform the Commissioner in writing of such proposed change and no such change shall be made without prior approval of the Commissioner who may make such adjustments, arrangements or conditions as he deems necessary or desirable.

§ 151.40 Inspection.

Representatives of the U.S. Office of Education and such other persons as the Commissioner may designate will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 151.41 Warranty period.

All construction contracts shall contain a provision holding the contractor responsible for the quality of the construction for three years after acceptance of a facility.

§ 151.42 Progress reports.

The construction applicant will furnish progress reports and such other information relating to the proposed construction grant as the Commissioner may require.

§ 151.43 Payment schedule.

Payment of Federal funds on approved construction projects shall be made by the Commissioner upon request of the applicant, either in advance or by way of reimbursement according to schedules established by the Commissioner and based upon the completion of stages of construction as indicated by the inspec-

tion and progress reports earlier mentioned. Payment of the final installment of 10 percent of the Federal grant will be withheld until final inspection of the facility and approval of a final audit of the completed project.

§ 151.44 Excess payments.

Construction grant funds not expended in connection with the construction of the facilities will constitute excess payments and shall be refunded by the grantee by check made payable to the U.S. Office of Education.

§ 151.45 Transfer of title.

The Commissioner may transfer title to any facility constructed pursuant to the Act and this subpart, if such title is vested in the United States, to any eligible party specified in § 151.29 subject to the condition that the facility will be operated for the purposes for which it was constructed and subject to such other conditions as the Commissioner may deem necessary to carry out the objectives of the Act and to protect the interest of the United States.

§ 151.46 Competitive equipment bids.

Equipment not included in the basic construction contract will be procured by competitive bidding either by public advertising or by obtaining three or more bids, unless other procurement methods are required by State or local laws.

§ 151.47 Determination of equipment.

For the purpose of establishing the distinction between equipment and expendable supplies, for any item listed in pp. 101–121 (Alphabetical List of Supplies and Equipment) of the U.S. Department of Health, Education, and Welfare, Office of Education, Bulletin 1959, No. 22, the determination between equipment or expendable supply item as contained therein shall apply.

Dated: October 11, 1965.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: October 21, 1965.

JOHN W. GARDNER,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65–11517; Filed, Oct. 26, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15396; FCC 65–951]

PART 73—RADIO BROADCAST SERVICES

Fraudulent Billing Practices of Standard, FM, and Television Broadcast Stations

Report and order. 1. On March 31, 1964, the Commission issued a notice of proposed rule making seeking comments on proposed amendments to the Commission's rules which would prohibit certain billing practices.[1] Comments were filed by 9 parties.[2]

2. The practice at which the proposed rules are aimed is commonly known as "double billing." The main ingredient of the practice is the furnishing of false information concerning broadcast advertising to any party contributing to the payment of such advertising, the purpose being to induce such party to pay more than the actual rate for the advertising. Although "double billing" may take many forms (the proposed rule is concerned with the principle involved rather than the form in which it appears), the classic illustrations of "double billing" are (1) the situation where the station submits to a local advertiser two bills, one in the amount agreed upon for the advertising matter broadcast, and the second in a larger amount for submission by the local advertiser to a manufacturer or national advertiser to support a claim for reimbursement pursuant to a co-operative advertising arrangement; and (2) a situation where a station enables or assists an advertising agency to mislead its clients as to the amounts charged by the station for advertising and thereby to induce them to reimburse the advertising agency upon the basis of a fictitious advertising rate.

3. The Commission's concern with "double billing" is of several years standing. On March 9, 1962, after receiving complaints that some broadcast stations were engaging in this practice, the Commission issued a Public Notice (FCC 62–272, No. 16887), advising broadcast licensees that their participation in such a scheme was reprehensible in itself, usually involved the use of the mails to defraud and often involved unfair competition with other stations and advertising media that did not engage in the practice. The Commission warned that, independent of the penalties that may be imposed elsewhere, it regarded the practice as contrary to the public interest and that where evidence of "double billing" was found to exist, appropriate proceedings would be instituted. Since the issuance of that Public Notice, the Commission's continuing concern has been evidenced by the actions it has taken in individual cases.[3] Despite these actions, however, it appeared that certain licensees were continuing to engage in "double billing." The Commission, therefore, deemed it appropriate and necessary in carrying out its functions under the public interest standard of the Communications Act to propose the adoption of rules prohibiting the practice, and on March 31, 1964, issued the present notice of proposed rule making.

4. Of the 9 parties who filed comments, one favored adoption of the rule, one gave qualified approval, and the remaining seven opposed its adoption in any form. The principal objections to adoption of the rule are that (1) the Commission lacks the authority to adopt the rule since the practices in question relate to business methods and have no effect on program services; (2) enforcement of the rule might result in double jeopardy in some instances; and (3) since other remedies exist and other bodies have jurisdiction over such practices, administration by the Commission of the proposed rule might result in confusion and lack of uniform enforcement.

5. The practice of "double billing" is patently fraudulent and is condemned by all of those filing comments. It is urged, however, by some of the parties that while "double billing" might reflect upon a licensee's character and would, therefore, be a relevant consideration upon a renewal of license, it is a business practice which does not affect a station's service to the public and therefore a matter which the Commission may not regulate by rule. This contention has little force, in our view. We are not concerned here with a practice engaged in outside of the radio field by broadcast licensees. We are here concerned with this one aspect of the operation of the licensed facilities. The public interest standard of the Communications Act implies a requirement that the licensee be law abiding in the operation of his station, Federal Communications Commission v. American Broadcasting Co., 347 U.S. 284, 290 (1954); Granik v. FCC, 234 F. 2d 682 (1956). The prohibition of a particular fraudulent practice as being inconsistent with operation in the public interest is not the sort of "supervision" of a licensee's business practices and policies which Congress withheld when it determined that broadcast stations should operate in a competitive market rather than under a form of common carrier or public utility regulation. Furthermore, the practice of "double billing" has an impact beyond the particular parties concerned. The use of this concededly improper and illegal practice affects adversely the operation of competitive stations not engaging therein, and also is clearly a matter of proper Commission concern. See Federal Trade

[1] Pursuant to a request from the National Association of Broadcasters, the times for filing comments and reply comments were extended to May 25, and June 9, 1964, respectively.

[2] Parties filing comments were Sound Distributors, Inc. (licensee of KEEZ–FM, San Antonio, Tex.), the Georgia Association of Broadcasters, Station KWPC (Muscatine, Iowa), the National Association of Broadcasters, Columbia Broadcasting System, Inc., Storer Broadcasting Co., Metromedia, Inc., Asheboro Broadcasting Co., Inc. (licensee of WGWR, Asheboro, N.C.), and KUOA, Inc. (licensee of KUOA, Siloam Springs, Ark.).

[3] See, e.g., letter of Dec. 4, 1963 (FCC 62–1122, No. 43309), to Station WFHA–FM deferring action on renewal application pending licensee response to questions concerning "double billing"; an Order (FCC 63–1121, No. 43558) released Dec. 13, 1963, designating for hearing the application for renewal of license of Station WILD on an issue, among others, seeking to determine whether the licensee had engaged in the practice of "double billing"; letter of Feb. 12, 1964 (FCC 64–119, No. 46326), to Station WATS granting renewal application and warning of "double billing" practices; and Memorandum Opinion and Order (FCC 65R–83, No. 64689) released Mar. 8, 1965, enlarging the issues concerning an applicant for a construction permit to include an issue as to "double billing" on another station licensed to the applicant.

Commission v. Keppel & Bro., 291 U.S. 304.

6. It is also contended that the adoption of the rules would constitute double jeopardy, since other legal remedies are available against "double billing." However, the availability of other remedies to other local or federal bodies does not require that this Commission stand aside. Federal Communications Commission v. American Broadcasting Co., supra; Mester v. U.S., 70 F. Supp. 118 (D.C., N.Y., 1947) aff'd 332 U.S. 749, rehearing den., 332 U.S. 820.

7. As indicated earlier, one party favored adoption of the rule, one gave qualified approval, and the others opposed its adoption in any form. We have concluded that a rule in this area is both necessary and desirable. We are adopting the rule as proposed, with two additions. The first of these is the inclusion of false information as to the quantity of advertising being charged for. It was indicated in Example 8 of the proposed Public Notice that this is regarded as a fraudulent billing practice. We believe it appropriate to make the rule on its face as clear as possible, and accordingly are specifying quantity as well as nature and content. The second addition imposes the requirement that the licensee shall use reasonable diligence to see that his employees and agents do not engage in fraudulent billing practices (the Public Notice adopted contains a similar statement). While this was not specifically proposed in this rule making proceeding, it is simply a specification of the licensee's long-recognized general obligation to exercise a proper degree of control over his broadcast operation. Its adoption as a rule is a statement of existing policy, and this requirement may be formulated without further proceedings. With these additions, the new rule reads as follows:

"No licensee of a standard (FM or Television) broadcast station shall knowingly issue to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber or any other party, any bill, invoice, affidavit or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued, or which misrepresents the nature, content or quantity of such advertising. Licensees shall exercise reasonable diligence to see that their agents and employees do not issue any documents which would violate this section if issued by the licensee.

8. Several of the parties have also commented on the proposed illustrative interpretations. These are dealt with seriatim.

Example 1. A station or an employee thereof issues a bill or invoice to a local dealer for 50 commercial spots at a rate of $5.00 each for a total of $250.00. In connection with the same 50 commercial spots, the station also supplies the local dealer or an advertising agency, jobber, distributor or manufacturer of products sold by the local dealer, another affidavit, memorandum, bill or invoice which indicates that the amount charged the local dealer for the 50 spots was greater than $5.00 per spot.

Interpretation: This is fraudulent billing, since it tends to deceive the manufacturer, jobber, distributor or advertising agency to which the inflated bill eventually is sent, as to the amount actually charged and received by the station for the advertising.

Example 2. A station or employee thereof issues a bill or invoice to a local dealer for 50 commercial spots at $5.00 each and the bill, invoice or accompanying affidavit indicates that the 50 spots were broadcast on behalf of certain co-operatively advertised products, whereas some of the spots did not advertise the specified products, but were used by the local dealer solely to advertise his store or other products for which co-operative sponsorship could not be obtained.

Interpretation: This is fraudulent billing, even though the station actually receives $5.00 each for the 50 spots, because, by falsely representing that the spots advertised certain products, the licensee has enabled the local dealer to obtain reimbursement from the manufacturer, distributor, jobber or advertising agency for advertising on behalf of its product which was not actually broadcast.

It is argued that the wording of the examples (i.e., "station or employee thereof") indicates that the licensee will be held responsible for the unauthorized and unknown acts of its employees even though the licensee may have exercised due diligence. This is not the case. As mentioned above, we expect the licensee to exercise due diligence to prevent his employees from engaging in fraudulent billing practices, and the new rule so states. The licensee is responsible where he himself engages in such practices, where he knowingly permits them to exist, where either expressly or by implication he has authorized or ratified them, and where he has not exercised due diligence to see that they do not exist. He is not responsible in the absence of any of these circumstances. To make the wording of the examples uniform, we are changing the language of Examples 1 and 2 to read "licensee" instead of "station or employee".

Example 6. A licensee submits a bill or invoice to a local dealer for 50 spots involving co-operative advertising of a certain product or products at a rate of $5.00 each, and actually collects this amount from the dealer. However, as a "bonus" the licensee "gives" the dealer 50 additional spots in which the product or products named on the original invoice are not advertised, so that the dealer actually obtains the benefit of 100 spots in return for payment to the station of the $250.00 billed for the 50 co-operative spots.

Interpretation: If the 50 "bonus" spots were broadcast as the result of any agreement or understanding, express or implied, that the dealer would receive such additional advertising in return for contracting for the first 50 spots at $5.00 each, the so-called "bonus" spots were in fact a part of the same deal, and the licensee, by his actions, is participating in a scheme to deceive and defraud a manufacturer, jobber, distributor or advertising agency.

Several of the commenting parties contend that Example 6 does not constitute "double billing" since no double bill is submitted and there is no attempt to defraud anyone. The practice described in the example is defended as merely another method of attracting business and is used to recoup the difference between the co-op payment and what the advertising actually costs the local advertiser. Initially, we note that the term "double billing" is merely a shorthand way of describing a host of improper and fraudulent billing practices. The absence in a specific case of two or more bills does not mean that no improper "double billing" is involved; the proposed rule speaks in terms of furnishing false information, not in terms of the number of bills involved. Additionally, we have already noted that the "method of attracting business" which is described in Example 6 is not only improper but unfair. We agree that the purpose of most "double billing", or at least a partial purpose, is to enable the local advertiser to recoup the difference between the co-op payment and what the advertising actually cost the local advertiser. But this is certainly no justification for condoning the practice. The effect of the practice described in Example 6 is to give the local advertiser 100 spots which cost him $250.00 (and for which the national manufacturer pays one-half or $125.00) or $2.50 per spot. But since only 50 of those 100 spots involve products within the co-op advertising arrangement, the national manufacturer's real share should be one-half of the real cost of those 50 spots ($62.50). The result of submitting a bill for $250.00 for 50 spots is to create the impression that the per spot cost is $5.00 rather than $2.50, thus deceiving the national manufacturer.

Example 7. A local appliance dealer agrees to purchase 1,000 spots per year from a station and thereby earns a discount which reduces his rate per spot from $10.00 to $5.00. During the course of the year, the dealer purchases 100 spots from the station which advertises both the dealer and "Appliance A" and for which the dealer pays $5.00 per spot. Since the station's rate per spot for 100 spots is $10, the dealer asks the station to supply him with an invoice for the 100 spots on behalf of "Appliance A" at $10 per spot, claiming that if the manufacturer of the appliance had purchased the 100 spots, or if the dealer himself had purchased only these 100 spots within the course of a year, the $10 rate would apply, and that, therefore, the manufacturer should be required to reimburse the dealer at the $10 rate.

Interpretation: This practice constitutes fraudulent billing unless the dealer can provide satisfactory evidence that the manufacturer of "Appliance A" is aware that the dealer actually paid only $5.00 per spot because of the volume discount. If the dealer can persuade the manufacturer to alter their agreement so that the manufacturer's contribution to the dealer's cooperative advertising is based upon a higher rate than the dealer actually pays, then there is no fraud upon the manufacturer. (But see Examples 8 and 9 for possible violation of statute.) Absent evidence of such agreement, licensee is engaging in "double billing" when he issues a bill for the higher amount.

Some of the parties object to the interpretation of the facts set forth above in Example 7, contending that since the dealer is the one who assumed the obligation for the total number of announcements, he is the only one entitled to the frequency discount, not the co-op advertiser who used only a part of the total. Moreover, it is argued that since frequency discounts are not normally earned or disbursed until the end of the year, the licensee is not in a position to

determine whether the discounts are properly distributed and it is unduly burdensome to require the licensee to supervise the distribution of the discounts to the co-op advertisers. The short answer, however, to these objections is that the proposed rule and the interpretation do not require the licensee to supervise the distribution of the discount or to assure that the co-op advertiser gets the benefits of the discount. The proposed rule and the interpretation merely require that the co-op advertiser be made aware of the dealer's frequency discount.

By the furnishing of a bill, at the dealer's request, which fails to disclose this and which, in fact, sets forth a rate higher than that which the dealer ultimately pays, the co-op advertiser is being deceived. The licensee can avoid this problem merely by taking appropriate steps to see that the co-op advertiser is aware of a possible frequency discount (e.g., by noting this fact on the bill). The licensee is not required to see that the co-op advertiser agrees to pay the regular rate before discount; that is a matter between the co-op advertiser and the dealer. To the extent that Example 7 implies otherwise, the "Interpretation" has been modified to read as follows:

Interpretation: This practice constitutes fraudulent billing unless the dealer can provide satisfactory evidence that the manufacturer of "Appliance A" is aware that the dealer actually paid only $5.00 per spot because of the volume discount.

An element in each of the Examples 7 through 9, as set forth in the notice of proposed rule making, is use of fictitious invoices by the dealer and the manufacturer as a device by which the manufacturer may grant discriminatory discounts, rebates or advertising allowances to certain dealers. Such practices may violate the Clayton Anti-Trust Act as amended by the Robinson-Patman Price Discrimination Act or section 5 of the Federal Trade Commission Act. Since violations of these acts are matters for action by the Federal Trade Commission, reference to such violations has been deleted from the "Interpretation" of Examples 7 and 8, and Example 9 has been deleted in its entirety, since that was the point there involved.[4] However, we shall maintain close liaison with the FTC, and a determination by that agency of a violation of statute will, in turn, be considered by this Commission in passing upon the qualifications of a licensee.

9. Two final matters merit comment here. The Georgia Association of Broadcasters, in its comments, set forth 4 hypothetical situations and requested rulings from the Commission on them. Careful consideration of the hypotheticals submitted indicate that they are all variants of Example 7 and involve frequency discounts. As a general matter, the Commission does not deem it good practice to issue declaratory rulings in hypothetical situations where all of the facts which can affect a decision may not be present. This general policy is, we think, applicable here. We believe, however, that the observations we have made in discussing Example 7 should be helpful in arriving at a decision with respect to the situations presented by the hypotheticals. And, finally, we have modified the last sentence in the second paragraph of the proposed Public Notice so that it conforms more closely to the language of the rule.

10. Authority for the adoption of the proposed rules is contained in sections 4(i) 303(r),[5] 307, 308, and 309 of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That, effective November 29, 1965, Part 73 of the Commission's rules is amended as set forth in the Appendix attached hereto; *and it is further ordered*, That this proceeding is terminated.

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

Adopted: October 20, 1965.

Released: October 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

1. Sections 73.124, 73.299, and 73.678 are added to read as follows:

§ 73.124 Fraudulent billing practices.

No licensee of a standard broadcast station shall knowingly issue to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber or any other party, any bill, invoice, affidavit or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued, or which misrepresents the nature, content or quantity of such advertising. Licensees shall exercise reasonable diligence to see that their agents and employees do not issue any documents which would violate this section if issued by the licensee.

NOTE: Commission interpretations in connection with this Rule may be found in a separate Public Notice issued Oct. 22, 1965, entitled "Applicability of Fraudulent Billing Rule." (FCC 65-952.)

§ 73.299 Fraudulent billing practices.

No licensee of an FM broadcast station shall knowingly issue to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber or any other party, any bill, invoice, affidavit, or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued, or which misrepresents the nature, content or quantity of such advertising. Licensees shall exercise reasonable diligence to see that their agents and employees do not issue any documents which would violate this section if issued by the licensee.

NOTE: Commission interpretations in connection with this Rule may be found in a separate Public Notice issued Oct. 22, 1965, entitled "Applicability of Fraudulent Billing Rule." (FCC 65-952.)

§ 73.678 Fraudulent billing practices.

No licensee of a television broadcast station shall knowingly issue to any local, regional or national advertiser, advertising agency, station representative, manufacturer, distributor, jobber or any other party, any bill, invoice, affidavit or other document which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued or which misrepresents the nature, content or quantity of such advertising. Licensees shall exercise reasonable diligence to see that their agents and employees do not issue any documents which would violate this section if issued by the licensee.

NOTE: Commission interpretations in connection with this Rule may be found in a separate Public Notice issued Oct. 22, 1965, entitled "Applicability of Fraudulent Billing Rule." (FCC 65-952.)

[F.R. Doc. 65-11518; Filed, Oct. 26, 1965; 8:47 a.m.]

[Docket No. 16006; FCC 65-950]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations

In the matter of amendment of § 73.202, table of assignments, FM broadcast stations (New Albany, Ohio, Decatur, Ind., Elizabethton, Tenn., Ocean City, N.J., Oakland (Western) Md., Fairmont and Keyser, W. Va., Aiken, S.C., and Louisville, Ga., Copperhill, Clinton, Dayton, and Oak Ridge, Tenn., Winter Park and Leesburg, Fla., Crossville and Athens, Tenn., and Tucson, Ariz.); Docket No. 16006, RM-694, RM-736, RM-

[4] Example 9. "The facts are the same as in Examples 1 through 7, except that the dealer furnished the licensee with conclusive evidence that the manufacturer or his distributor, jobber, or agent is aware that "double billing" is being practiced, and still is willing to pay its part of the inflated bill for cooperative advertising. Interpretation: No fraud against the manufacturer, distributor, jobber, or agent exists under such circumstances, but there is a strong presumption that the dealer and manufacturer are conspiring to violate section 13a of the Robinson-Patman Antidiscrimination Act. (See Example 8 above.)"

[5] Inadvertently, reference to sec. 303(r) was omitted in the notice of proposed rule making. However, 5 of the 7 parties who objected to the rule addressed themselves in large part to, and questioned extensively, the Commission's authority to adopt the rule, in effect, arguing the applicability of sec. 303 (r) to this rule. And we have carefully considered and set out at some length our views on our authority to adopt the rule. Thus, the requirements of notice have been met.

[6] Commissioners Hyde and Lee absent; Commissioner Loevinger concurring and issuing a statement filed as part of original document.

739, RM-675, RM-740, RM-745, RM-743, RM-693, RM-731, RM-750, RM-751.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making, released May 7, 1965 (FCC 65-386), and printed in the FEDERAL REGISTER on May 12, 1965 (30 F.R. 6543), proposing a number of changes in the FM table of assignments.

2. A number of formal and informal statements were filed in response to the proposals set out in the notice. All duly filed documents were considered in making the following determinations.

3. RM-694, New Albany, Ohio; RM-739, Decatur, Ind.; RM-740, Elizabethton, Tenn.; RM-743, Ocean City, N.J.: Our notice, in response to four individual petitioners below named, proposed to assign Channel 280A to New Albany, Ohio, Channel 224A to Decatur, Ind., Channel 257A to Elizabethton, Tenn., and Channel 292A to Ocean City, N.J.

4. The Christian Voice of Central Ohio, Inc. (petitioner for Channel 280A in New Albany, Ohio), has for some time been desirous of providing central Ohio with a specialized FM service. The proceedings indicate that there are a substantial number of persons willing to support the type of programming the petitioner proposes, basically, religious. At the present time, New Albany has no FM assignment nor is an AM station located there. Because of the concentration of population in the area (Columbus is only 12 miles distant) a Channel 280A located in New Albany (population 307)[1] will be able to serve a large proportion of the 682,962 persons located in its county, Franklin. No existing channel assignments need be disturbed by the implementation of the proposal, nor has anyone objected to it.

5. Petitioner, Airon, Incorporated, for Channel 224A in Decatur, Ind., is licensee of Decatur, Ind.'s only station, WADM, a daytime-only AM operation. In view of the community's lack of local fulltime service, it seeks to provide such a service to Decatur (population 8,327) and the surrounding area in Adams County (population 24,643). In order to do this, it has requested the assignment of a first FM channel to Decatur. It appears that Decatur, the largest city in Adams County and its county seat, is a logical location for an additional service, in that the statistics presented indicate not only that it is the center for political activity in the county, but that a substantial amount of the county's economic and social life are conducted in it. Petitioner supports its proposal by alleging that the 1960 retail sales for Decatur were $20,820,000 while Adams County retail sales in the same year were $37,368,000. Our engineering review indicates that Channel 224A can be assigned to Decatur and used there without disturbing any other assignment.

6. Holston Broadcasting Corp., petitioner for Channel 257A at Elizabethton, Tenn., and licensee of one of Elizabethton's two AM stations, WIDD (a daytime-only operation), is desirous of bringing Elizabethton and its environs an interference-free FM service which can serve the community after sunset and in the early morning hours. The community's second AM station, WBEJ, is a Class IV unlimited-time station. 10,896 persons live in Elizabethton, which is the county seat of Carter County (population 41,587). Petitioner presents a number of facts including a tabulation of the increase in revenue received over a number of years from building permits which, it alleges, are indicative of the community's growth. From the statistics presented, it does appear that Elizabethton is expanding and growing in significance. It is pleaded that a town of its size, growth and significance should have an FM assignment and that the assignment of limited coverage Channel 257A to the town will result in an immediate application by petitioner for a construction permit, thereby bringing the area a first FM service in the near future.

7. Ocean City, N.J., has no FM assignment at the present time. Petitioner, Salt-Tee Radio Inc., licensee of the community's only AM station WSLT, a daytime-only operation, is desirous of bringing Ocean City a facility which can serve it in the early morning and nighttime hours. An FM station operating from Ocean City on Channel 292A would be able to provide such a service. An engineering examination indicated that Channel 292A can be assigned to Ocean City and serve that community without violation of our minimum mileage separation requirements if the transmitter is located about 2 miles distant from the city. Ocean City is a substantial community of 7,618 persons. The population of its county, Cape May, is 48,555. No objections were made to this assignment.

8. In light of the above facts, including the availability of Class A channels, the lack of local FM service in each of the communities named, the interest of petitioners, and the probability of bringing local FM service to each of the communities in the near future, we are of the opinion it is in the public interest to assign Channel 280A to New Albany, Ohio, Channel 224A to Decatur, Ind., Channel 257A to Elizabethton, Tenn., and Channel 292A to Ocean City, N.J.

9. RM-731, Oakland (Western), Md.: Our notice, in response to the petition of Oakland Radio Station Corp., proposed the examination of the following channel reassignments:

City	Channel No.	
	Present	Proposed
Oakland, Md.	244A	243
Fairmont, W. Va.	261A	285A
Keyser, W. Va.	240A	261A

This proposal was made notwithstanding the fact that the assignment of a wide-coverage Class B channel at Oakland would be an exception to our basic policy of assigning wide-coverage channels only to urban areas.

10. Mr. John R. Powley filed a counterproposal in the proceeding which advocated the assignment of a Class B channel to Altoona, Pa., by making the following changes in our Table of Assignments:

City	Delete	Add
Altoona, Pa.		243
Clearfield, Pa.	228A	232A
State College, Pa.	244A	228A
St. Mary's, Pa.	232A	237A

Mr. Powley's counterproposal is unacceptable in that its adoption would be in clear violation of the Canadian-United States agreement of 1947 concerning FM allocations. Class C-1 Channel 237, FM Station CHML, is assigned to, and operating in, Hamilton, Ontario. The proposed Channel 237A for St. Mary's, Pa., would be 143 miles distant from this Canadian Station. The Canadian-United States agreement specifies a minimum mileage separation of 150 miles. In addition, Mr. Powley's proposal suggests the interchange of Channel 228A for Channel 244A at State College, Pa. This suggestion was made in the belief that no station was operating on Channel 244A. WRSC-FM broadcasts on that channel and vigorously opposes its deletion. Altoona, Pa., a city of 69,407 persons, presently has FM Channels 251 and 261A assigned to it. Both are occupied. Furthermore, there are three unlimited-time AM stations broadcasting from the community, one of which is a Class IV operation.

11. A second counterproposal was offered by Century Broadcasting Corp., i.e., to replace Channel 244A in Oakland with Channel 221A and assign Channel 243 to Johnstown, Pa. Johnstown, Pa. (population 53,949), is located in Cambria County, the population of which is 203,283. It is the county's largest city though not the county seat. At the present time, there are only two FM channels assigned to the community, 221A and 238. Both are occupied. Johnstown also has four AM stations, one of which is a daytime-only operation; 1,977 persons reside in Oakland, which is the county seat of Garrett County (population 20,420). Presently, FM Channel 244A is assigned to, but lying fallow in, Oakland. There are no AM stations located there. One of the factors Oakland stresses in urging the assignment of a wide-coverage FM Channel to Oakland is that it is allegedly the major trading center for Garrett County and the two nearby counties in West Virginia. However, this is in contradiction to the standard trade area studies of Hagstrom and McNally which show Oakland in the retail trading area of Cumberland, Md. The second major point petitioner underlines to support the assignment of a wide coverage channel to Oakland is the problem of rough terrain. It is said that a wide coverage channel is necessary to overcome such an obstacle. We agree that a Class B channel may be more effective in an area containing rough terrain, however, we feel compelled to point out that the rough terrain in and about Johnstown presents the same problem for that community. In respect to serv-

[1] All population figures herein are those of the 1960 U.S. Census.

ice for the area which petitioner wishes to cover, we are of the view that the following facts presented by Century Broadcasting Corp. provide an answer: "* * * Oakland is in the Cumberland, Md., trading area. Two Class B FM stations allocated to that city could serve the eastern portions of the Oakland area. A Class B channel recently allocated to Frostburg, Md., 30 miles from Oakland, could also provide service to the eastern portion of Garrett County.[1] The Class B channel allocated to Morgantown, W. Va., could provide service in the area west of Oakland. There are also FM channels allocated to Clarksburg, Keyser, and Elkins, W. Va., that could provide service to portions of the three counties west of Oakland." In addition, the Century proposal retains a Class A assignment for Oakland itself.

12. In view of all of the foregoing, and after a careful weighing of the complete presentation in this proceeding, we are of the opinion that our basic policy of assigning wide-coverage channels to urban areas should not be varied in this instance and, therefore, that Channel 221A should be substituted for Channel 244A in Oakland and that Channel 243 should be assigned to Johnstown, Pa., a much larger city which now has only one Class B assignment and is the center of a much more populous area.

13. RM–736, Aiken, S.C.: In acknowledgement of the petition of Soundcasting, Incorporated, our notice proposed to replace Channel 240A in Louisville, Ga., with Channel 221A, thereby making it possible to assign Channel 240A to Aiken.

14. 11,243 persons reside in Aiken which is the county seat of Aiken County (population 81,038). The only FM channel assigned to the community (257A) presently has two applications pending for its use: BPH–4723, Soundcasting, Incorporated, and BPH–4760, Radio WAKN. Two daytime-only AM stations are also located in the community. In advancing its proposal, petitioner points out that the adoption of its proposal in no way decreases the potential for FM service presently provided by our rules, that, in fact, it would provide the opportunity for competitive FM service in Aiken. If the proposal is adopted, a lengthy and costly comparative hearing will be avoided, thereby bringing to Aiken and its environs, in the relatively near future, two local FM services which will provide a choice in programming to the listener. There is no application pending for Louisville's existing Channel 240A. No oppositions were filed in this proceeding.

15. In light of the above set out facts, as well as our belief that this county seat can support two FM assignments, we are of the view that it is in the public interest to replace Channel 240A, presently assigned to Louisville, Ga., with Channel 221A, and to assign Channel 240A to Aiken, S.C.

[1] Operating with maximum Class B facilities (50 kilowatts E.R.P. and effective antenna height of 500 feet) a Class B station places a 1 mv/m signal about 33 miles from the transmitter.

16. RM–675, Copperhill, Tenn.; RM–745, Clinton, Tenn.: On October 26, 1964, Copper Basin Broadcasting Co., Incorporated, licensee of Station WLSB (AM), Copperhill, Tenn., filed a petition requesting the assignment of Channel 280A to Copperhill by substituting Channel 285A for 280A at Dayton, Tenn. The proposal to assign Channel 285A to Dayton as proposed by Copper Basin conflicts with an application filed by Radio Active Broadcasting, Inc. (BPH–4734), for the use of Oak Ridge's Channel 285A at Oak Ridge, Tenn., since the separation between the two reference points is less than the required 65 miles. There is a second application on file for the use of Oak Ridge's Channel 285A, that of Clinton Broadcasters, Inc. (BPH–4634), requesting its use at Clinton, Tenn., under the "25 mile rule." In order to remove the conflict with the Radio Active application for Channel 285A at Oak Ridge and with the proposed assignment of Channel 285A at Dayton, on March 19, 1965, Clinton Broadcasters, Inc., licensee of Station WYSH (AM), Clinton, filed a petition for rule making (RM–745) requesting the assignment of Channel 285A to Clinton and the substitution of Channel 232A for 285A at Oak Ridge. In view of these facts, our notice set out the following allocation proposal:

City	Channel No.	
	Present	Proposed
Copperhill, Tenn.		280A
Clinton, Tenn.		285A
Dayton, Tenn.	280A	285A
Oak Ridge, Tenn.	285A	232A

17. 4,943 persons live in Clinton, which is located in Anderson County (population 60,032). At the present time, no FM channel is assigned to the community. One daytime-only station is located there. In view of this situation, the community receives no local early morning or nighttime service. Dayton, Tennessee, is located in Rhea County. The population of the community is 3,500 while that of the county is 15,863. Presently, Channel 280A is assigned to the community and unapplied for. Since there is but one AM station in Dayton, and it is a daytime-only operation, it, too, has no early morning or nighttime local service. Oak Ridge (population 27,169) is located in both Anderson County (population 60,032) and Roane County (population 39,133). As indicated in the previous paragraph, this city's one FM assignment (285A) has two applications pending for its use at Oak Ridge and at Clinton. The community has one unlimited AM station. The assignments we proposed for these three substantial communities would provide Clinton and Dayton with the potential for a first early morning and nighttime service, while leaving one FM channel for the sizable city of Oak Ridge. In addition, the assignment of individual channels at Clinton and Oak Ridge will avoid a lengthy and costly comparative hearing for the use of the present Oak Ridge assignment. No objections have been filed to these three proposed assignments by any party to this proceeding. Each meets our minimum mileage separation requirements.

18. The only objection to the proposal set out in our notice was filed by Max M. Blakemore trading as Cherokee Broadcasting Co., who filed a counterproposal requesting the assignment of Channel 280A to Murphy, N.C., rather than to Copperhill, Tenn.; 2,235 people reside in Murphy. It lies in Cherokee County (population is 16,335). This community has no FM channel assigned to it and no local early morning or nighttime service, in that the two AM stations located there are daytime-only operations. Copperhill, a town of 631, is in Polk County (population 12,160). At the present time, it, too, is without an FM assignment. However, it does have an unlimited-time AM station, 1 kw, day, 250 watts night. Copper Basin Broadcasting Corp., Inc., has presented a picture of need for an unlimited-time FM service in Copperhill, explaining that if Channel 280A is assigned there and it receives a construction permit, the station would serve several other communities as well as Copperhill, including Blue Ridge where it proposes to establish a remote studio. In determining which of the two communities should receive the assignment of the FM channel, we are confronted with a difficult probelm in that both communities appear to require and reserve an FM channel. We do note, however, that Copperhill does have a local service during the early morning and nighttime hours. Murphy has daytime-only stations, and is larger than Copperhill.

19. We have concluded therefore that Channel 280A should be assigned to Murphy, N.C., and that Channel 285A should be assigned to Clinton, Tenn., by making the additional changes necessary at Dayton, Tenn., and Oak Ridge, Tenn.

20. RM–693, Winter Park, Fla.; Contemporary Broadcasting Co., Inc., filed a petition (later amended) requesting the assignment of a wide-coverage Class C Channel 290 to Winter Park. The notice in this proceeding proposed to evaluate that suggested assignment along with the substitution such an assignment would require, of Channel 294 for Channel 293 at Leesburg, Fla.

21. Orange County (population 263,540), contains Winter Park, a city of 17,162 persons. FM Channel 276A is presently assigned to the community and has a construction permit outstanding for its use. An educational FM station operates on Channel 216 in the community. AM Station WABR is also located there. Although it is a daytime-only station at the present time, a construction permit has been granted for an unlimited-time operation. Since Winter Park is only four miles distant from Orlando, Fla. (population 88,135), with its four wide-coverage FM assignments, and since Winter Park has a limited coverage FM assignment, normally, it would be our policy to assign only a limited-coverage FM station to

Winter Park. In this instance, however, two major factors mitigate our general rule:

(a) In 1950, the Census showed the population of Winter Park to be 8,250 as compared with its 1960 population of 17,162 and a predicted population of 85,000 in the year of 1980. The rapid past growth in the community, with its probable future growth, must be considered in evaluating the community's needs. The argument that a city of its size and potential size, needs more than one FM outlet, in our view, has substance.

(b) Engineering studies indicate that there is a small area where Channel 290 can be used and still meet our minimum mileage separation requirements. A transmitter located in this zone can effectively serve Winter Park. If Channel 290 is not used in this area, the frequency will lie fallow. Nor would it preclude any needed assignments in the area. A third factor to be considered is, of course, that a wide-coverage channel assignment to Winter Park will be better able to compete with the wide-coverage assignments in Orlando. The replacement of Channel 293 by Channel 294 at Leesburg, Fla., required by the assignment of Channel 290 to Winter Park, will inconvenience no one, in that Channel 293 is presently unapplied for and Channel 294 is an equivalent channel.

22. In view of the present and probable future needs of Winter Park, the fact that Channel 290 would probably lie fallow if it were not assigned to Winter Park, petitioner's interest, and the present aural services to the community, we are of the view that it is in the public interest to assign Channel 290 to Winter Park and to replace Channel 293 with Channel 294 in Leesburg.

23. RM–751, Crossville, Tenn.: The notice in this proceeding, in response to the petition of WAEW, Inc., proposed consideration of the reassignment of Channel 257A from Athens, Tenn., to Crossville, and its replacement in Athens with Channel 252A.

24. 19,135 people reside in Cumberland County, of which Crossville (population 4,668) is the county seat. At the present time, there is no FM assignment to the community. There is but one AM assignment, WAEW, a daytime-only operation. In support of petitioner's proposal, it has been pointed out that this county seat is substantial in size for its area and that, as the county seat, it acts as the core for social, cultural, economic, and political activity for a significant portion of the surrounding area. Presently, there is no local early morning or nighttime broadcast means to disseminate information to Crossville and its environs. An FM station would provide such a capability and thereby be of service both to Crossville and the agricultural area surrounding it. Petitioner alleges that it will promptly apply for the use of Channel 257A if it is assigned to the community. At Athens, Channel 257A is presently unoccupied and there are no applications pending for its use. Petitioner's proposed substitution for it, Channel 252A, will continue an equivalent FM potential for Athens.

25. In view of Crossville's needs and the nature of petitioner's request for a limited-coverage channel, which is consistent with our policy of assigning limited-coverage channels to small communities, we have come to the decision that it is in the public interest to reassign Channel 257A from Athens to Crossville and to replace it in Athens with Channel 252A.

26. RM–750, Tucson, Ariz. Our notice acknowledged the petition of Pima Broadcasting Co., Inc., by proposing the consideration of the assignment of a seventh FM Channel, 281, to Tucson.

27. Petitioner stated, and our notice was issued on the basis, that all of Tucson's FM channels were either licensed or applied for. An examination of our files at this time, indicates that FM channels 221A, 225, 229, 235, 241, and 258 are assigned to the community, and that only Channels 221A and 258 are licensed while construction permits have been granted for Channels 225 and 241. The remaining channels—229 and 235—are not now in use or applied for. In addition, the present licensee of Channel 221A, Prell Enterprises, will soon be vacating that channel since it holds a construction permit for Channel 225. Although Tucson is a substantial community (its population is 212,892 while the county in which it is located, Pima County, has a population of 265,660), we have found no persuasive argument why, at this time, we should add Channel 281 when two wide-coverage assignments are lying fallow, and one limited-coverage assignment will soon become available. The community presently has the number of FM assignments contemplated by our original allocation plan. In addition there are twelve AM stations licensed in Tucson, eight of which are unlimited-time operations, with four being daytime-only stations.

28. In view of the foregoing, we are of the opinion that, under present conditions, assigning an additional channel to Tucson would be premature, and that it is not in the public interest to make such an assignment at this time. The petition of Pima Broadcasting Co., Inc. is denied.

29. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

30. In accordance with the determinations made above: *It is ordered,* That effective November 30, 1965, § 73.202 of the Commission's rules, the Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	*Channel No.*
Florida:	
Leesburg	294
Winter Park	276A, 290
Georgia: Louisville	221A
Indiana: Decatur	224A
Maryland: Oakland (Western)	221A
New Jersey: Ocean City	292A
North Carolina: Murphy	280A
Ohio: New Albany	280A
Pennsylvania: Johnstown	221A, 238, 243
South Carolina: Aiken	240A, 257A
Tennessee:	
Athens	252A
Clinton	285A
Crossville	257A
Dayton	285A
Elizabethton	257A
Oak Ridge	232A

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

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

Adopted: October 20, 1965.

Released: October 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–11519; Filed, Oct. 26, 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

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted from 6 a.m. to 7 p.m., e.s.t., each day from November 13, 1965, through November 28, 1965, only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Firearms (rifles only) chambering center fire cartridges of .23 caliber bullet diameter or larger.

The provisions of this special regulation supplement the regulations which

[1] Commissioners Hyde and Lee absent.

govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 28, 1965.

JOHN B. HAKALA,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

OCTOBER 19, 1965.

[F.R. Doc. 65-11513; Filed, Oct. 26, 1965; 8:47 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of coyote and fox on the Seney National Wildlife Refuge, Mich., is permitted only on the area designated by signs as open to hunting. This open area, comprising 85,200 acres, is delineated on maps available at refuge headquarters, 5 miles south of Seney, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408.

Hunting shall be in accordance with all applicable State regulations governing the hunting of coyote and fox subject to the following special conditions:

(1) The open season for hunting coyote and fox on the refuge extends from November 13, through November 28, 1965, inclusive.

(2) Firearms (rifles only) chambering center fire cartridges of .23 caliber bullet diameter or larger.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 28, 1965.

JOHN B. HAKALA,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

OCTOBER 19, 1965.

[F.R. Doc. 65-11512; Filed, Oct. 26, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

LIQUIDATION OF PERSONAL HOLDING COMPANIES

Notice of Hearing

The proposed amendment to the regulations under sections 316, 333, 381(c)(15), 545, and 562 of the Code, relating to liquidation of personal holding companies, was published in the FEDERAL REGISTER for September 16, 1965.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Tuesday, November 9, 1965, at 10 a.m., e.s.t., in Room 2326, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by November 3, 1965. Telephone (Washington, D.C.) 964-3970.

[SEAL] PAUL F. SCHMID,
Acting Director, Legislation and Regulations Division.

[F.R. Doc. 65-11507; Filed, Oct. 26, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

ROUGH, BROWN AND MILLED RICE

Notice of Consideration of Revision of the U.S. Standards

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that the U.S. Department of Agriculture is considering a possible revision of the U.S. Standards for Rough Rice (7 CFR 68.201-68.203), Brown Rice (7 CFR 68.251-68.253), and Milled Rice (7 CFR 68.301-68.303) pursuant to the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624). The present standards have been in effect since August 1, 1961.

Statement of considerations. The rice industry has suggested some changes in the rice standards since the most recent revision of the standards. The Department of Agriculture has also found that certain changes, especially in the method for designating classes, would improve the position of American rice in world trade. The Department desires to obtain written views, comments, and suggestions with respect to the advisability of revising the current rice standards and is particularly interested in receiving the views of interested persons concerning the following matters:

1. *Class names.* The present Rough Rice, Brown Rice, and Milled Rice Standards divide rice into classes on the basis of variety (i.e., Bluebonnet, Nato, Pearl, etc.). In most cases the specific variety of rough rice can be identified on the basis of the color of the hull or other easily identifiable characteristics of the kernels. It is, however, more difficult to so identify specific varieties of brown rice and milled rice.

(a) Should the method of classifying rough rice under § 68.201(b), brown rice under § 68.251(b), and milled rice—except Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice—under § 68.301(b)(1) be changed to classification as long grain, medium grain, and short grain on the basis of kernel size, length, and shape?

(b) If the above-mentioned §§ 68.201(b), 68.251(b), and 68.301(b)(1) are changed, should the long grain class be divided to provide a proper evaluation of long grain rice for price support purposes into three subclasses: Subclass A (to include Patna and Rexora), Subclass B (to include Bluebonnet, Belle Patna, etc.), and Subclass C (to include Toro, Century Patna, etc.)?

2. *Basis of grade determination.* In the present Rough Rice Standards the numerical grade is based on the quality of head rice (whole kernels) obtained by milling the rough rice. Under this method the quality of the broken kernels is not considered.

(a) Therefore, should § 68.202(a) of the Rough Rice Standards be changed to provide that rough rice be graded on the basis of the quality of the head rice and large broken rice combined?

(b) Should provision be made in § 68.202(b) to give the percentage of large broken kernels as a part of the milling yield determination?

3. *Grading limits in the Rough Rice and Milled Rice Standards.* The limits of "Total seeds and heat-damaged kernels" and "Heat-damaged kernels and objectionable seeds" in the Rough Rice and Milled Rice numerical grades U.S. No. 1 and U.S. No. 2 are so narrow that there is no significant difference. Also, the difference of 1.0 percent between U.S. No. 1 and U.S. No. 2 and the difference of 0.5 percent between U.S. No. 2 and U.S. No. 3 in such grades for the factor "Red rice and damaged kernels" do not reflect the same proportional increase as exists with respect to most other grading factors for the same grades. In addition, the maximum limits of "Chalky kernels" for the several numerical grades are not on a uniform, proportional basis; and greater uniformity in this respect may be desirable.

(a) Consequently, in § 68.203(a) of the Rough Rice Standards and §§ 68.303 (a) and (b) of the Milled Rice Standards, should the maximum limits for the factors "Seeds and heat-damaged kernels," "Red rice and damaged kernels," and "Chalky kernels" in the numerical grades for Rough Rice and Milled Rice be changed to those shown in the following table?

Grade	Maximum limits of			
	Seeds and heat-damaged kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)		
	No. in 500 grams	*No. in 500 grams*	*Percent*	*Percent*
U.S. No. 1	4	2	1.0	2.0
U.S. No. 2	6	4	2.0	4.0
U.S. No. 3	10	8	3.0	6.0
U.S. No. 4	20	15	4.0	8.0
U.S. No. 5	30	30	6.0	10.0
U.S. No. 6	75	75	15.0	15.0

At the present there are no limits for parboiled rice, damaged kernels, or red rice in the grade requirements for Screenings Milled Rice and Brewers Milled Rice. Much of the rice which falls into these classes is used by the brewing industry and rice containing material quantities of these types of kernels is unsatisfactory for brewing purposes.

(b) Should limits for parboiled rice, damaged kernels, and red rice be included as grading factors in §§ 68.303 (d) and (e) of the Milled Rice Standards?

4. *Unhulled kernels of rice.* In the present Brown Rice Standards, unhulled kernels of rice (paddy) are included in the definition for seeds. Since the hulls are easily removed in the milling and hull particles act as an abrasive, some millers prefer brown rice with a small percentage of unhulled kernels of rice.

(a) Accordingly, should § 68.251(k) of the Brown Rice Standards be changed

by eliminating unhulled kernels of rice from the definition for "seeds"?

(b) Should a new paragraph defining "unhulled kernels of rice (paddy)" be added to § 68.251?

(c) Should an additional factor "unhulled kernels of rice" be added to the table in §§ 68.253 (a) and (b) of such standards, and should the factor "unhulled kernels of rice" be on a percentage basis rather than "number of kernels in 500 grams"?

5. *Degree of parboiling.* In the present Rough Rice and Milled Rice Standards the special grades for parboiled rice provide for three degrees of parboiling: "Parboiled Light," "Parboiled," and "Parboiled Dark." There is apparently no need for the special grade "Parboiled Dark." In addition, such standards do not provide that "Parboiled Light" rice should be uniform in color.

(a) Therefore, should § 68.203(c)(1) of the Rough Rice Standards and § 68.303 (g)(2) of the Milled Rice Standards be changed by eliminating "Parboiled Dark"?

(b) Should the above-mentioned §§ 68.203(c)(1) and 68.303(g)(2) provide that "Parboiled Light" rice be uniform in color?

At present the special grade "Parboiled Light" in the Rough Rice and Milled Rice Standards does not limit the quantity of parboiled kernels which are darker in color than the normal parboiled light kernels.

(c) Should the special grades Parboiled rough rice, § 68.203(c)(1) and Parboiled milled rice § 68.303(g)(2) have specific limits on the quantity of dark parboiled kernels which are permitted in the special grade "Parboiled Light."

6. *Broken rice designation.* The present Brown Rice Standards provide for determining the milling yield of broken brown rice, and such determination is expressed in the quantity of second head milled rice, screenings milled rice, and brewers milled rice obtained.

(a) Should the headings in the Brown Rice Standards for the definitions under §§ 68.251 (x), (y), and (z) for "Second head milled rice," "Screenings milled rice," and "Brewers milled rice" be changed to "Large broken rice," "Medium broken rice," and "Small broken rice," respectively?

At present, the class names used for broken milled rice in the Milled Rice Standards are "Second Head Milled Rice," "Screenings Milled Rice," and "Brewers Milled Rice."

(b) To make the class names more descriptive, should the class names in the Milled Rice Standards in §§ 68.301(b)(3), (4), and (5) be changed to "Large Broken Milled Rice," "Medium Broken Milled Rice," and "Small Broken Milled Rice," respectively?

7. *Consolidation of grade tables and methods of grading rice.* At present the Brown Rice Standards and Milled Rice Standards provide separate tables of grades and grade requirements and methods of separating and sizing broken kernels from the whole kernels for rice grown in California. In order to have uniform standards applicable to all rice produced in the United States and to eliminate reference to State of origin:

(a) Should the grade tables for brown rice in the Brown Rice Standards and Milled Rice Standards be combined? (See §§ 68.253 (a) and (b) and 68.303 (a) and (b).)

(b) Should sieves for determining broken kernels be eliminated and sizing plates be used for sizing broken kernels for all classes of rice except for granulated brewers milled rice in the Brown Rice Standards and Milled Rice Standards? (See §§ 68.251 (n), (o), (p), (q), and 68.301 (n), (o), (p), and (q).)

(c) Should the use of the word "California" be eliminated in grade designations in such standards? (See §§ 68.203 (b), 68.253(c), and 68.303(f).)

Answers to the foregoing questions and any other written data, views, arguments, or suggestions for consideration in connection with a possible revision of the U.S. Standards for Rough Rice, Brown Rice, and Milled Rice should be filed in duplicate, not later than November 30, 1965, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (7 CFR 1.27(b)).

Copies of the current standards referred to in this notice may be obtained from: Director, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781, or from any field office of the Grain Division.

Dated: October 22, 1965.

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

[F.R. Doc. 65-11527; Filed, Oct. 26, 1965; 8:48 a.m.]

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 958.209 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1965, and ending June 30, 1966, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $7,400.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

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

Dated: October 21, 1965.

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

[F.R. Doc. 65-11495; Filed, Oct. 26, 1965; 8:45 a.m.]

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Expenses of Walnut Control Board and Rates of Assessment for 1965-66 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Control Board and rates of assessment for the 1965-66 marketing year beginning August 1, 1965, pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Board has recommended a budget of expenses in the total amount of $124,100 and, based on the volume of merchantable inshell walnuts handled or declared for handling and merchantable shelled walnuts handled or declared for handling during the 1965-66 marketing year, an assessment rate of 0.125 cent per pound and 0.25 cent per pound, respectively, is expected to provide sufficient funds to meet the estimated expenses of the Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later

than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.317 Expenses of the Walnut Control Board and rates of assessment for the 1965–66 marketing year.

(a) *Expenses.* The expenses in the amount of $124,100 are reasonable and likely to be incurred by the Walnut Control Board during the marketing year beginning August 1, 1965, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69 is fixed at 0.125 cent per pound for merchantable inshell walnuts and 0.25 cent per pound for merchantable shelled walnuts.

Dated: October 21, 1965.

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

[F.R. Doc. 65–11496; Filed, Oct. 26, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 91]

[Docket No. 6986; Notice No. 65–31]

INCREASED MAXIMUM CERTIFICATED WEIGHTS FOR CERTAIN AIRPLANES WHEN OPERATED IN ALASKA BY AIR CARRIERS AND BY THE DEPARTMENT OF INTERIOR

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 91 of the Federal Aviation Regulations to include therein the provisions of present Special Federal Aviation Regulation (SFAR) 12 (formerly Special Civil Air Regulation SR 399D). This SFAR permits air carriers (including air taxi operators) and the Department of Interior, when operating within Alaska, to obtain increases in the maximum certificated weight for aircraft type certificated under former CAR 4a or Aeronautics Bulletin No. 7–A (issued by the Department of Commerce dated January 1, 1931, as amended).

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All correspondence received on or before December 28, 1965, will be considered by the Administrator prior to taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available in the Rules Docket for examination by interested persons, before and after the closing date for comment.

On September 20, 1949, the Civil Aeronautics Board adopted Special Civil Air Regulation SR 337 authorizing the Administrator of the Civil Aeronautics Administration for a 2-year period to establish increased maximum takeoff weights for certain small airplanes operated by Alaskan air carriers in the territory of Alaska. On March 31, 1950, the CAB, in Special Civil Air Regulation SR 344, extended this authority to similar airplanes operated in Alaska by the Fish and Wildlife Service of the U.S. Department of Interior. Each of these SRs was subsequently extended and eventually combined, with minor changes, into SR 399 which through a series of extensions evolved into the SR 399D that was recently redesignated as SFAR 12 as part of the FAA's recodification program.

The purpose of this series of special regulations was to permit the use in Alaska of certain airplanes, type certificated under Aeronautics Bulletin 7–A or the normal category of Part 4a, at takeoff weights greater than the maximum certificated takeoff weights determined during type certification. The original justification for this special treatment was basically that—

(1) The airplane is the most suitable, and in some cases the only, means of transportation in Alaska;

(2) The sparsely settled nature of Alaska makes it necessary to carry sufficient fuel to fly to the destination and return and also emergency equipment not required in other operations, thereby decreasing the potential payload in certain older airplane types to an uneconomical level;

(3) Due to the terrain normally traversed the affected airplanes can be flown a large part of the time under optimum performance conditions;

(4) The strength requirements of many of the affected airplanes have been reinforced by the operators and in many cases more powerful engines have been installed; and

(5) Due to the fact that limited acrobatic maneuvers were allowed for all airplanes type certificated under Aeronautics Bulletin 7–A or under the normal category of Part 4a the strength requirements of these regulations required somewhat higher load factors than those required under the normal category of former CAR 3.

Each of the special regulations in this series contained limitations on the increase in maximum certificated takeoff weight that could be approved that are basically the same as the limitations presently contained in SFAR 12. That is, the maximum certificated takeoff weight could not exceed (1) 12,500 pounds; (2) 115 percent of the maximum weight listed in the FAA Aircraft Specification; (3) the weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in FAR § 23.337 (former CAR § 3.186); or (4) the weight at which the airplane meets the climb performance requirements under which it was type certificated.

The Agency has determined that the Department of Interior and the majority of the air taxi operators and other air carriers operating in the State of Alaska are at the present time using, and will for many years continue to use, the authorization for increased weight granted under the special regulation discussed above. The Agency believes that the safety record in the more than 15-year period in which the increased weights have been authorized substantiates the original determination that the authorized increases would not adversely affect safety.

The Agency therefore proposes to amend FAR Part 91 to continue the authorization presently contained in SFAR 12. Since SFAR 12 would expire October 25, 1965, that date is being extended for 6 months, by a separate amendment issued together with this notice,[1] to provide adequate time for evaluation of any comments received in response to this proposal.

Although the proposed amendment to FAR Part 91 as set forth in this notice is, consistent with SFAR 12, limited to air carriers and the Department of Interior the Agency would appreciate comments from interested parties addressed to the need for, and the desirability of, extending the scope of this proposal to commercial operators or other persons, operating in Alaska.

In consideration of the foregoing, it is proposed to amend Part 91 of Chapter I of Title 14 of the Code of Federal Regulations, by inserting the following new section after § 91.37:

§ 91.38 Increased maximum certificated takeoff weights for certain airplanes operated in Alaska.

(a) Notwithstanding any other provision of the Federal Aviation Regulations, the Administrator will, as provided in this section, approve an increase in the maximum certificated takeoff weight of an airplane type certificated under Aeronautics Bulletin No. 7–A of the U.S. Department of Commerce dated January 1, 1931, as amended, or under the normal category of Part 4a of the Civil Air Regulations, if that airplane is operated in the State of Alaska by—

(1) An air taxi operator or other air carrier; or

(2) The U.S. Department of Interior in conducting its game and fish law enforcement activities or its management, fire detection, and fire suppression activities concerning public lands.

(b) The maximum certificated takeoff weight approved under this section may not exceed—

(1) 12,500 pounds;

(2) 115 percent of the maximum weight listed in the FAA Aircraft Specifications;

(3) The weight at which the airplane meets the positive maneuvering load

[1] See F.R. Doc. 65–11492, Title 14, Chapter I, in Rules and Regulations Section, supra.

factor requirement for the normal category specified in § 23.337 of this chapter; or

(4) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

(c) In determining the maximum certificated takeoff weight the Administrator considers the structural soundness of the airplane and the terrain to be traversed.

(d) The maximum certificated takeoff weight determined under this section is added to the airplane's operation limitations and is identified as the maximum weight authorized for operations within the State of Alaska.

This amendment is proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424).

Issued in Washington, D.C., on October 21, 1965.

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

[F.R. Doc. 65-11493; Filed, Oct. 26, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 87, 89, 91, 93]

[Docket No. 16218, RM-533; FCC 65-943]

EXPANDED COOPERATIVE SHARING OF OPERATIONAL FIXED STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given in the above-entitled matters.

2. In its Report and Order in Docket 11866, In the Matter of Allocation of Frequencies above 890 Mc/s, 27 FCC 359 (1959), the Commission limited the cooperative sharing of point-to-point private communication systems using frequencies above 890 Mc/s to public safety organizations, the so-called right-of-way companies, and to organizations whose rates and services are regulated by a governmental entity. Prior to that decision, private users, to the extent that they were permitted to use microwave frequencies for private communications systems, were permitted to share such systems with other persons eligible in the same radio service. When the policy of limiting the shared use of private microwave systems was adopted, the Commission stated that the number of cases where sharing would be permitted would be sufficiently reasonable to provide a basis upon which to make meaningful observations as to the desirability and impact of cooperative arrangements.

3. Sufficient time has now elapsed and enough information concerning the development of private microwave systems and on cooperative arrangements has been brought to our attention to indicate that a reappraisal of our policy on sharing of private microwave systems is desirable.

4. The Central Committee on Communications Facilities of the American Petroleum Institute (API) has filed a petition (RM-533) asking for reconsideration of the above-described policy on cooperative arrangements of private microwave systems. It requests that persons eligible in the Petroleum Radio Service, as well as organizations whose rates and services are regulated by a governmental body, be permitted to share microwave frequencies. In support of its request, API states, among other things, that the petroleum industry, prior to the Commission's decision in Docket 11866, had established extensive microwave communications systems mostly in remote areas; that many of those systems were established and operated on a cooperative basis by two or more petroleum companies engaged in similar activities in essentially the same geographic areas, and that expansion of such systems may now be made only by construction of separate and often parallel facilities; that, in the petroleum industry, it is common for two or more companies to engage in exploration, drilling, refining, and pipelining activities in the same geographic area, often jointly, and to require such companies to construct and operate separate point-to-point communications systems is unreasonable; and that, under our current policy permitting sharing by right-of-way companies, two or more petroleum companies may share a microwave system in connection with the operation of pipelines but not in connection with their other petroleum activities—a distinction which is unreasonable, unrealistic and often difficult to make. API further states that private microwave communications systems have not had an adverse economic impact on common carriers and alleges that increased sharing of microwave systems also would not adversely affect common carriers. No pleadings, in support of or in opposition to this petition, have been filed.

5. In the past several years, the Commission has considered a number of requests for ad hoc exceptions to its policy regarding cooperative arrangements. In these cases, the alternative to sharing arrangements was construction of separate communications systems by commonly owned companies (i.e., companies of more than 50 percent common ownership), or the construction of parallel systems by companies not under common ownership, or other entities, in situations where such parallel systems would be impractical because of the cost considerations or because sufficient tower sites were not available.

6. On the basis of our experience thus far with our administration of private microwave systems, it appears that the problems raised in the API petition and in the ad hoc cases, described above, are neither unique nor unusual, but flow generally from the present policy restricting sharing of private microwave systems. Further, it would seem that, generally speaking, cooperative sharing may be practical between two or more entities whose communications circuits would run essentially over the same routes. In these situations, the alternative to sharing, is the establishment of essentially parallel systems. Parallel systems, by their nature, raise serious questions of economic waste, frequency over-use and potential future frequency congestion, and also problems associated with scarcity of tower sites in many areas. Also, the costs involved seem to limit construction of separate private microwave systems by many small companies while pooling of resources by two or more such companies would enable them to have the benefit of microwave communications, especially in remote areas where common carrier facilities may not be available. For these reasons, it appears that the present restrictions on cooperative sharing of private microwave systems may not be compatible with the development of private microwave systems and with the fuller utilization of microwave frequencies in the Safety and Special Radio Services.

7. Thus, it appears that it may be desirable to remove the limitations imposed in Docket 11866 on sharing of private microwave systems so as to permit all persons eligible in the same radio service to share a microwave radio system. In addition, we think that it may be also desirable to permit cross-service sharing for public safety organizations and for enterprises whose rates and services are regulated by a governmental authority or body. This proposed wider (cross-service) sharing for public safety organizations and for regulated industries may result in more direct benefit to the public as taxpayers and ratepayers. Cross-service sharing, however, would be permitted only on frequencies available to all participants in order to preserve the eligibility basis for the use of frequencies. Thus, for example, the sharing of frequencies between persons eligible in the Business Radio Service and persons eligible in any other service would be authorized on frequencies above 10,000 Mc/s; control and repeater circuits on the commonly available frequencies in the 952–960 Mc/s band and fixed stations on commonly available frequencies in the 72–76 Mc/s band would also be shared. However, sharing of fixed stations operating on normally mobile frequencies which are not commonly available to the various services (25–50, 150–170 or 450–470 Mc/s) would not be permitted.

8. Accordingly, we are asking for comments concerning our proposal to amend Parts 87, 89, 91 and 93 of our rules to permit persons eligible in the same Public Safety Industrial and Land Transportation Service and persons eligible for operational stations in the Aviation Service to share the use of a fixed station on a nonprofit, cooperative basis. In addition, we are asking for comments on our proposal to permit public safety organizations (i.e., police, fire, highway, forestry-conservation, local government), and organizations whose rates and services are regulated by a governmental body to share a station with other persons in the foregoing categories

eligible for authorizations in different radio services if the frequencies to be used are commonly available to all participants.

9. In addition, the Commission has considered the possibility of proposing to require licensees of fixed station facilities to render service to others, if requested, on a cooperative, cost sharing basis, if the system has excess capacity. However, we are not aware of any problems in this area where licensees have refused without valid reasons to permit others to share their facilities. Thus, we are not proposing in this notice to adopt such a requirement. However, we are asking specifically for comments on this matter.

10. To maintain control over cooperative sharing of private point-to-point communications systems, our proposed rules would require prior review of all cooperative arrangements by the Commission before they are put into effect, would require the licensee to file an annual financial statement showing how the costs of the system are prorated and paid by each participant, and a statement on how the system is used by each participant. A sample of the precise proposed rules is set forth below.

11. The proposed amendments of the rules are issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 29, 1965, and reply comments on or before January 28, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: October 20, 1965.

Released: October 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

The following rules would be incorporated appropriately in Subpart M, Part 87 and in Parts 89, 91, and 93 of the Commission's rules.

§ —— Cooperative use of fixed radio facilities.

(a) Licensees and persons eligible to become licensees of operational fixed, operational land or operational mobile stations under Part 87, or of operational fixed stations under Part 89, 91, or 93 of this chapter may make cooperative use of such licensed facilities under the conditions and subject to the limitations specified in this section.

(b) Such licensed facilities may be cooperatively used and shared only by: (1) Persons licensed or eligible to be licensed within the same radio service; or by (2) government entities, units or subunits, or enterprises whose rates and services are regulated by a governmental authority or body, regardless of whether such entities, units, subunits or enterprises are licensed or eligible to be licensed within the same radio service.

(c) Facilities to be used cooperatively pursuant to this section may be licensed to any one of the participants in their use or to a cooperative enterprise wholly owned by such participants. A cooperative enterprise shall be eligible for a license under Part 87, 89, 91, or 93 of this chapter if all of those holding an ownership interest in it or participating in the use of its facilities are eligible for a license in the same radio service as that in which the cooperative enterprise applies for a license.

(d) The cooperative use of licensed facilities is authorized only on frequencies for which all participants would be separately eligible for assignment.

(e) Licensed facilities may be cooperatively used under this section only (1) without charge to any of the participants in its use, or (2) on a nonprofit cost-sharing basis pursuant to a written contract between the parties involved which provides that the licensee shall have control of the licensed facilities and that contributions to capital and operating expenses are accepted only on a cost-sharing nonprofit basis, prorated equitably among all participants using the facilities.

(f) Each licensee sharing its facilities under this section shall maintain records showing the cost of the facilities and their operation and use, the charges made to and payments made by each of those using the facilities or contributing to their capital cost or operating expense, and the information specified below, and such records shall be available for inspection by the Commission.

(g) Each licensee sharing its facilities under this section shall file a notification with the Commission thirty days prior to the use of its facilities by any other person that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(1) Name and description of the licensee;

(2) Call sign of the station;

(3) The radio service in which the station is licensed;

(4) The names of all prospective participants in the cooperative use of the station and a description of each participant sufficient to show its eligibility for participation under this section and its eligibility to use the frequencies assigned to the station; and

(5) A copy of the contract between the parties for the cooperative use of the facilities.

The licensee may institute the service described in such notification thirty days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these regulations, and the licensee shall then have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service thirty days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(h) Each licensee sharing its facilities under this section shall file an annual report with the Commission within ninety days of the close of its fiscal year containing:

(1) A financial statement of operations during the preceding fiscal year in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the facilities during the preceding fiscal year;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant during the preceding fiscal year; and

(4) Any change in the items previously reported to the Commission concerning such facilities or their use in the application for the license or in a notification under this section.

(i) This section authorizes the sharing of facilities of fixed stations using mobile frequencies in the 25–50, 150–173, and 450–470 Mc/s bands on a secondary basis only by persons all of whom are licensed or are eligible to be licensed in the same radio service.

(j) This section supersedes §§ 89.13, 91.6 and 93.3 with respect to the cooperative use and sharing of all licensed facilities referred to in paragraph (a) of this section.

[F.R. Doc. 65–11520; Filed, Oct. 26, 1965; 8:47 a.m.]

[1] Commissioners Hyde and Lee absent. Concurring statement of Commissioner Bartley fixed as part of original document.

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 65–37]

FILING PROJECT RATES

Proposed Special Permission Requirements

Take notice that in accordance with the provisions of section 4, Administrative Procedure Act (5 USC 1003) and section 2 of the Intercoastal Shipping Act, 1933 (46 USC 844), the Federal Maritime Commission is considering amending Rule 7 of its Tariff Circular No. 3 (46 CFR 531.7), for the purpose of establishing provisions which would require a common carrier by water in the domestic offshore trades to file an application for special permission by the Federal Maritime Commission before establishing project rates in its tariff(s).

A "project rate" is a reduced rate on the materials and equipment to be em-

ployed by the shipper or consignee in the construction or development of a certain named facility used in manufacturing processes, the exploitation of natural resources (including agriculture), or other productive enterprise or service facility. The materials and equipment to which project rates apply may not be shipped for the purpose of resale.

This proposed rule would require that the application for special permission include specific information and meet specific standards set forth below.

Sections 531.0 and 531.7 of Title 46, CFR, would be amended by the addition of new paragraphs, § 531.0(n) and § 531.7(e), as follows:

§ 531.0 Definitions.

* * * * *

(n) "Project Rate": A reduced rate on the materials and equipment to be employed by the shipper or consignee in the construction or development of a certain named facility used in manufacturing processes, the exploitation of natural resources (including agriculture), or other productive enterprise or service facility. The materials and equipment to which project rates apply may not be shipped for the purpose of resale.

§ 531.7 Commodity rates.

* * * * *

(e) *Project rates.* Project rates may not be filed unless the carrier applies for and receives special permission to file such rates under § 531.14. The application for special permission shall include: (1) A recitation of the economic justification for the project rates and the estimated period of time during which the rates are to be effective, (2) a demonstration that the rates would meet at least out-of-pocket costs and pay a share of the voyage costs, (3) a statement that the project rates would be available to all similarly situated shippers, (4) a certification that all known competitors have been served a copy of the application including the names of the competitors so served, (5) a specimen of the proposed tariff page which includes a list of commodities to which the project rates are to apply and a notation that they will apply only where the shipper signs a statement on the bill of lading to the effect that the materials to be transported under the project rates will not be resold at destination or otherwise placed in commercial channels for resale, and (6) a statement that all commodities to which the project rate is applicable will take the project rate and no other.

Interested parties may participate in this rulemaking proceeding by submitting an original and 15 copies of written statement, data, views, or arguments pertaining thereto to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within 30 days of the publication of this notice in the FEDERAL REGISTER will be considered.

By order of the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-11515; Filed, Oct. 26, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56517]

RETURNING RESIDENTS

Circular on Policy on Accompanying Baggage

Section 1(b) of Public Law 89–62 requires that articles acquired abroad must accompany a returning resident to be permitted within his exemption.

The appended Circular BAG–5–CO of September 24, 1965, establishes guidelines for implementation of section 1(b) of Public Law 89–62.

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

Approved: October 19, 1965.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[Circular: BAG–5–CO]

TREASURY DEPARTMENT,
BUREAU OF CUSTOMS,
Washington, D.C., September 24, 1965.

To: Collectors of Customs.

Subject: Baggage; Policy on Accompanied Baggage.

References: Public Law 89–62 (T.D. 56449); Item 813.30, TSUS.

1. Purpose. This circular establishes policy guidelines for implementation of section 1(b) of Public Law 89–62 (T.D. 56449) insofar as that section requires that articles acquired abroad must accompany a returning resident in order to be included within the allowable exemption.

2. Background. Public Law 89–62 amended Item 813.30, Tariff Schedules of the United States, to require that articles acquired abroad by a returning resident must accompany such person in order to be included within their exemption. In order to insure as much uniformity as possible in the interpretation of this requirement, and pending final rulings by the Bureau that will be incorporated in the Customs Regulations, collectors of customs will be guided by the following instructions.

3. General policy. Articles acquired abroad shall be considered as accompanying a returning resident if such articles arrive on the same vessel, vehicle, or aircraft on the same date as the returning resident arrives.

4. Baggage shipped as freight. Baggage shipped as freight on a bill of lading or airway bill shall be considered as accompanying the passenger if it arrives on the same vessel, vehicle, or aircraft on the same date as the owner arrives, and articles acquired abroad which are contained therein may properly be considered as accompanying the returning resident.

5. Precleared articles. Articles acquired abroad which are contained in baggage, or in baggage shipped as freight, shall be considered as accompanying the passenger if presented at the time the passenger is inspected at an established preclearance station and is hand carried, checked or manifested on the conveyance taking the passenger to the United States.

6. Automobiles. Automobiles arriving on the same mode of conveyance on the same date as the passenger shall be considered as accompanying the passenger.

7. Baggage arriving ahead of, or after the arrival of the passenger. Baggage, or baggage shipped as freight, which arrives ahead of, or after the passenger, shall be treated as accompanying the passenger if (a) it arrives on the same mode of conveyance as the passenger arrives, and (b) it is clear from the circumstances that the passenger intended such baggage to arrive with him at the same time and on the same carrier and that it did not through no fault of his own. Since there are a number of possible and legitimate reasons why a passenger's baggage may precede or follow him at the port of arrival, the Bureau does not propose, at this time, to establish specific conditions which must be satisfied in order for such baggage to be considered as accompanying. However, customs officers shall use care and good judgment in making such determinations in order to insure that a returning resident does not lose the exemptions to which he is entitled simply because, inadvertently, his baggage precedes or follows his arrival.

8. Notice to carriers and public. Please bring the contents of this circular to the attention of carriers and the traveling public.

9. Effective date. These instructions are effective at 12:01 a.m., local time, October 1, 1965.

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 65–11506; Filed, Oct. 26, 1965; 8:46 a.m.]

Coast Guard

[CGFR 65–41]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document, during the period from May 1, 1965, to July 18, 1965 (List Nos. 14–65, 15–65, 16–65, and 17–65). These actions were taken in accordance with procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14 dated November 26, 1954 (19 F.R. 8026), 167–15 dated January 3, 1955 (20 F.R. 840), 167–20 dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT INSTALLATIONS, OR MATERIALS

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/37/1, 30-inch balsa wood ring life buoy, dwg. No. 5–10–51, revised April 5, 1955, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., 11201, effective June 17, 1965. (It is an extension of Approval No. 160.009/37/1 dated June 22, 1960.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/34/0, M–S–A Model SW All-Service Gas Mask, Part No. 86211 having the Oval Model SW Window-Cator Canister and the All-Vision Facepiece Assembly, or Part No. 86212 having the Oval Model SW Window-Cator Canister and the All-Vision Speaking Diaphragm Facepiece Assembly which may be used in conjunction with the M–S–A Maskfone, or Part No. 86218 having the Oval Model SW Window-Cator Canister and the Clearvue Facepiece Assembly; Bureau of Mines Approval No. BM–14F–66A; dwg. Nos. B–86211 (Rev. 3), dated October 23, 1963, and C–86218 (Rev. 3), dated October 23, 1963, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, Pa., 15208, effective June 4, 1965.

Approval No. 160.011/38/0, M–S–A, Ammonia Mask, Part No. 84869 having the Oval Ammonia Canister and the Clearvue Facepiece Assembly, or Part No. 86199 having the All-Vision Facepiece Assembly, or Part No. 86200 having the All-Vision Speaking Diaphragm Assembly which may be used in conjunction with M–S–A Maskfone; Bureau of Mines Approval No. BM–14F–58; dwg. Nos. C–84869 (Rev. 1), dated November 6, 1961, and B–86197 (Rev. 2), dated May 13, 1964, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, Pa., 15208, effective June 4, 1965.

HATCHETS (LIFEBOAT AND LIFERAFT)

Approval No. 160.013/3/2, No. 425–C Bridgeport Belt Axe, dwg. No. D–791, dated December 15, 1959, and revised June 8, 1965, manufactured by the Bridgeport Hardware Manufacturing Corp., Bridgeport, Conn., 06605, effective June 9, 1965. (It supersedes Approval No. 160.013/3/1 dated June 21, 1960.)

WINCHES, LIFEBOAT

Approval No. 160.015/81/0, Type B135–B–M lifeboat winch, approved for a maximum working load of 13,500 pounds pull at the drums (6,750 lbs. per fall), identified by general arrangement dwg. Nos. 80271, revised October 30, 1959, and 80274 dated September 21, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., 08862, effective May 17, 1965. (This lifeboat winch to be installed so that two hand cranks can be used.) (It is an extension of Approval No. 160.015/81/0 dated June 21, 1960.)

LIFEFLOATS

Approval No. 160.027/61/0, 7.0′ x 3.16′ (9″ x 9″ body section) rectangular lifefloat, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane foam core, 10-person capacity, dwg. No. 21968, dated February 1, 1965, and revised March 29, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., effective June 22, 1965.

Approval No. 160.027/62/0, 7.5′ x 4.0′ (10.5″ x 10.0″ body section) rectangular lifefloat, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane foam core, 15-person capacity, dwg. No. 21969, dated February 1, 1965, and revised March 29, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., effective June 22, 1965.

Approval No. 160.027/63/0, 9.0′ x 5.1′ (12½″ x 12″ body section) rectangular lifefloat, fibrous glass reinforced plastic (F.R.P.) shell with unicellular polyurethane foam core, 25-person capacity, dwg. No. 21970, dated February 1, 1965, and revised March 29, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., effective June 22, 1965.

DAVITS

Approval No. 160.032/161/0, gravity davit, Type LO–90–8, approved for a maximum working load of 19,000 pounds per set (9,500 lbs. per arm), using 2-part falls, identified by arrangement dwg. No. 3737–R, dated December 23, 1958, and revised October 8, 1959, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., 08862, effective May 17, 1965. (It is an extension of Approval No. 160.032/161/0 dated June 21, 1960.)

LIFEBOATS

Approval No. 160.035/300/3, 24.0′ x 8.0′ x 3.5′ aluminum, motor-propelled (Diesel 6-knot) lifeboat, without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 24–9H, revision E, dated April 14, 1965, manufactured by Marine Safety Equipment Corp., foot of Paynter's Road, Farmingdale, N.J., 07727, effective July 12, 1965. (It supersedes Approval No. 160.035/300/2 dated Jan. 18, 1965, to show change in construction.)

LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT)

Approval No. 160.040/1/5, Model GR–52–A impulse-projected rocket-type line-throwing appliance adapted for remote firing, assembly dwgs. as per Drawing List, dated March 29, 1965, manufactured by Harvell-Kilgore Corp., Toone, Tenn., 38381, effective July 8, 1965. (It supersedes Approval No. 160.040/1/4 dated Dec. 11, 1963, to show change in construction.)

BUOYANT VEST, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/327/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 8277, Station A, Greenville, S.C., 29604, effective May 17, 1965. (It is an extension of Approval No. 160.047/327/0 dated June 21, 1960.)

Approval No. 160.047/328/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 8277, Station A, Greenville, S.C., 29604, effective May 17, 1965. (It is an extension of Approval No. 160.047/328/0 dated June 21, 1960.)

Approval No. 160.047/329/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 8277, Station A, Greenville, S.C., 29604, effective May 17, 1965. (It is an extension of Approval No. 160.047/329/0 dated June 21, 1960.)

Approval No. 160.047/354/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass., 02210, effective June 11, 1965. (It is an extension of Approval No. 160.047/354/0 dated June 21, 1960.)

Approval No. 160.047/355/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass., 02210, effective June 11, 1965. (It is an extension of Approval No. 160.047/355/0 dated June 21, 1960.)

Approval No. 160.047/356/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 273–285 Congress Street, Boston, Mass., 02210, effective June 11, 1965. (It is an extension of Approval No. 160.047/356/0 dated June 21, 1960.)

Approval No. 160.047/357/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich., 49082, effective June 11, 1965. (It is an extension of Approval No. 160.047/357/0 dated June 21, 1960.)

Approval No. 160.047/358/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich. 49082, effective June 11, 1965. (It is an extension of Approval No. 160.047/358/0 dated June 21, 1960.)

Approval No. 160.047/359/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich., 49082, effective June 11, 1965. (It is an extension of Approval No. 160.047/359/0 dated June 21, 1960.)

Approval No. 160.047/363/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by the Howard Zink Corp., Fremont, Ohio, 43420, effective June 11, 1965. (It is an extension of Approval No. 160.047/363/0 dated June 21, 1960.)

Approval No. 160.047/364/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by the Howard Zink Corp., Fremont, Ohio, 43420, effective June 11, 1965. (It is an extension of Approval No. 160.047/364/0 dated June 21, 1960.)

Approval No. 160.047/365/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by the Howard Zink Corp., Fremont, Ohio, 43420, effective June 11, 1965. (It is an extension of Approval No. 160.047/365/0 dated June 21, 1960.)

Approval No. 160.047/381/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City, Iowa, 51105, effective June 17, 1965. (It is an extension of Approval No. 160.047/381/0 dated June 21, 1960.)

Approval No. 160.047/382/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City, Iowa, 51105, effective June 17, 1965. (It is an extension of Approval No. 160.047/382/0 dated June 21, 1960.)

Approval No. 160.047/383/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Nu-Way Sporting Goods Co., 708 Eighth Street, Sioux City, Iowa, 51105, effective June 17, 1965. (It is an extension of Approval No. 160.047/383/0 dated June 21, 1960.)

Approval No. 160.047/387/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective June 17, 1965. (It is an extension of Approval No. 160.047/387/0 dated June 21, 1960.)

Approval No. 160.047/388/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective June 17, 1965. (It is an extension of Approval No. 160.047/388/0 dated June 21, 1960.)

Approval No. 160.047/389/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Greenville, S.C., for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill., 60607, effective June 17, 1965. (It is an extension of Approval No. 160.047/389/0 dated June 21, 1960.)

Approval No. 160.047/390/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y., 11205, effective June 7, 1965. (It is an extension of Approval No. 160.047/390/0 dated June 21, 1960.)

Approval No. 160.047/391/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y., 11205, effective June 7, 1965. (It is an extension of Approval No. 160.047/391/0 dated June 21, 1960.)

Approval No. 160.047/392/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y., 11205, effective June 7, 1965. (It is an extension of Approval No. 160.047/392/0 dated June 21, 1960.)

Approval No. 160.047/589/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Saf-T-Mate Co., 1444 North Mitchell Street, Cadillac, Mich., 49601, effective June 10, 1965. (It supersedes Approval No. 160.047/589/0 dated Apr. 23, 1965, to show correct name of manufacturer.)

Approval No. 160.047/590/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Saf-T-Mate Co., 1444 North Mitchell Street, Cadillac, Mich., 49601, effective June 10, 1965. (It supersedes Approval No. 160.047/590/0 dated Apr. 23, 1965, to show correct name of manufacturer.)

Approval No. 160.047/591/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Saf-T-Mate Co., 1444 North Mitchell Street, Cadillac, Mich., 49601, effective June 10, 1965. (It supersedes Approval No. 160.047/591/0 dated Apr. 23, 1965, to show correct name of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/2/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn., 56301, effective June 7, 1965. (It is an extension of Approval No. 160.048/2/0 dated June 21, 1960.)

Approval No. 160.048/7/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, 50317, effective June 9, 1965. (It is an extension of Approval No. 160.048/7/0 dated June 22, 1960.)

Approval No. 160.048/8/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, 50317, for Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, Iowa, 50303, effective June 9, 1965. (It is an extension of Approval No. 160.048/8/0 dated June 22, 1960.)

Approval No. 160.048/9/0, special approval for 13½" x 18" x 2" rectangular ribbed-typed kapok buoyant cushion, 23-oz. kapok, dwg. No. 1, dated April 5, 1955, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, 50317, effective June 9, 1965. (It is an extension of Approval No. 160.048/9/0 dated June 22, 1960.)

Approval No. 160.048/10/0, special approval for 13½" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 23-oz. kapok, Iowa Fibre Products, Inc., dwg. No. 1, dated April 5, 1955, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa, 50317, for Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, Iowa, 50303, effective June 9, 1965. (It is an extension of Approval No. 160.048/10/0 dated June 22, 1960.)

Approval No. 160.048/240/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Saf-T-Mate Co., 1444 North Mitchell Street, Cadillac, Mich., 49601, effective June 10, 1965. (It supersedes Approval No. 160.048/240/0 dated Apr. 23, 1965, to show correct name of manufacturer.)

Approval No. 160.048/241/0, special approval for 13.25" x 17" x 2" rectangular ribbed type buoyant cushions, 20-oz. kapok, dwg. No. 5001, and Bill of Materials, dated May 3, 1965, manufactured by Boyce Manufacturing Co., Post Office Box 215, Acworth, Ga., 30101, effective June 9, 1965. (It supersedes Approval No. 160.048/241/0 dated May 25, 1965, to show correction in specification.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/3/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., 11201, effective June 17, 1965. (It is an extension of Approval No. 160.049/3/0 dated June 22, 1960.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/23/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C.,

29604, effective May 17, 1965. (Buoy bodies are made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. Rigging and materials as per B. F. Goodrich Sponge Products Division, dwg. 12988 (Rev. 3), dated Jan. 13, 1960.) (It is an extension of Approval No. 160.050/23/0 dated June 21, 1960.)

Approval No. 160.050/24/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C., 29604, effective May 17, 1965. (Buoy bodies are made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. Rigging and materials as per B. F. Goodrich Sponge Products Division, dwg. 12988 (Rev. 3), dated Jan. 13, 1960.) (It is an extension of Approval No. 160.050/24/0 dated June 21, 1960.)

Approval No. 160.050/25/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, manufactured by Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, S.C., 29604, effective May 17, 1965. (Buoy bodies are made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Co., Shelton, Conn. Rigging and materials as per B. F. Goodrich Sponge Products Division, dwg. 12988 (Rev. 3), dated Jan. 13, 1960.) (It is an extension of Approval No. 160.050/25/0 dated June 21, 1960.)

INFLATABLE LIFERAFTS

Approval No. 160.051/15/1, inflatable liferaft, 8-person capacity, identified by general arrangement dwg. SPC–MM–8002 (Rev. 4), dated September 18, 1964, and Master Record Index S.P.C.M.M./8 (Rev. 6), dated May 20, 1965, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, N.J., 08609, effective May 25, 1965. (Satisfies requirements for inflatable liferaft of International Convention for Safety of Life at Sea.) (It supersedes Approval No. 160.051/15/0 dated Feb. 18, 1964, to show change in equipment.)

Approval No. 160.051/20/1, inflatable liferaft, 25-person capacity, identified by general arrangement dwg. SPC–MM–25002 (Rev. 4), dated September 18, 1964, and Master Record Index S.P.C.M.M./25 (Rev. 6), dated June 24, 1965, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, N.J., 08609, effective July 8, 1965. (Satisfies requirements for inflatable liferaft of 1960 International Convention for Safety of Life at Sea.) (It supersedes Approval No. 160.051/20/0 dated Apr. 23, 1964, to show change in equipment.)

Approval No. 160.051/22/0, inflatable liferaft, 20-person capacity, identified by general arrangement dwg. RFD–US–1000 (Rev. 7), dated June 5, 1965; and Specification RFD–US–100 (Rev. 1), dated January 1, 1965, manufactured by R. F. D., Inc., Richwood, W. Va., 26685, effective June 11, 1965. (Satisfies requirements of inflatable liferaft of 1960 International Convention for Safety of Life at Sea.)

Approval No. 160.051/24/0, inflatable liferaft, 10-person capacity, identified by general arrangement dwg. RFD–US–1048 (Rev. 5), dated February 1, 1965, and Specification RFD–US–100 (Rev. 1), dated January 1, 1965, manufactured by R. F. D., Inc., Richwood, W. Va., 26685, effective June 11, 1965. (Satisfies requirements for inflatable liferaft of 1960 Interantional Convention for Safety of Life at Sea.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/98/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Post Office Box 329, Caldwell, Ohio, 43724, effective June 10, 1965. (It is an extension of Approval No. 160.052/98/0 dated June 21, 1960.)

Approval No. 160.052/99/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Post Office Box 329, Caldwell, Ohio, 43724, effective June 10, 1965. (It is an extension of Approval No. 160.052/99/0 dated June 21, 1960.)

Approval No. 160.052/100/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Post Office Box 329, Caldwell, Ohio, 43724, effective June 10, 1965. (It is an extension of Approval No. 160.052/100/0 dated June 12, 1960.)

Approval No. 160.052/263/0, Type II, Model No. LVD, adult unicellular plastic foam buoyant vest, Brunswick dwg. Nos. 1 and 2 (Rev. 1), dated September 24, 1962, and Bill of Materials, dated October 5, 1962, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., 40019, for Drybak, Eminence, Ky., 40019, effective May 26, 1965. (It supersedes Approval No. 160.052/263/0 dated Oct. 17, 1963, to show correction in drawing.)

Approval No. 160.052/264/0, Type II, Model No. LVDM, child medium unicellular plastic foam buoyant vest, Brunswick dwg. Nos. 1 and 3 (Rev. 1), dated September 24, 1962, and Bill of Materials, dated October 5, 1962, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., 40019, for Drybak, Eminence, Ky., 40019, effective May 26, 1965. (It supersedes Approval No. 160.052/264/0 dated Oct. 17, 1963, to show correction in drawing.)

Approval No. 160.052/265/0, Type II, Model LVDS, child small unicellular plastic foam buoyant vest, Brunswick dwg. No. 1 (Rev. 1), dated September 24, 1962, and dwg. No. 4 (Rev. 2), dated February 16, 1965, and Bill of Materials dated October 5, 1962, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., 40019, for Drybak, Eminence, Ky., 40019, effective May 26, 1965. (It supersedes Approval No. 160.052/265/0 dated Oct. 17, 1963, to show correction in drawing.)

Approval No. 160.052/304/0, Type II, Model LV–A, adult vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5581–E (Rev. 1), dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th. Street, Erie, Pa., 16502, effective June 17, 1965.

Approval No. 160.052/305/0, Type II, Model LV–M, child medium vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5622–C (Rev. 1), dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa., 16502, effective June 17, 1965.

Approval No. 160.052/306/0, Type II, Model LV–S, child small, vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5623–C (Rev. 1), dated December 22, 1964, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pa., 16502, effective June 17, 1965.

Approval No. 160.052/310/0, Type II, Model 8241, adult, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 21967 (sheet 1), dated March 20, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., 11201, effective May 11, 1965.

Approval No. 160.052/311/0, Type II, Model 8243, child medium molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 21967 (sheet 2), dated March 20, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., 11201, effective May 11, 1965.

Approval No. 160.052/312/0, Type II, Model 8242, child small, molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 21967 (sheet 3), dated March 20, 1965, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y., 11201, effective May 11, 1965.

KITS, FIRST AID, FOR INFLATABLE LIFERAFTS

Approval No. 160.054/2/0, Model No. H–12 first aid kit for inflatable liferafts, dwg. No. H–12, dated January 7, 1960, manufactured by A. E. Halperin Co., Inc., 75–87 Northampton Street, Boston 18, Mass., effective May 17, 1965. (It is an extension of Approval No. 160.054/2/0 dated June 21, 1960.)

TELEPHONE SYSTEMS SOUND-POWERED

Approval No. 161.005/53/1, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splashproof, with separately mounted, 4'', 6'', 8'', 10'' bell or cow gong bell, with relay to operate externally powered audible signal, Model SER, dwg. No. 52 (Alt. 1), dated May 24, 1965, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N.Y., effective June 17, 1965. (For use in locations not exposed to the weather.) (It supersedes Approval No. 161.005/53/0 dated Nov. 1, 1962, to show change in construction.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/226/1, Type Series 1811–A, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 650° F., dwg. No.

315712, dated January 25, 1965, approved for the following sizes and type numbers:

1½"—1811 FA	2½"—1811 LA
1½"—1811 GA	3"—1811 MA
1½"—1811 HA	4"—1811 NA
1½"—1811 JA	4"—1811 PA
2"—1811 KA	

manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective July 8, 1965. (It supersedes Approval No. 162.001/226/0 dated Jan. 31, 1963.)

Approval No. 162.001/227/1, Type Series 1811–B, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 750° F., dwg. No. 315712, dated January 25, 1965, approved for the following sizes and type numbers:

1½"—1811 FB	2½"—1811 LB
1½"—1811 GB	3"—1811 MB
1½"—1811 HB	4"—1811 NB
1½"—1811 JB	4"—1811 PB
2"—1811 KB	

manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective July 8, 1965. (It supersedes Approval No. 162.001/227/0 dated Jan. 31, 1963.)

Approval No. 162.001/228/1, Type Series 1811–C, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 900° F., dwg. No. 315712, dated January 25, 1965, approved for the following sizes and type numbers:

1½"—1811 FC	2½"—1811 LC
1½"—1811 GC	3"—1811 MC
1½"—1811 HC	4"—1811 NC
1½"—1811 JC	4"—1811 PC
2"—1811 KC	

manufactured by Manning, Maxwell & Moore, Inc., Alexandria, La., effective July 8, 1965. (Use of 600# ASA flange is limited to 700 p.s.i. if used at 900° F.) (It supersedes Approval No. 162.001/228/0 dated Jan. 31, 1963.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/40/0, Model No. CW 132092–R–110694 backfire flame arrester for carburetors, dwg. Nos. R–15259 and R–110694, dated July 1, 1959, manufactured by Curtiss-Wright Corp., Research Division, Quehanna, Pa., effective June 4, 1965. (It supersedes Approval No. 162.015/40/0 dated Mar. 16, 1965, to show correction in expiration date.)

Approval No. 162.015/44/0, Model No. 9300811 backfire flame arrester for carburetors, dwg. No. 9300811, flame arrester assembly, dated June 28, 1959, manufactured by PurOlator Products, Inc., 3927 Fourth Street, Wayne, Mich., effective June 21, 1965. (It is an extension of Approval No. 162.015/44/0 dated June 21, 1960.)

Approval No. 162.015/86/1, Model No. B175–23 backfire flame arrester, assembly dwg. BEX 133–60B, dated June 20, 1962, and dwg. No. BEX 133–53B, dated March 25, 1965, manufactured by the Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective May 5, 1965. (Covers changes in bend angle and height of base plate.) (It supersedes Approval No. 162.015/86/0 dated Aug. 7, 1963, to show change in construction.)

Approval No. 162.015/99/0, Model No. B175–37 backfire flame arrester, dwg. B175–37 flame arrester assembly, dated May 26, 1965, manufactured by the Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Mich., effective July 8, 1965. (Assembly identical to B175–23 with the exception of the base plate, dwg. B178–18 dated May 26, 1965.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/85/0, Figure No. 720, pressure vacuum relief valve, enclosed pattern, without pressure or vacuum unloader, weight loaded poppets, bronze parts except monel screen, 6" inlet, 6" outlet, dwg. No. C–3136, dated April 7, 1958, manufactured by Varec, Inc., 2820 North Alameda Street, Post Office Box 4429, Compton, Calif., effective June 17, 1965. (It is an extension of Approval No. 162.017/85/0 dated June 21, 1960.)

Approval No. 162.017/86/0, Figure No. 720B, pressure vacuum relief valve, enclosed pattern, with pressure but not vacuum unloader, weight loaded poppets, bronze parts except monel screen, 6" inlet, 6" outlet, dwg. No. C–3138, dated April 7, 1958, manufactured by Varec, Inc., 2820 North Alameda Street, Post Office Box 4429, Compton, Calif., effective June 17, 1965. (It is an extension of Approval No. 162.017/86/0 dated June 21, 1960.)

Approval No. 162.017/99/0, OCECO Model V–130N pressure vacuum relief valve, flanged inlet, wt. load discs, aluminum construction, dwg. F17310, dated October 30, 1958; approved for 6" and 8" sizes, manufactured by the Johnston & Jennings Co., OCECO Division, 4700 West Division Street, Chicago 51, Ill., effective June 11, 1965.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/32/1, Style JO–25 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 150 p.s.i. primary service pressure rating, dwg. No. HV–60, dated September 3, 1954, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective June 21, 1965. (It is an extension of Approval No. 162.018/32/1 dated June 22, 1960.)

Approval No. 162.018/33/1, Style JO–35 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 300 p.s.i. primary service pressure rating, dwg. No. HV–61, dated September 3, 1954, approved for inlet diameters of 1 inch through 6 inches for a maximum set pressure of 300 p.s.i.g., manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective June 21, 1965. (It is an extension of Approval No. 162.018/33/1 dated June 22, 1960.)

Approval No. 162.018/47/1, 4" Style JQU safety relief valve for corrosive and liquefied compressed gas, dwg. No. D–41051, revised June 22, 1960, approved for maximum set pressure of 350 p.s.i., discharge capacity 15,945 cubic feet per minute of air measured at 60° F. and 14.7 p.s.i.a., manufactured by Crosby Valve and Gage Co., Wrentham, Mass., effective June 21, 1965. (It is an extension of Approval No. 162.018/47/1 dated July 8, 1960.)

EXTINGUISHERS, SEMIPORTABLE, DRY-CHEMICAL TYPE

Approval No. 162.032/1/0, Model S–150–A, 150-lb. dry chemical nitrogen-cylinder operated type semiportable fire extinguisher, assembly dwg. No. 969 (Rev. 25), dated August 27, 1959, name plate dwg. No. 1334 (Rev. 7), dated August 27, 1959 (Coast Guard classification: Type B, Size V; and Type C, Size V), manufactured by Ansul Chemical Co., Marinette, Wis., effective June 21, 1965. (Formerly Model 150–S). (It is an extension of Approval No. 162.032/1/0 dated June 21, 1960.)

BROMOTRIFLUOROMETHANE-TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.035/2/1, Fyr-Fyter Marine Bromotrifluoromethane (CF_3Br) Type Fire Extinguishing Systems for Hydrofoil Craft (Unmanned Spaces), typical installation dwg. No. C–9A730 (Rev. 1), dated May 24, 1965, manufactured by the Fyr-Fyter Co., Post Office Box 2750, Newark, N.J., 07114, effective May 27, 1965. (It supersedes Approval No. 162.035/2/0 dated Mar. 1, 1965, to show change in component parts.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/21/2, "Fiberglas Insulation Types PF–334 through PF–336", glass wool insulation type incombustible materials identical to those described in National Bureau of Standards Test Report No. TG10210–1624:FP2806, dated August 9, 1949, approved in a density of one-half to 1 pound per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio, effective, June 21, 1965. (It is an extension of Approval No. 164.009/21/2 dated July 19, 1960.)

Approval No. 164.009/59/0, "Fiberglas TWF" and "Fiberglas TWL", glass fibrous insulation type incombustible materials identical to those described in National Bureau of Standards Test Reports No. TG10210–2046:FP3542, dated January 27, 1960, and No. TG10210–210:FP3548, dated March 10, 1960, approved in a density of 2 to 6 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio, effective June 21, 1965. (It is an extension of Approval No. 164.009/59/0 dated June 21, 1960.)

Approval No. 164.009/82/0, Ultrafine, fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2120:FR3651, dated June 7, 1965, approved in a range from one-half through 2½ pounds per cubic foot density, manufactured by Gustin-Bacon Manufacturing Co., Post Office Box 13126, Commerce Tower, Kansas City,

Mo., 64199, effective June 28, 1965. (Plant: No. 7, 3031 Fiberglas Road, Kansas City, Kans.)

Approval No. 164.009/84/0, Grade AAA "Glassbestos" woven asbestos-glass cloth type incombustible material identical to that described in Raybestos-Manhattan letter, dated February 25, 1965, approved in weights of 1.10 and 1.40 pounds per square yard, manufactured by Raybestos-Manhattan, Inc., Asbestos Textile Division, Manheim, Pa., 17545, effective July 9, 1965.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFERAFTS

The Marine Safety Equipment Corp., foot of Paynter's Road, Farmingdale, N.J., 07727, no longer manufactures a particular Type "B" liferaft and therefore Approval No. 160.018/13/2 has expired and is terminated, effective June 21, 1965.

DAVITS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures a particular gravity davit and therefore Approval No. 160.032/42/2 has expired and is terminated, effective June 22, 1965.

LIFEBOATS

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures certain lifeboats and therefore Approval Nos. 160.035/38/3 and 160.035/173/2 have expired and are terminated, effective June 21, 1965.

The Marine Safety Equipment Corp., foot of Paynter's Road, Farmingdale, N.J., 07727, no longer manufactures a particular lifeboat and therefore Approval No. 160.035/221/2 has expired and is terminated, effective June 21, 1965.

The Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., no longer manufactures a particular lifeboat and therefore Approval No. 160.035/261/2 has expired and is terminated, effective June 21, 1965.

The Marine Safety Equipment Corp., foot of Paynter's Road, Farmingdale, N.J., 07727, no longer manufactures a particular lifeboat and therefore Approval No. 160.035/281/1 has expired and is terminated, effective July 11, 1965.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

The S. E. Hyman Co., Fremont, Ohio, no longer manufactures certain buoyant vests and therefore Approval Nos. 160.047/348/0, 160.047/349/0, and 160.047/350/0 have expired and are terminated, effective June 21, 1965.

The Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N.J., no longer manufactures certain buoyant vests and therefore Approval Nos. 160.047/366/0, 160.047/367/0, and 160.047/368/0 have expired and are terminated, effective June 21, 1965.

The Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Mich., no longer manufactures certain buoyant vests and therefore Approval Nos. 160.047/408/0, 160.047/409/0, and 160.047/410/0 have expired and are terminated, effective May 1, 1965.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Mich., no longer manufactures a particular buoyant vest and therefore Approval No. 160.048/87/0 is terminated, effective May 1, 1965.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

The Grand Rapids Manufacturing Co., Inc., 420 Alabama Avenue NW., Grand Rapids 4, Mich., no longer manufactures a particular plastic foam buoyant cushion and therefore Approval No. 160.049/27/0 is terminated, effective May 1, 1965.

The General Engineering & Manufacturing Corp., Post Office Box 26, Andrews, Ind., no longer manufactures a particular unicellular plastic foam buoyant cushion and therefore Approval No. 160.049/37/0 has expired and is terminated, effective July 26, 1965.

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

The Pres-Vac, Hovedgaden 70, Lyngby, Denmark, no longer manufactures a particular Type PH pressure vacuum relief valve and therefore Approval No. 162.017/87/0 has expired and is terminated, effective June 21, 1965.

INCOMBUSTIBLE MATERIALS

The Johns-Manville Sales Corp., 22 East 40th Street, New York 16, N.Y., no longer manufactures a particular glass fiber insulation type incombustible material and therefore Approval No. 164.009/35/0 has expired and is terminated, effective April 12, 1965.

Dated: October 15, 1965.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 65-11505; Filed, Oct. 26, 1965; 8:46 a.m.]

Office of the Secretary

[Order 167-68]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631 and pursuant to the powers delegated to me by Treasury Department Order No. 190 (Revision No. 2), there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary under Public Law 89-191, approved September 17, 1965, pertaining to the marking of any sunken vessel or other obstruction existing on any navigable waters of the United States.

Dated: October 20, 1965.

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

[F.R. Doc. 65-11508; Filed, Oct. 26, 1965; 8:46 a.m.]

[Order 167-69]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631 and pursuant to the powers delegated to me in Treasury Department Order No. 190 (Revision 2), there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary under Public Law 89-193, approved September 21, 1965, pertaining to authorizing the early payment of pay and allowances to members of an armed force under Coast Guard jurisdiction.

Dated: October 20, 1965.

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

[F.R. Doc. 65-11509; Filed, Oct. 26, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, 'Licensing of Production and Utilization Facilities,' and Part 2, 'Rules of Practice,' notice is hereby given that a hearing will be held at 10 a.m., local time, on December 7, 1965, in Courtroom No. 16, Grundy Circuit Courthouse, West Washington and Liberty Streets, Morris, Ill., to consider the application filed under section 104b. of the Act by the Commonwealth Edison Co., Chicago, Ill., for a provisional construction permit for a boiling water reactor designed to operate at 2255 megawatts (thermal) to be located at the Dresden Nuclear Power Station, Grundy County, Ill.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Hugh Paxton, Los Alamos, N. Mex.; Dr. Albert J. Kirschbaum, Livermore, Calif., and J. D. Bond, Esq., Chairman, Washington, D.C. Dr. Eugene Greuling, Durham, N.C., has been designated as an alternate

technically qualified member of the Board.

The following issues will be considered at the hearing:

1. Whether in accordance with the provisions of 10 CFR 50.35(a)

(1) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components on which further technical information is required;

(2) The omitted technical information will be supplied;

(3) The applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and

(4) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility;

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

The application and the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) will be available for public inspection in the Commission's Public Document Room 1717 H Street NW., Washington, D.C. Copies of the ACRS report may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than November 12, 1965, or, in the event of a postponement of the hearing date specified, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, by November 12, 1965.

The answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before November 12, 1965.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 25th day of October 1965.

ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 65–11578; Filed, Oct. 26, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

EXCLUSIVE RIGHTS AT AIRPORTS

Policy Statement

1. *Purpose.* It is the purpose of this Statement to set forth Agency policy on the conduct of aeronautical activities at public airports on which Federal funds, administered by the Agency, have been expended. It does not apply to the conduct of aeronautical activities by a governmental authority using its own employees, facilities and resources.

2. *Cancellation.* The Policy Statement on Prohibition of Exclusive Rights at Airports Receiving Federal Funds, dated July 17, 1962, 27 F.R. 7054, is hereby superseded.

3. *Background.* Since the enactment of the Civil Aeronautics Act of 1938, there have been statutory prohibitions against the grant of an exclusive right to conduct an aeronautical activity at an airport on which Federal funds have been expended. The Policy Statement of July 17, 1962, identified the types of activities covered by the legislation and provided guidance as to the manner in which the law would be interpreted and applied. Based on the experience in applying this policy over the past three years, this Statement restates the Agency's interpretation of the legislation.

4. *Pertinent laws and regulations.* a. Section 308(a) of the Federal Aviation Act provides that "there shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended." Identical language was contained in section 303 of the Civil Aeronautics Act of 1938.

b. Section 13(g)(2) of the Surplus Property Act provides that:

> (c) No exclusive right for the use of the airport at which the property disposed of is located shall be vested (either directly or indirectly) in any person or persons to the exclusion of others in the same class. For the purpose of the conditions, an exclusive right is defined to mean—
>
> (1) Any exclusive right to use the airport for conducting any particular aeronautical activity requiring operation of aircraft;
>
> (2) Any exclusive right to engage in the sale or supplying of aircraft, aircraft accessories, equipment, or supplies (excluding the sale of gasoline and oil), or aircraft services necessary for the operation of aircraft (including the maintenance and repair of aircraft, aircraft engines, propellers, and appliances).

c. Section 11 of the Federal Airport Act requires that the Administrator shall receive assurances in writing, satisfactory to him, that "the airport to which the project relates will be available for public use on fair and reasonable terms and without unjust discrimination."

d. Federal Aviation Regulations Part 151 prescribes the policies and procedures for administering the Federal-aid Airports Program under the Federal Airport Act. Sections 151.7, 151.37, 151.67 and 151.121 relate to this subject.

5. *Definitions.* For the purpose of this Policy Statement the following definitions apply:

a. *Exclusive right.* A power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An exclusive right may be conferred either by express agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties but excluding others from enjoying or exercising a similar right or rights would be an exclusive right.

b. *Aeronautical activity.* Any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

The following activities, commonly conducted on airports, are aeronautical activities within this definition: charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can appropriately be regarded as an "aeronautical activity."

The following are examples of what are not considered aeronautical activities: ground transportation (taxis, car rentals, limousines); restaurants; barber shops; auto parking lots.

c. *Minimum standards.* The qualifications which may be established by an

airport owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the airport.

6. *Policy.* The grant of an exclusive right for the conduct of any aeronautical activity, on an airport to which this Statement applies, is regarded as contrary to the requirements of applicable laws, whether such exclusive right results from an express agreement, from the imposition of unreasonable standards or requirements, or by any other means. However, the existence of an exclusive right to sell gasoline and oil will not be considered to be in violation of section 308(a) where such right has been specifically exempted by a deed under the Surplus Property Act, except where an agreement not to grant an exclusive right for the sale of gasoline and oil is controlling.

7. *Interpretation of policy*—a. *Single activity not necessarily an exclusive right.* The presence on an airport of only one person engaged in an aeronautical activity as herein defined will not itself be considered a violation of this policy if there is no intent by express agreement, imposition of unreasonable standards or requirements, or by any other means to exclude others. This would occur when the volume of business may not be sufficient to attract more than one person. As long as the opportunity to engage in an aeronautical activity is available to those meeting reasonable qualifications and standards relevant to such activity, the fact that only one person takes advantage of the opportunity does not constitute the grant of an exclusive right.

b. *Single activity due to space limitation.* The leasing of all available airport land or improvements suitable for an aeronautical activity to one person will be construed as evidence of an intent to exclude others unless it can be reasonably demonstrated that the entire leased area is presently required and will be immediately used to conduct that activity.

In some instances an aeronautical activity may be limited, as the result of this policy or otherwise, to the lease of such space as is demonstrably needed. If additional space is needed at a later date, it must be made available to all qualified proponents or bidders, including the incumbent. The advance grant of options or preferences on all future sites to the incumbent is an exclusive right. On the other hand, nothing in this policy should be construed as limiting the expansion of such aeronautical activities when additional space is required even though it could ultimately result in complete saturation of all space by the one activity.

c. *Restrictions based on safety.* Under some circumstances a person may be denied the right to engage in an aeronautical activity at an airport for reasons of safety. The justification for such denials should be fully evaluated.

d. *Restrictions on self-service.* Any unreasonable restriction imposed on the owners or operators of aircraft regarding the servicing of their own aircraft and equipment may be construed as a violation of this policy. An owner of an aircraft should be permitted to fuel, wash, repair, paint, and otherwise take care of his own aircraft. A restriction which has the effect of diverting such business to an operator of such an aeronautical activity amounts to an exclusive right contrary to law. However, local airport regulations may include such restrictions on these self-service activities as are reasonably necessary for safety, preservation of facilities, and protection of the public interest.

8. *Enforcement*—a. *Remedies.* At any airport where there has been a grant of an exclusive right contrary to law and this policy, that airport and any other airport owned or controlled by the offending airport owner will be ineligible for assistance under the FAAP program and the Agency will not expend Facilities and Equipment funds for installations designed to benefit traffic at such airports. No Grant Agreement may be executed, and no payment of funds due under prior Grant Agreements shall be made, nor shall any Facilities and Equipment funds be expended until the exclusive right has been terminated.

b. *National defense and national interest.* This Statement shall not be construed as precluding the grant or expenditure of Federal funds when required for the national defense, or when determined by the Administrator to be in the national interest.

c. *Application to preexisting agreements.* On July 17, 1962, the Agency defined the aeronautical activities prohibited by section 308(a) of the Federal Aviation Act. Prior to the publication of this definition, which is repeated in paragraph 5b of this Statement, exclusive rights to conduct certain activities not involving the actual use of public landing areas were considered not to be in violation of the statute. The Agency will continue to participate in airport development in these instances if it can be demonstrated that an exclusive right agreement made prior to July 17, 1962 will be effectively terminated as soon as possible. The termination date will in no event be later than the earliest renewal or cancellation date specified in the lease or agreement covering such an exclusive right agreement. However, in no case will FAAP participation in airport improvement be authorized where there exists an exclusive right which was prohibited under the interpretation prior to July 17, 1962.

9. *Administration of policy*—a. *Intent.* The FAA does not propose to conduct any special investigation or inquiry solely to determine whether an exclusive right may have been granted. The Agency will investigate any complaint by any person who claims to have been denied the right to exercise an aeronautical activity because of the grant of an exclusive right which is contrary to law and the provisions hereof. Further, the Agency will investigate any apparent violation which is discovered during routine visits to, and inspections of, airports.

b. *Project application.* As a material part of any Grant Agreement in anticipation of financial assistance under the Federal Airport Act, all applicants for such assistance will be required to (i) certify that there is no grant of exclusive right which would preclude expenditure of funds by the Agency under the provisions hereof at any public airport then owned or controlled by the applicant, and (ii) give assurances that none will be granted on any airport subsequently acquired.

c. *Protection of private investment.* It is the intent of the foregoing policies to promote fair competition at public airports. It is expected that public airport owners will adopt and enforce minimum standards and qualifications to be met by those who propose to engage in commercial aeronautical activities. Primarily such standards should protect the interest of the public. The application of any unreasonable requirement or standard to the proposed activities, or any requirement or standard which is applied in a discriminatory manner, shall be considered to be a constructive grant of an exclusive right contrary to applicable laws and the provisions hereof.

Issued in Washington, D.C., on October 25, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65-11582; Filed, Oct. 26, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-952]

FRAUDULENT BILLING RULE

Applicability

OCTOBER 22, 1965.

The fraudulent billing practices prohibited by §§ 73.124, 73.299 and 73.678 of the Commission's rules and regulations include all practices commonly referred to as "double billing". Most "double billing" as practiced in the past has been designed to deceive and defraud manufacturers into paying a larger share of a local dealer's cooperative advertising expenditure than was stipulated in their agreements with such local dealers. However, there may have been other cases in which the manufacturers reimbursed a dealer on the basis of a bill for cooperative advertising which the manufacturer knew to be inflated or fictitious, because the manufacturer wished to use this scheme to violate the Clayton and Robinson-Patman Acts (15 U.S.C. 13) which make it unlawful for a manufacturer or distributor engaged in commerce to give discriminatory discounts, rebates or advertising allowances to its dealers. Any information coming to the Commission's attention indicating possible violations of these statutes will be considered by this Commission and referred to the Federal Trade Commission for appropriate action by that agency. As previously stated by this Commission, participation by a licensee in a scheme to violate a federal statute reflects seriously upon his qualifications.

Since fraudulent billing practices may take many forms, the following list of examples should not be considered as all-inclusive. It is provided merely to supply illustrations of certain fraudulent practices with which the Commission already is familiar. It should be remembered that the essential element in "double billing" is the furnishing of false information to any party contributing to the payment of broadcast advertising as to the amount actually charged by the licensee for such advertising or as to the nature, quantity or content of such advertising.

The above-mentioned rules state, and the Commission wishes to emphasize, that licensees shall use reasonable diligence to see that their employees do not engage in fraudulent billing practices.

EXAMPLES

1. A licensee issues a bill or invoice to a local dealer for 50 commercial spots at a rate of $5.00 each for a total of $250. In connection with the same 50 commercial spots, the station also supplies the local dealer or an advertising agency, jobber, distributor, or manufacturer of products sold by the local dealer, another affidavit, memorandum, bill or invoice which indicates that the amount charged the local dealer for the 50 spots was greater than $5.00 per spot.

Interpretation: This is fraudulent billing, since it tends to deceive the manufacturer, jobber, distributor, or advertising agency to which the inflated bill eventually is sent, as to the amount actually charged and received by the station for the advertising.

2. A licensee issues a bill or invoice to a local dealer for 50 commercial spots at $5.00 each and the bill, invoice or accompanying affidavit indicates that the 50 spots were broadcast on behalf of certain cooperatively advertised products, whereas some of the spots did not advertise the specified products, but were used by the local dealer solely to advertise his store or other products for which cooperative sponsorship could not be obtained.

Interpretation: This is fraudulent billing, even though the station actually received $5.00 each for the 50 spots, because, by falsely representing that the spots advertised certain products, the licensee has enabled the local dealer to obtain reimbursement from the manufacturer, distributor, jobber, or advertising agency for advertising on behalf of its product which was not actually broadcast.

3. A licensee sends, or permits its employees to send, blank bills or invoices bearing the name of licensee or his call letters to a local dealer or other party.

Interpretation: A presumption exists that licensee is tacitly participating in a fraudulent scheme whereby a local dealer, advertising agency or other party is enabled to deceive a third party as to the rate actually charged by licensee for advertising, and thereby to collect reimbursement for such advertising in an amount greater than that specified by the agreement between the third party and the local dealer. It is the licensee's responsibility to maintain control over the issuance of bills and invoices in the licensee's name, to make sure that fraud is not practiced.

4. A licensee submits bills or invoices to an advertising agency, station representative, or other party indicating that licensee's rate per spot is $50.00, whereas the licensee actually receives only $5.00 or $10.00 per spot in actual payment from the agency, representative or other party. Licensee claims that the remaining 80 or 90 percent of its original invoice has been deducted by the agency as "commission" and therefore no "double billing" is involved.

Interpretation: This is fraudulent billing. The agency discount does not customarily exceed 15 percent and the supplying of bills and invoices by the licensee to agencies which indicate that the licensee is charging several times as much for advertising as he actually receives constitutes participation in a fraudulent scheme.

5. A licensee submits a bill or invoice to a local dealer or other party for 50 commercial spots at $5.00 each for a total of $250. However, the bottom of the bill or invoice carries an addendum, so placed that it may be cut off of the bill or invoice without leaving any indication that the invoice originally carried such an addendum. The addendum specifies a "discount" to the advertiser based on volume, frequency or other consideration, so that the amount actually billed at the bottom of the page is less than $5.00 for each spot.

Interpretation: The preparation of bills or invoices in a manner which seems designed primarily to enable the dealer to deceive a cooperative advertiser as to the amount actually charged for cooperative advertising raises a presumption that the licensee is participating in a "double billing" scheme.

6. A licensee submits a bill or invoice to a local dealer for 50 spots involving cooperative advertising of a certain product or products at a rate of $5.00 each, and actually collects this amount from the dealer. However, as a "bonus" the licensee "gives" the dealer 50 additional spots in which the product or products named on the original invoice are not advertised, so that the dealer actually obtains the benefit of 100 spots in return for payment to the station of the $250 billed for the 50 cooperative spots.

Interpretation: If the 50 "bonus" spots were broadcast as the result of any agreement or understanding, express or implied, that the dealer would receive such additional advertising in return for contracting for the first 50 spots at $5.00 each, the so-called "bonus" spots were in fact a part of the same deal, and the licensee, by his actions, is participating in a scheme to deceive and defraud a manufacturer, jobber, distributor or advertising agency.

7. A local appliance dealer agrees to purchase 1,000 spots per year from a station and thereby earns a discount which reduces his rate per spot from $10.00 to $5.00. During the course of the year, the dealer purchases 100 spots from the station which advertise both the dealer and "Appliance A" and for which the dealer pays $5.00 per spot. Since the station's rate per spot for 100 spots is $10, the dealer asks the station to supply him with an invoice for the 100 spots on behalf of "Appliance A" at $10 per spot, claiming that if the manufacturer of the appliance had purchased the 100 spots, or if the dealer himself had purchased only these 100 spots within the course of a year, the $10 rate would apply, and that, therefore, the manufacturer should be required to reimburse the dealer at the $10 rate.

Interpretation: This practice constitutes fraudulent billing unless the dealer can provide satisfactory evidence that the manufacturer of "Appliance A" is aware that the dealer actually paid only $5.00 per spot because of the volume discount.

8. A licensee issues a bill or invoice to a dealer for commercial spots which were never broadcast.

Interpretation: This practice, prima facie, involves fraud, either against the dealer or against a third party which the dealer expects to provide partial reimbursement for the non-existent advertising.

Adopted: October 20, 1965.

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

[F.R. Doc. 65-11521; Filed, Oct. 26, 1965; 8:48 a.m.]

[Docket No. 16250; FCC 65-941]

SERVICE ELECTRIC CABLE TV, INC.

Order To Show Cause

In the matter of cease and desist order to be directed to Service Electric Cable TV, Inc., 206-208 East Third Street, Bethlehem, Pa., Docket No. 16250.

The Commission having under consideration (1) complaints of interference to television reception in the Bethlehem-Allentown, Pa., area and (2) a field investigation as to the cause of the television interference; and

It appearing, From said field investigation that a community antenna television system operated by Service Electric Cable TV, Inc. (hereinafter referred to as Service Electric), is a source of harmful interference to television reception in said area; and the system radiates radio frequency energy in excess of that permitted by § 15.161 of the Commission's rules (47 CFR 15.161);

It further appearing, That the above facts have been called to the attention of Service Electric by the Commission both orally and in writing and that Service Electric has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made, and such compliance has not been accomplished as required by §§ 15.161 through 15.163 of the Commission's rules (47 CFR 15.161 through 15.163);

It is ordered, This 20th day of October 1965 pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. sec. 312), that Service Electric show cause why there should not be issued an order commanding it to cease and desist from operating a community antenna television system in violation of the provisions of Part 15 (47 CFR Part 15) of the Commission's rules. That is: The said Service Electric Cable TV, Inc., its agents, employees, privies, assigns, successors in interest, or other parties acting in concert with it shall cease and desist from operating or permitting to be operated a community antenna television system in a manner which causes it to radiate radio frequency energy in excess of that permitted under § 15.161 of the Commission's rules and in a manner that causes harmful interference to the direct reception of television signals in violation of § 15.163 of said rules; and

[1] Commissioners Hyde and Lee absent; Commissioner Loevinger concurring and issuing a statement filed as part of original document.

It is further ordered, That a hearing in this matter be held before a Commission hearing examiner in Bethlehem, Pa., and at a time and place to be designated by subsequent order but in no event less than 30 days from the receipt of this order to determine whether said cease and desist order should be issued, and that Service Electric is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.91 (47 CFR 1.91) of the rules, that Service Electric is directed to file with the Commission within 30 days of receipt of this order a written appearance, stating it will appear and present evidence on the matters specified in this order. If Service Electric does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matters specified herein, it shall, within 30 days of receipt of this order, file with the Commission a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Service Electric believes that a cease and desist order should not issue; and

It is further ordered, That failure of said Service Electric timely to respond to this order or its failure to appear at the hearing designated herein will be deemed a waiver of hearing; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested, to Service Electric Cable TV, Inc., 206–208 East Third Street, Bethlehem, Pa.

Released: October 22, 1965.

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

[F.R. Doc. 65–11522; Filed, Oct. 26, 1965; 8:48 a.m.]

[Docket No. 16250; FCC 65M–1371]

SERVICE ELECTRIC CABLE TV, INC.

Order Scheduling Hearing

In the matter of cease and desist order to be directed to Service Electric Cable TV, Inc., 206–208 East Third Street, Bethlehem, Pa., Docket No. 16250.

It is ordered, This 22d day of October 1965, that David I. Kraushaar shall serve as presiding officer in the above-entitled proceeding, and that the hearing therein shall be convened in Bethlehem, Pa., at 10 a.m., December 6, 1965; *and, It is further ordered,* In view of the allegations contained in the Commission's Order to Show Cause herein, viz, "* * * a community antenna television system operated by Service Electric Cable TV, Inc., is a source of harmful interference to television reception in said area," that the hearing in this proceeding and the preparation of an initial decision by the presiding officer shall be expedited to the fullest extent consistent with his obligations concerning other proceedings on his docket.

Released: October 22, 1965.

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

[F.R. Doc. 65–11523; Filed, Oct. 26, 1965; 8:48 a.m.]

[Docket No. 16125; FCC 65M–1368]

TINKER, INC.

Order Scheduling Prehearing Conference

In the matter of revocation of the license of Tinker, Inc., for standard broadcast station WEKY, Richmond, Ky., Docket No. 16125.

It appearing, that the disposition of certain now-pending pleadings may affect materially the procedural arrangements presently governing this hearing, and that it is appropriate for the parties and the Hearing Examiner to consider what, if any, procedural modifications may be necessary;

It is ordered, This 21st day of October 1965, that a prehearing conference shall convene on November 3, 1965, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: October 21, 1965.

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

[F.R. Doc. 65–11524; Filed, Oct. 26, 1965; 8:48 a.m.]

[Docket Nos. 15826, 15827; FCC 65M–1367]

KXYZ TELEVISION, INC., AND CREST BROADCASTING CO.

Order Continuing Hearing

In re applications of KXYZ Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT–3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT–3302; for construction permit for new television broadcast station (Channel 26).

The Hearing Examiner having for consideration the informal request of Crest Broadcasting Co. for a continuance of the hearing now scheduled to commence on October 25, 1965;

It appearing that the request is occasioned by a death this date in the immediate family of counsel for Crest, and that counsel for the other parties have consented to a grant of the requested relief;

It further appearing that it is appropriate to convene a prehearing conference to ascertain the most convenient date for the rescheduling of hearing;

It is ordered, This 21st day of October 1965, that the hearing now scheduled to commence on October 25, 1965, is continued pending further order, and that a prehearing conference shall convene on November 4, 1965, commencing at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: October 21, 1965.

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

[F.R. Doc. 65–11525, Filed Oct. 26, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–5491 etc.]

EDWARDS OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

OCTOBER 19, 1965.

Edwards Oil & Gas Co. and other Applicants listed herein, Docket Nos. G–5491, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 10, 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 all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the

[1] Commissioners Hyde and Lee absent.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5491 D 10-11-65	Edwards Oil & Gas Co., c/o W. H. Mossor, partner, Post Office Box 324, Harrisville, W. Va., 26362.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	(1)	----
G-11046 C 10-11-65	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla.	Tennessee Gas Transmission Co., East Cameron Area Blocks 49 and 67, West Cameron Area Blocks 201 and 216, Offsboro Louisiana.	19.5	15.025
G-15270 C 10-11-65	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Trunkline Gas Co., San Carlos Field, Hidalgo County, Tex.	[2] 14.0	14.65
G-17582 (C160-697) C 10-11-65 [3]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Texas Gas Transmission Corp., Minden Field, Webster Parish, La.	[4] 18.25	15.025
CI62-523 E 9-27-65	H. C. Glass (successor to Guest & Moller Oil Co.), Amarillo Bldg., Amarillo, Tex.	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	16.5	14.65
CI63-20 D 10-11-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Assigned	----
CI63-603 C 10-6-65 [5]	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	15.0	14.65
CI63-1209 E 10-6-65	Hi-Plains Production, Inc. (successor to Ross Petroleum, Inc. (Operator), et al.), 9th Floor, Vaughn Bldg., Amarillo, Tex.	Phillips Petroleum Co., acreage in Sherman County, Tex.	[6] 9.0	14.65
CI63-1492 D 10-7-65	Kingwood Oil Co., c/o C. A. McKenzie, attorney, First National Bldg., Oklahoma City, Okla., 73102.	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	(7)	----
CI64-648 C 10-11-65	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Arkansas Louisiana Gas Co., Red Oak Field, Haskell County, Okla.	[8] 15.0	14.65
CI64-1476 C 10-11-65	Tidewater Oil Co., Post Office Box 1404, Houston, Tex., 77001.	El Paso Natural Gas Co., San Juan Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI64-1494 C 10-6-65	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	Arkansas Louisiana Gas Co., Southwest Lacy Field, Kingfisher County, Okla.	15.0	14.65
CI65-2 C 9-7-65	Arkla Exploration Co., et al., c/o Robert Roberts, Jr., and Gilbert L. Hetherwick, attorneys Blanchard, Walker, O'Quin & Roberts, Post Office Box 1126, Shreveport, La., 71102.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Haskell County, Okla.	15.0	14.65
CI65-642 C 10-7-65	Dabney Crump, et al., 224 Washington Blvd., Belpre, Ohio.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI66-83 E 10-1-65	Elder Oil Co. (successor to R. J. Braden, et al., d.b.a. Long Run Development Co.), Peoples Bank Bldg., Marietta, Ohio.	do	25.0	15.325
CI66-246 B 8-26-65	Kimbark Exploration Co., 201 University Blvd., Denver, Colo., 80206.	Kansas-Nebraska Natural Gas Co., Inc., Darby Creek Field, Logan County, Colo.	[9]	----

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-288 B 10-4-65	Kingwood Oil Co. (Operator), et al., First National Bldg., Oklahoma City, Okla., 73102.	Cities Service Gas Co., acreage in Comanche County, Okla.	Depleted	----
CI66-289 (G-4241) F 10-7-65	Chas. T. McCord, Jr., d.b.a. McCord Oil Co. (successor to R. Lacy, Inc., et al.), c/o Ross Production Co., Post Office Box 1185, Shreveport, La., Attention: Mr. Harold Ross.	Lone Star Gas Co., Carthage Field, Panola County, Tex.	14.0	14.65
CI66-290 (CI62-1104) F 10-4-65	Franks Petroleum (Operator), et al. (successor to Union Producing Co.), Post Office Box 1200, Shreveport, La.	United Gas Pipe Line Co., South Downsville Field, Lincoln Parish, La.	18.75	15.025
CI66-291 A 10-7-65	The Atlantic Refining Co., Post Office Box 2819, Dallas, Tex., 75221.	Montana-Dakota Utilities Co., Indian Butte Field, Fremont County, Wyo.	15.384	15.025
CI66-292 A 10-6-65	Anadarko Production Co., Post Office Box 351, Liberal, Kans., 67901.	Panhandle Eastern Pipe Line Co., Interstate Red Cave Field, Morton County, Kans.	[10] 16.0	14.65
CI66-293 A 10-11-65	C. Gary Garlitz (Operator), et al., 408 Gulf Bldg., Midland, Tex., 79704.	El Paso Natural Gas Co., acreage in Crockett County, Tex.	[11] 16.196	14.65
CI66-294 A 10-11-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Panhandle Eastern Pipe Line Co., West Perryton Field, Ochiltree County, Tex.	17.0	14.65
CI66-295 A 10-11-65	Cabot Corp., Post Office Box 1101, Pampa, Tex., 79066.	United Gas Pipe Line Co., Fostoria Field, Montgomery County, Tex.	14.0	14.65
CI66-296 B 10-11-65	Ritter-Scott, c/o James F. Scott, agent, 124 Valley Street, Salem, W. Va.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	Production Declined	----
CI66-297 B 10-6-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	[12]	----
CI66-298 A 10-6-65	Katex Oil Co., 1404 South Cedar St., Borger, Tex.	Phillips Petroleum Co., West Panhandle Field, Gray County, Tex.	9.0	14.65
CI66-299 B 10-7-65	The Jupiter Corp., 510 Capital National Bank Bldg., Houston, Tex.	Tennessee Gas Transmission Co., North Magnolia City Field, Jim Wells County, Tex.	Depleted	----
CI66-300 (CI64-838) F 10-11-65	Suntex Oil & Gas Co. (successor to Paul M. Haywood and Lorene Haywood), c/o Gordon L. Llewellyn, attorney, 908 Southland Center, Dallas, 1, Tex.	Northern Natural Gas Co., Tonkawa Field, Lipscomb County, Tex.	17.0	14.65
CI66-301 A 10-13-65	Frio-Tex Oil & Gas Co. (Operator), et al., Alamo National Bank Bldg., San Antonio, Tex.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.	16.0	14.65
CI66-302 A 10-11-65	Chester Oil Co., c/o Jacob Goldberg, attorney, 810 Pennsylvania Bldg., Washington, D.C., 20004.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Area, Beaver County, Okla.	[13] 17.0	14.65

[1] Deletes expired leases from Gas Purchase Contract.
[2] Subject to reduction of 0.75 cents per Mcf per stage of compression should Buyer install or utilize existing compression facilities; also subject to deduction of 0.25 cents per Mfc for dehydration.
[3] Adds acreage acquired from Wheless Drilling Co., et al.—Docket No. CI60-697.
[4] Includes 1.75 cents per Mcf tax reimbursement.
[5] Adds acreage previously certificated under Docket No. CI64-278; represents that portion of acreage for which abandonment is filed for in Docket No. CI66-297.
[6] 0.4466 cents less per Mcf for "sour gas."
[7] Production of gas from the Caroline Unit does not meet the pipe line standards and requirements of Buyer.
[8] Subject to deduction for compression.
[9] Wells are no longer capable of commercial gas production.
[10] Seller to reimburse Buyer for compression if required.
[11] Includes 0.196 cents per Mcf tax reimbursement.
[12] Acreage committed to present contract dated Aug. 1, 1963 (Docket No. CI64-278) has been added to contract under Docket No. CI63-603.
[13] Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 65-11415; Filed, Oct. 26, 1965; 8:45 a.m.]

[Docket No. RI66–108 etc.]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 19, 1965.

Graham-Michaelis Drilling Co. (Operator), et al., Respondents listed herein, Docket Nos. RI66–108, et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1965.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66–108	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans.	16	3	Panhandle Eastern Pipe Line Co. (Greenough Field, Beaver County, Okla.) (Panhandle Area).	$297	9–22–65	[2] 10–23–65	3–23–66	15.0	[3] [4] 16.0	
	do	17	[5] 7	Panhandle Eastern Pipe Line Co. (Carter No. 2 Unit, Greenough Field, Beaver County, Okla.) (Panhandle Area).	99	9–22–65	[2] 10–23–65	3–23–66	16.0	[3] [4] 17.0	
	do	26–A&B	4	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	2,005	9–22–65	[2] 10–23–65	3–23–66	17.0	[3] [4] 17.6	
	do	27	2	do	1,753	9–22–65	[2] 10–23–65	3–23–66	16.0	[7] [4] 17.2	
RI66–109	Sunray DX Oil Co., Post Office Box 2039, Tulsa 2, Okla.	28	4	Phillips Petroleum Co. (Panhandle Field, Hutchinson and Moore Counties, Tex.) [11a] (R.R. District No. 10).	(8) 5,070	9–10–65	[9] 11–1–65	4–1–66	[10] 12.0 [11] 11.5534	[3] [4] [10] 13.0 [3] [4] [11] 12.5534	RI62–51. RI62–51.
RI66–110	Pan American Petroleum Corp. (Operator), et al., Post Office Box 3092, Houston, Tex., 77001.	150	20	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	3,204	9–27–65	[9] 11–1–65	4–1–66	[12] 17.0314	[3] [12] [13] 17.2366	RI65–278.
	do	283	9	Texas Eastern Transmission Corp. (Willow Springs, Gregg County, Tex.) (R.R. District No. 6).	394	9–27–65	[9] 11–1–65	4–1–66	15.8	[3] [4] 16.0	RI65–297.
RI66–111	Pan American Petroleum Corp.	208	8	Texas Eastern Transmission Corp. (Fort Lynn Field, Miller County, Ark.).	652	9–27–65	[9] 11–1–65	4–1–66	[14] [15] 15.075	[3] [4] [14] [15] 15.275	RI65–277.
RI66–112	George Mitchell & Associates, Inc., agent for Blue Oil Gas Co., et al., 12th Floor, Houston Club Bldg., Houston, Tex., 77002.	22	1	Valley Gas Transmission, Inc. (Hinnant Field, Live Oak County, Tex.) (R.R. District No. 2).	2,829	9–20–65	[9] 10–24–65	3–24–66	14.0	[3] [4] 15.0	
RI66–113	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	79	11	United Gas Pipe Line Co. (Burnell-North Pettus Field, Bee and Karnes Counties, Tex.) (R.R. District No. 2).	3,713	9–20–65	[9] 10–21–65	3–21–66	14.0	[4] [16] 15.485	
	Continental Oil Co.	282	2	South Texas Natural Gas Gathering Co. (McAllen Ranch Field, Hidalgo, Tex.) (R.R. District No. 4).	54,750	9–22–65	[9] 10–23–65	3–23–66	16.0	[3] [4] 17.0	
RI66–114	Russell Maguire (Operator), et al., 4200 First National Bank Bldg., Dallas, Tex., 75202.	2	11	Texas Eastern Transmission Corp. (Alco-Mag Field, Harris County, Tex.) (R.R. District No. 3).	2,160	9–23–65	[9] 11–1–65	4–1–66	[17] 15.8	[3] [4] [17] 16.0	RI65–279, et al.
RI66–115	Pan American Petroleum Corp. (Operator), Post Office Box 3092, Houston, Tex., 77001.	8	25	Texas Eastern Transmission Corp. (Hastings, Turtle Bay and Chocolate Bayou Fields, Galveston, et al., Counties, Tex.) (R.R. District No. 3).	4,928	9–24–65	[9] 11–1–65	4–1–66	15.8	[3] [4] 16.0	RI65–239, et al.
RI66–116	Blanco Oil Co., Post Office Box 2641, San Antonio, Tex., 78206.	4	9	United Gas Pipe Line Co. (Burnell-North Pettus Field, Bee, Goliad and Karnes Counties, Tex.) (R.R. District No. 2).	1,760	9–27–65	[9] 11–1–65	4–1–66	14.0	[4] [16] 15.485	

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Covers Carter No. 2 Unit.
[6] 3-step periodic rate increase.
[7] 6-step periodic rate increase.
[8] No production.
[9] The stated effective date is the date requested by Respondent.
[10] Sweet gas.
[11] Sour gas (sweet gas rate less 0.4466 cent per Mcf deduction for sour gas).
[11a] Phillips resells the gas after processing in its Dumas Gasoline Plant under its FPC Gas Rate Schedule No. 32 to El Paso Natural Gas Co. The effective rate under Phillips' Rate Schedule No. 32 is 19.76325 cents which is in effect subject to refund in Docket No. G–20403.
[12] Pressure base is 15.025 p.s.i.a.
[13] Includes 1.75 cents per Mcf tax reimbursement.
[14] Subject to a downward B.t.u. adjustment.
[15] Includes 0.175 cent per Mcf tax reimbursement (Arkansas severance tax and conservation assessment).
[16] Redetermined rate increase.
[17] Includes 0.5 cent per Mcf for facilities amortization deducted by buyer.

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

Graham-Michaelis Drilling Co. (Operator), et al. (Graham-Michaelis) requests a retroactive effective date of May 1, 1963, for Supplement Nos. 3 and 7 to its FPC Gas Rate Schedule Nos. 16 and 17, respectively; an effective date of November 4, 1964, for Supplement No. 4 to its FPC Gas Rate Schedule No. 26 A and B, and an effective date of June 1, 1965, for Supplement No. 2 to its FPC Gas Rate Schedule No. 27. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Graham-Michaelis' rate filings and such request is denied.

Pan American Petroleum Corp.'s proposed increased rate covers a sale in Arkansas where no formal ceiling rates have been established. The increased rate does exceed the 14.0 cents per Mcf ceiling established for adjacent Texas Railroad District No. 6 which has been used for similar cases in the past.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 65-11416; Filed, Oct. 26, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Minneapolis Area Office Redelegation Order 1, Amdt. 7]

FORESTRY MATTERS

Redelegation of Authority

OCTOBER 19, 1965.

Minneapolis Area Office Redelegation Order 1, as amended, is further amended by the addition of a new section under Part 3, Authority of Specifically Designated Employees, to read as follows:

SECTION 3.233. *Sale of Forest Products, Red Lake Indian Mills.* The Superintendent, Red Lake Agency, may exercise any and all authority of the Secretary set forth in 25 CFR Part 144.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 65-11489; Filed, Oct. 26, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Designation and Extension 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 North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Benson	Cavalier

It has also been determined that in the hereinafter-named counties in the State of North Dakota the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Dakota	*Present designation*
Eddy	30 F.R. 808
Foster	30 F.R. 808

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 21st day of October 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-11526; Filed, Oct. 26, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-385]

AIRCRAFT ACCIDENT AT MONTOURSVILLE, PA.

Supplemental Notice of Hearing

In the matter of investigation of accident involving aircraft of United States registry N8415H, which occurred at Montoursville, Pa., on July 23, 1965; Docket No. SA-385.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 10:30 a.m. (local time), on Thursday, October 28, 1965, in the Pickwick Room of the Holiday Inn, Williamsport, Pa.

Dated this 21st day of October 1965.

[SEAL] RICHARD G. RODRIGUEZ,
Hearing Officer.

[F.R. Doc. 65-11514; Filed, Oct. 26, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1716]

GOLCONDA MINING CORP.

Order Withdrawing Application and Cancelling Hearing

OCTOBER 21, 1965.

Golconda Mining Corp. ("Golconda"), Wallace, Idaho, an Idaho corporation, having filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") requesting an order of the Commission declaring that Golconda is not an investment company;

The Commission on July 7, 1965, having issued a notice of and order for hearing on said application (Investment Company Act Release No. 4298), such notice and order having provided that a hearing on the aforesaid application 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, Washington;

The Commission on August 18, 1965, having issued an order postponing said hearing until September 23, 1965, on September 22, 1965, having issued an order postponing such hearing until October 8, 1965, and on October 5, 1965, having issued an order further postponing said hearing until October 25, 1965;

Counsel for Golconda having requested withdrawal of said application and having represented that Golconda intends to file a notification of registration under the Act, that said notification of registration is presently being prepared, and that said notification of registration will be filed promptly;

It is ordered That said application be, and hereby is, withdrawn;

It is further ordered That the hearing in the aforesaid matter be, and hereby is, cancelled.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11490; Filed, Oct. 26, 1965; 8:45 a.m.]

[File No. 70-4317]

MISSISSIPPI POWER & LIGHT CO.

Proposed Amendment of Articles of Incorporation and Order Authorizing Solicitation of Proxies

OCTOBER 21, 1965.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), Post Office Box 1640, Jackson, Miss., 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the Office of the Commission, for a statement of the transactions therein proposed which are summarized below.

In order to make possible the issue and sale in 1966 of 100,000 shares of a new series of its preferred stock (which will be the subject of a separate declaration under the Act), Mississippi proposes to amend its Articles of Incorporation so as to increase the number of shares of its authorized preferred stock from 104,476 to 204,476. In connection therewith, Mississippi also proposes to make certain other changes in its Articles of In-

corporation so as to bring the preferred stock provisions thereof into conformity with this Commission's Statement of Policy regarding preferred stock subject to the Act (Holding Company Act Release No. 13106, February 16, 1956).

The declaration states that it will be necessary for Mississippi to hold a special meeting of its stockholders and to submit to its stockholders at such meeting a proposal to amend the company's Articles of Incorporation as mentioned above. It is further stated that under the applicable provisions of the Mississippi Business Corporation Act, the affirmative vote of the holders of at least two-thirds of all issued and outstanding shares of the company's preferred stock and common stock, as well as the affirmative vote of the holders of at least two-thirds of all issued and outstanding shares of the company's preferred stock voting separately from the common stock as one class, will be required for the adoption of the proposed amendments. Proposed proxy solicitation material for such stockholders' meeting has been filed pursuant to Rule 62 under the Act, and Mississippi proposes to mail the same shortly after the Commission enters its order so authorizing. Mississippi has requested that the Commission accelerate the effectiveness of its declaration under Rule 62. It is stated that Middle South Utilities, Inc., holder of all of its outstanding common stock, will vote such stock in favor of the charter amendment.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $6,000, including printing costs of $2,500 and counsel fees of $3,000. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 8, 1965, request in writing that a hearing be held in connection with the proposed amendment of the Articles of Incorporation, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant 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 declaration, as amended or as it may be further amended, may be 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.

It appearing to the Commission that Mississippi's request for acceleration of the effectiveness of its declaration under Rule 62 should be granted:

It is ordered That the declaration, as amended, regarding the proxy solicitation material, filed pursuant to Rule 62, be, and the same hereby is, permitted to become effective forthwith.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-11491; Filed, Oct. 26, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 835]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

OCTOBER 22, 1965.

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-9239. Authority sought for merger into SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246, of the operating rights and properties of (1) SCHWERMAN TRUCKING CO. of ILLINOIS, Inc.; (2) SCHWERMAN TRUCKING CO. OF INDIANA, INC.; (3) SCHWERMAN TRUCKING CO. OF OHIO; (4) SCHWERMAN TRUCKING CO. OF NEW YORK, INC.; (5) SCHWERMAN TRUCKING CO. OF TEXAS; and (6) SCHWERMAN CO. OF PENNSYLVANIA, INC.; all located at 611 South 28th Street, Milwaukee, Wis., 53246, and for acquisition by FRED J. SCHWERMAN, CARL L. SCHWERMAN, ESTATE OF FRED SCHWERMAN, SR. (FRED J. SCHWERMAN, RICHARD D. SCHWERMAN, and GEORGE LAIKIN, CO-EXECUTORS), and the GRANDCHILDREN AND SPECIAL TRUSTS of FRED SCHWERMAN, SR. (CARL L. SCHWERMAN, REPRESENTATIVE), of control of such rights and properties through the transaction. Applicants' attorneys: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis., 53246, and Clyde Herring, 640 Shoreham Building, Washington, D.C. Operating rights sought to be merged:

(1) (SCHWERMAN TRUCKING CO. OF ILL., INC.) *Cement* (in bulk and packages as specified), as a *common carrier*, over irregular routes, from, to and between certain specified points in Illinois, Indiana, Wisconsin, and Iowa, with restrictions; and other numerous specified commodities (in bulk, bags, and tank vehicles, as specified), from and to certain specified points in Illinois, Wisconsin, Iowa, Alabama, Arkansas, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia; (2) (SCHWERMAN TRUCKING CO., OF INDIANA, INC.) *cement* (in bulk, tank vehicles, packages, and bags, as specified), as a *common carrier*, over irregular routes from, to and between certain specified points in Illinois, Indiana, Ohio, Kentucky, Wisconsin, and Michigan, with restrictions; and numerous other specified commodities (in bulk, tank vehicles, and shipper-owned vehicles, as specified), from and to certain specified points in Indiana, Michigan, Wisconsin, Iowa, Illinois, Ohio, and Kentucky; (3) (SCHWERMAN TRUCKING CO. OF OHIO) *cement* (in bulk, packages, and dry, as specified), as a *common carrier*, over irregular routes, from, to, and between certain specified points in Ohio, Indiana, Kentucky, West Virginia, Michigan, Virginia, and Pennsylvania, with restrictions; and numerous other specified commodities (in bulk, packages, tank vehicles, bags, shipper-owned cylinders and trailers, containers, and hopper-type vehicles, as specified), from, to and between certain specified points in Ohio, Indiana, Michigan, Kentucky, West Virginia, Wisconsin, Illinois, Pennsylvania, Tennessee, New York, Missouri, Iowa, Minnesota, and New Jersey, with a restriction applying to fly ash.

(4) (SCHWERMAN TRUCKING CO. of New York, Inc.) *cement* (in bulk, bags, packages, and dry, as specified), as a *common carrier*, over irregular routes, from, to and between certain specified points in New York, New Jersey, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, Pennsylvania, and Vermont, with restrictions; (5) (SCHWERMAN TRUCKING CO. OF TEXAS) *cement*, as a *common carrier*, over irregular routes, from Dallas and Houston, Tex., to points in Arkansas, Louisiana, and Oklahoma, with restriction; (6) (SCHWERMAN CO. OF PENNSYLVANIA, INC.) *cement* (in bulk, tank, hopper type vehicles, or bags, as specified), as a *common carrier*, over irregular routes, from, to and between certain specified points in Rhode Island, Virginia, Pennsylvania, Ohio, Maryland, West Virginia, New York, Connecticut, Delaware, Massachusetts, New Jersey, and the District of Columbia, with restrictions. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summaries are believed to be sufficient for purposes of public notice regarding the nature and extent of these carrier's operating rights, without stating, in full, the entirety thereof. In order to be apprised of a complete description of the operating rights of the carriers listed above, an examination of the authority granted in Dockets Nos. (1) MC-124123, (2) MC-124048, (3) MC-124047, (4) MC-124034, (5) MC-124049, and (6) MC-123992, and subnumbers thereunder, respectively, will be necessary. SCHWERMAN TRUCKING

CO., is authorized to operate as a *common carrier* in Kentucky, Tennessee, Iowa, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Georgia, Alabama, South Carolina, Florida, North Carolina, Mississippi, Arkansas, West Virginia, Nebraska, North Dakota, Oklahoma, Texas, Kansas, Ohio, Michigan, South Dakota, Louisiana, Pennsylvania, Maryland, Virginia, Colorado, Montana, New Mexico, and Wyoming. Application has been filed for temporary authority under section 210a(b). NOTE: Common control of the above carriers has been approved by this Commission, where necessary, in prior proceedings.

By the Commission.

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

[F.R. Doc. 65-11511; Filed, Oct. 26, 1965; 8:47 a.m.]

[Disaster Order 11]

LOUISIANA

Railroad Carriers Authorized To Transport Hay at Reduced Rates

It appearing, That because of recent hurricane Betsy in the State of Louisiana the Secretary of the U.S. Department of Agriculture, by letter dated October 18, 1965, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the State of Louisiana at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of hay to the parishes of Ascension, Assumption, Jefferson, LaFourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne, all located in the State of Louisiana, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain, until May 31, 1966, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such state agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the hurricane.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, not withstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Ill., the Vice President and Director, Bureau of Railway Economics, Association of the American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 21st day of October A.D. 1965.

By the Commission, Vice Chairman Bush.

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

[F.R. Doc. 65-11497; Filed, Oct. 26, 1965; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 22, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40080—*Fine coal to Terrell, N.C.* Filed by O. W. South, Jr., agent (No. A4779), for interested rail carriers. Rates on bituminous fine coal, subject to trainload minimum of 5,000 net tons and to annual volume movement, all as described in the application, in carloads, from mine origins in Kentucky and Virginia, to Terrell, N.C.

Grounds for relief—Nuclear and carrier competition.

Tariff—Southern Freight Association, agent, tariff ICC S-568.

By the Commission.

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

[F.R. Doc. 65-11498; Filed, Oct. 26, 1965; 8:45 a.m.]

[Notice 370]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 22, 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 59680 (Deviation No. 40), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222 filed October 11, 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 Boston, Mass., over Interstate Highway 90 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to Newark, N.J., thence over New Jersey Turnpike to the Pennsylvania Turnpike, thence over Pennsylvania Turnpike to the Ohio Turnpike, thence over the Ohio Turnpike and U.S. Highway 21 to Cleveland, Ohio, and return over the same routes.

No. MC 75320 (Deviation No. 23), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo., filed October 11, 1965. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 61 and Missouri Highway 74, at or near Cape Girardeau, Mo., over Missouri Highway 74 to junction Missouri Highway 25, thence over Missouri Highway 25 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 67, and thence over U.S. Highway 67 to North Little Rock, Ark., and (2) from junction U.S. Highways 61 and 60 at or near Sikeston, Mo., over U.S. Highway 60 to junction U.S. Highway 67, and thence over U.S. Highway 67 to North Little Rock, Ark., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 61 to St. Louis, Mo., (2) from Memphis, Tenn., over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146 thence

over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., and thence across the Mississippi River to St. Louis, and (3) from Memphis, Tenn., over U.S. Highway 70 to Little Rock, Ark., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 268) (Cancels portion of deviation No. 225), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., filed October 12, 1965. Applicant's representative: W. T. Meinhold, 271 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, in the same vehicle with passengers, over a deviation route as follows: From Ventura, Calif., over California Highway 126 to junction unnumbered highway (Santa Paula Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is authorized to transport passengers and the same property over a pertinent service route as follows: From Ventura, Calif., over California Highway 126 to Newhall Ranch (junction U.S. Highway 99), and return over the same route.

No. MC 1515 (Deviation No. 269) (Cancels portion of Deviation No. 225), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed October 12, 1965. Applicant's representative: W. T. Meinhold, 271 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 101 (Santa Rita Junction), over U.S. Highway 101 to junction unnumbered highway (Sherwood Park Junction, Salinas), and (2) from junction unnumbered highway and U.S. Highway 101 (North Gonzales Junction), over U.S. Highway 101 to junction unnumbered highway (South Gonzales Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 101 to San Luis Obispo, Calif., and return over the same route.

No. MC 1515 (Deviation No. 270) (Cancels Deviation No. 231), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed October 12, 1965. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express newspapers*, and *mail*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 91 and Interstate Highway 15 (West Portneuf Junction) over Interstate Highway 15 to junction unnumbered highway (South Arimo Junction), and (2) from junction U.S. Highway 191 and Interstate Highway 15 (Malad Pass), over Interstate Highway 15 to junction U.S. Highway 191 (Malad City Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over pertinent service routes as follows: (1) From Pocatello, Idaho, over U.S. Highway 91 to the Idaho-Utah State line (connects with Utah route 7), and (2) from Downey, Idaho, over U.S. Highway 191 to the Idaho-Utah State line (connects with Utah route 6), and return over the same routes.

No. MC 1515 (Deviation No. 271), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed October 15, 1965. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, newspapers*, and *mail*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 90 (West Cyr Junction), over Interstate Highway 90 to junction unnumbered highway (Nine Mile Junction), (2) from junction unnumbered highway and Interstate Highway 90 (Missoula), over Interstate Highway 90 to junction unnumbered highway (South Turah Junction), (3) from junction unnumbered highway and Interstate Highway 90 (West Drummond Junction), over Interstate Highway 90 to junction unnumbered highway (East Drummond Junction), and (4) from junction unnumbered highway and Interstate Highway 90 (North Opportunity Road Junction), over Interstate Highway 90 to junction unnumbered highway (Gregson Road Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above-specified property over a pertinent service route as follows: From the Idaho-Montana State line over U.S. Highway 10 to Butte, Mont. (connects with Idaho route 4), and return over the same route.

No. MC 54591 (Sub-No. 4) (Deviation No. 1), WESSON COMPANY, a corporation, 250 West Ohio St., Indianapolis, Ind., filed October 8, 1965. Applicant's representative: Harry J. Harman, 1110–1112 Fidelity Building, Indianapolis, Ind. Carrier proposes to operate as a *common carrier* of *passengers, and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, over a deviation route as follows: From junction Indiana Highway 67 and Interstate Highway 69, approximately 9 miles south of Anderson, Ind., over Interstate Highway 69 to junction U.S. Highway 24, near Fort Wayne, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over pertinent service route as follows: (1) From Indianapolis, Ind., over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind.; (2) from Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 9 and County Highway, thence over County Highways via Pendleton, Ind., to junction Indiana Highway 67 at a point northeast of Huntsville, Ind., thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Muncie, Ind., thence over Indiana Highway 3 to junction Indiana Highway 18, thence over Indiana Highway 18 to Fiat, Ind., thence over Indiana Highway 1 to Fort Wayne, Ind.; and (3) from junction Indiana Highway 18 and County Highway (a short distance east of Montpelier), over County Highway via Keystone, Ind., to Poneto, Ind., thence over Indiana Highway 118 to junction Indiana Highway 1, and return over the same routes.

By the Commission.

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

[F.R. Doc. 65-11499; Filed, Oct. 26, 1965; 8:46 a.m.]

[Notice 832]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 22, 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 51146 (Sub-No. 30) (REPUBLICATION), filed October 1, 1965, published in FEDERAL REGISTER issue of October 21, 1965, and republished this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers, tops, stoppers*, and *accessories* for glass containers and *paper cartons*, from Winchester, Ind., to points in Illinois, Michigan, and Wisconsin, and *damaged* and *rejected ship-*

ments, on return. NOTE: The purpose of this republication is to (1) reflect exclusion of the destination states of Iowa and Minnesota; and (2) indicate the hearing information set forth below.

HEARING: November 4, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Charles J. Murphy.

No. MC 115331 (Sub-No. 158), filed October 13, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic fluid*, from St. Louis, Mo., to points in Ohio, Michigan, Missouri, Wisconsin, Illinois, Indiana, Kentucky, and Tennessee.

HEARING: November 19, 1965, at the U.S. Court and Custom House, St. Louis, Mo., before Examiner George A. Dahan.

No. MC 117883 (Sub-No. 62) (Amendment), filed September 7, 1965, published FEDERAL REGISTER issue of September 30, 1965, amended October 19, 1965, and republished as amended this issue. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass containers*, with or without caps, covers or stoppers, and *paper cartons*, used in the packing of glassware and glass containers, from Winchester, Ind., to points in Illinois, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: The purpose of this republication is to reflect (1) exclusion of the destination States of Iowa, Minnesota, and West Virginia, and (2) hearing information, set forth below.

HEARING: November 4, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Charles J. Murphy.

No. MC 123314 (Sub-No. 6) (Republication), filed September 9, 1965, published in FEDERAL REGISTER issue October 7, 1965, and republished this issue. Applicant: JOHN F. WALTER, Post Office Box 175, Newville, Pa. Applicant's representative: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers, stoppers or tops for glass containers, paper cartons, and pallets, and damaged or rejected shipments*, of the commodities specified above between Winchester, Ind., on the one hand, and, on the other, points in Kentucky, Ohio, Michigan, Illinois, and Missouri. NOTE: The purpose of this republication is to reflect the hearing information, and also to change the destination States to be served.

HEARING: November 4, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Charles J. Murphy.

No. MC 124183 (Sub-No. 6), filed October 20, 1965. Applicant: GARRISON TRANSPORT, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois, Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware* and *glass containers*, with or without *caps, covers* or *stoppers*, Winchester, Ind., to points in Wisconsin, Illinois, Missouri, and points in Kentucky along the Ohio River, and *damaged and rejected shipments*, on return.

HEARING: November 4, 1965, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Charles J. Murphy.

No. MC 127631, filed October 13, 1965. Applicant: HAWAIIAN VAN AND STORAGE CO., LTD., 601 Middle Street, Honolulu, Hawaii, 96819. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission in 17 M.C.C. 467, between points in Hawaii.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 127632, filed October 13, 1965. Applicant: TRANS-PACIFIC VAN CO., LTD., 601 Middle Street, Honolulu, Hawaii, 96819. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household* goods as defined by the Commission in 17 M.C.C. 467, between points in Hawaii.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 127657, filed October 17, 1965. Applicant: HAWAIIAN PACKING AND CRATING COMPANY, LTD., 611 Middle Street, Honolulu, Hawaii, 96819. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Hawaii and (2) between points in Hawaii, Arizona, California, Colorado, Connecticut, Idaho, Indiana, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Washington, D.C.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 97246 (Sub-No. 4) (Republication), filed February 23, 1965, published FEDERAL REGISTER March 17, 1965, and October 6, 1965, respectively, and republished, this issue. Applicant: CONRAD TRUCKING COMPANY, INC., ¼ Jackson Street, Binghamton, N.Y. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. By application filed February 23, 1965, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of new furniture, in cartons, from Binghamton, N.Y., to points in Ohio, Indiana, Illinois, Michigan, and those in Pennsylvania west of U.S. Highway 15, restricted to traffic originating at the plantsites of S. J. Bailey and Sons at Walton, N.Y., and Honesdale, Pa. Applicant states that it intends to "tack" the authority sought with its presently held authority in MC-97246 (Subs 1 and 2) and may "tack" the same with the authority which might result upon approval of applications presently pending in MC-F-8869 and MC-126588, which is directly related to MC-F-8869. In the event of prior approval of the above-referenced applications it is intended that Kerr Motor Lines, Inc., applicant therein, will be substituted as applicant herein. In the event of prior approval of this application, the application in MC-F-8869 will be amended to include any authority granted herein. The application was referred to Examiner Raymond V. Sar, for hearing and the recommendation of an appropriate order thereon. Hearing was held on July 14, 1965, at Syracuse, N.Y. A Report and Recommended Order, served August 24, 1965, which became effective September 23, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, of *new furniture*, in cartons, from the plantsites of S. J. Bailey & Sons, Inc., at or near Walton, N.Y., and Honesdale, Pa., to points in Ohio, Indiana, Illinois, Michigan, and those Pennsylvania points west of U.S. Highway 15. The examiner further finds that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Inasmuch as the authority here recommended to be granted is from origins not set forth in the application, 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 recommended to be granted should be published in the FEDERAL REGISTER, and any proper party in interest permitted to file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 119778 (Sub-No. 80) (republication), filed December 30, 1964, published FEDERAL REGISTER issue of January 20, 1965, and republished, this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's representative: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. By application filed December 30, 1964, as amended at the hearing, 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 fly ash, (1) from points in Cobb, Chatham, and Putnam Counties,

Ga., to points in Alabama, Georgia, South Carolina, North Carolina, Virginia, Florida, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas and Texas (except fly ash in bags from points in Cobb County, Ga., and points in Putnam County, Ga., on and west of U.S. Highway 129, to points in Alabama within 65 miles of Birmingham, including Birmingham); (2) from points in Bibb County, Ga., to points in Georgia, South Carolina, North Carolina, Virginia, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, and Texas (except (a) fly ash in bulk from Macon, Ga., to points in Tennessee on and east of U.S. Highway 27, and (b) fly ash in bags from Macon, Ga., to points in North Carolina, South Carolina, and points in Tennessee on and east of U.S. Highway 27); and (3) from points in Shelby County, Ala., to points in South Carolina, North Carolina, Virginia, Kentucky, and Florida. The application was referred to Examiner Walter R. Lee for hearing and the recommendation of an appropriate order thereon. Hearing was held on a consolidated record at Atlanta, Ga., on May 27, 1965.

A report and recommended order, served September 7, 1965, which became effective October 7, 1965, finds that the present and future convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of *fly ash* (1) from points in Cobb, Chatham, and Putnam Counties, Ga., to points in Alabama, South Carolina, North Carolina, Virginia, Florida, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, and Texas (except fly ash in bags from points in Cobb County, Ga., and points in Putnam County, Ga., on and west of U.S. Highway 129, to points in Alabama within 65 miles of Birmingham, including Birmingham); (2) from points in Bibb County, Ga., to points in South Carolina, North Carolina, Virginia, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, and Texas (except (a) fly ash in bulk from Macon, Ga., to points in Tennessee on and east of U.S. Highway 27, and (b) fly ash in bags from Macon, Ga., to points in North Carolina, South Carolina, and points in Tennessee on and east of U.S. Highway 27); and (3) from points in Shelby County, Ala., to points in South Carolina, North Carolina, Virginia, Kentucky, and Florida, subject to prior republication of a corrected notice in the FEDERAL REGISTER concerning the addition of Putnam County as hereinbefore described. The examiner further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 92983 (Sub-No. 117) (Petition for modification), filed September 30, 1965. Petitioner: ELDON MILLER, INC., Kansas City, Mo. Petitioners representative: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington, D.C. Petitioner states that it holds authority in No. MC 92983 (Sub-No. 117) to transport: *Petroleum products, requiring heat in transit to maintain liquid form*, in bulk, in tank vehicles, over irregular routes, from points in Kansas to points in Missouri and Illinois, from points in Missouri to points in Kansas and Illinois, and from points in Illinois to points in Missouri and Kansas. By the instant petition, petitioner requests that the words "requiring heat in transit to maintain liquid form" be eliminated from its certificate and that the words "requiring insulation or temperature control in transit to maintain liquid form" be substituted. 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.

No. MC 109749 (Sub-No. 7) (Sub-No. 9) (Sub-No. 11) (Sub-No. 12) (Sub-No. 20) (Sub-No. 31) and (Sub-No. 22) (Petition to amend permits), filed October 11, 1965. Petitioner: GAIL W. DAHL AND FRED E. HAGEN, a partnership, doing business as DAHL TRUCK LINES, Sioux City, Iowa. By the instant petition, petitioner requests authority to amend certain of its permits. The involved authorities, as summarized, generally authorize the transportation as a contract carrier of meats, meat products, meat byproducts and articles distributed by meat packinghouses, in interstate commerce, as follows: MC 109749 (Sub-No. 7), Sioux City, Iowa, to Baker, Mont., and the northwestern part of South Dakota, under contract with Swift & Co. MC 109749 (Sub-No. 9), Sioux City, Iowa, to Onida, S. Dak., under contract with Swift & Co. MC 109749 (Sub-No. 11), Sioux City, Iowa, and Watertown, S. Dak., to approximately the southwestern one-third of Minnesota. Sioux City, Iowa, to points in North Dakota. Return shipments to Sioux City, under contract with Swift & Co., Armour & Co., and Sioux City Dressed Pork, Inc. MC 109749 (Sub-No. 12), Sioux City, Iowa, to Scottsbluff, Nebr., southeastern portion of Montana, and the eastern two-thirds of Wyoming, under contract with Armour & Co., Sioux City Dressed Pork, Inc., and Swift & Co. MC 109749 (Sub-No. 20), Sioux City, Iowa, to Agar, S. Dak., and the extreme northeastern portion of South Dakota, under contract with Swift & Co. and Armour & Co. MC 109749 (Sub-No. 21), Sioux City, Iowa, to the western one-third of Wyoming, under contract with Sioux City Dressed Pork, Inc. MC 109749 (Sub-No. 22), Sioux City, Iowa, to approximately southern two-thirds of Nebraska, under contract with Swift & Co. By the instant petition, petitioner requests permission to add Floyd Valley Packing Co., Sioux City, Iowa, as a contracting shipper in addition to those presently authorized. Any person or persons desiring to oppose the relief sought by the instant petition, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9237. Authority sought for purchase by P. SALDUTTI & SON, INC., 497 Raymond Boulevard, Newark, N.J., of the operating rights of PAPER CARRIERS CORP., 14 Devonshire Terrace, West Orange, N.J., and for acquisition by MELVIN CHIRLS, 25 Highland Avenue, Maplewood, N.J., ANDREW ALDI, 342 Lafayette Street, Newark, N.J., and I. ALLEN CHIRLS, 25 Van Velsor Place, Newark, N.J., of control of such rights through the purchase. Applicants' representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Operating rights sought to be transferred: *Paper, paper products, waste paper, empty skids, empty carboys and cylinders*, and *machinery, machine parts, and equipment* used in the manufacture and distribution of paper products, as a *common carrier*, over irregular routes, between New York, N.Y., and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, Lee, Mass., Cohoes, N.Y., points in Connecticut, points in that part of Massachusetts on and east of U.S. Highway 5 from the Connecticut-Massachusetts State line to Turners Falls, Mass., and on and south of Massachusetts Highway 2, points in that part of New York, on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Syracuse, N.Y., and thence along New York Highway 57 to Oswego, N.Y., and points on and south of a line beginning at Oswego, and extending along U.S. Highway 104 to Mexico, N.Y., thence along New York Highway 69 to Utica, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 111 to Harrisburg, Pa., and thence along U.S. Highway 111 through York, Pa., to the Pennsylvania-Maryland State line, between New York, N.Y.,

on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; and *scrap tin cans*, from New York, N.Y., to Edge Moor, Del. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Connecticut, Pennsylvania, Delaware, Maryland, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9238. Authority sought for control and merger by SHAMROCK VAN LINES, INC., 432 North Belt Line Road, Irving, Tex., of the operating rights and property of RELIABLE TRUCKING CO., INC., Box 1350, Hickory, N.C., and for acquisition by R. C. DAWE, also of Irving, Tex., of control of such rights and property through the transaction. Applicants' attorneys: Max G. Morgan, 450 American National Building, Oklahoma City, Okla., K. D. Thomas, Abernathy Professional Building, 343 Second Street NW., Hickory, N.C., and Allen Melton, 410 Rio Grande Building, Irving, Tex. 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, from New York, N.Y., Philadelphia, Pa., and Baltimore, Md., to High Point and Greensboro, N.C.; *new furniture, plywood*, and *veneers*, from High Point, N.C., and points in North Carolina within 150 miles of High Point, to Wilmington, Del., Baltimore, Md., Freeport, N.Y., points in the New York, N.Y., commercial zone as defined by the Commission in 1 M.C.C. 665, and those in Pennsylvania, New Jersey, South Carolina, Virginia, West Virginia, and the District of Columbia; *furniture parts, supplies and accessories therefor*, and *pianos*, from New York, N.Y., and Philadelphia, Pa., to High Point, N.C., and points in North Carolina within 150 miles of High Point; and *moss, wood-wool*, and *burlap*, from Charleston, S.C., to High Point, N.C., and points in North Carolina within 150 miles of High Point. SHAMROCK VAN LINES, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska, Hawaii, Iowa, Minnesota, South Dakota, and Vermont), and the District of Columbia; and as a *broker* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 65-11500; Filed, Oct. 26, 1965; 8:46 a.m.]

[Notice 834]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 22, 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

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 appendixes 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 25869 (Sub-No. 46), filed October 5, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 O Street, Post Office Box 184, South Omaha, Nebr. Applicant's representative: Duane W. Acklie, Box 2028, Lincoln, Nebr. 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, appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from plantsite and/or storage facilities of Missouri Beef Packers, Inc. at or near Phelps City, Mo., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, and Wisconsin.

HEARING: November 15, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 35334 (Sub-No. 61), filed October 14, 1965. Applicant: COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. Applicant's representative: Harris J. Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products* and *commodities* used by packinghouses, between the plantsite of Missouri Beef Packers, Inc., Phelps City, Mo., on the one hand, and, on the other, points in Illinois, Ohio, New Jersey, Pennsylvania, New York, Connecticut, Maryland, and Delaware.

HEARING: November 15, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Charles J. Murphy.

No. MC 124174 (Sub-No. 37), filed October 19, 1965. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highways 71 and 18 North, Spencer, Iowa, 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 commodities in bulk in tank vehicles), from the plantsite of Missouri Beef Packers, Inc., and its cold storage facilities, at or near Phelps City, Mo., to points in Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Michigan.

HEARING: November 15, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Charles J. Murphy.

By the Commission.

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

[F.R. Doc. 65-11501; Filed, Oct. 26, 1965; 8:46 a.m.]

[Notice 1252]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 22, 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–68198. By order of October 21, 1965, Transfer Board approved the transfer to Frette-Nicholson Truck Lines, Inc., Ames, Iowa, of the operating rights issued by the Commission May 20, 1943, under Certificate No. MC–52973, to Mercer Nicholson, doing business as Nicholson Truck Line, Ames, Iowa, authorizing the transportation, over irregular routes, of packinghouse products, from Des Moines, Iowa, to Chicago, Ill., and St. Louis, Mo. J. F. Edell, 510 Professional Building, Kansas City, Mo., attorney for applicants.

No. MC–FC–68215. By order of October 21, 1965, Transfer Board approved the transfer to Holdcroft Transportation Co., an Iowa corporation, Sioux City, Iowa, of the certificates in Nos. MC–41792, MC–41792 (Sub-No. 3), MC–41792 (Sub-No. 4), MC–41792 (Sub-No. 8), and MC–41792 (Sub-No. 9), issued March 5, 1959, March 23, 1951, October 28, 1952, March 2, 1953, and March 27, 1956, respectively, to Holdcroft Transportation Co., an Illinois corporation, Sioux City, Iowa, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Valentine, Nebr., and Sioux City, Iowa, serving intermediate points and specified off-route points; between Valentine, Nebr., and Omaha, Nebr., serving intermediate points and specified off-route points; between Tekamah, Nebr., and Sioux City, Iowa, serving intermediate points; between Foster, Nebr., and Sioux City, Iowa, serving intermediate points and off-route points within 25 miles of Foster; between junction U.S. Highway 20 and Nebraska Highway 12 at or near Willis, Nebr., and Coleridge, Nebr., serving intermediate points; between Coleridge, Nebr., and Sioux City, Iowa, serving intermediate and off-route points within 15 miles of Coleridge; between Wausa, Nebr., and Sioux City and Council Bluffs, Iowa, and Yankton, S. Dak., serving intermediate and off-route points within 15 miles of Wausa; between O'Neill, Nebr., and Sioux City, Iowa, serving intermediate points; between O'Neill, Nebr., and Columbus, Nebr., serving intermediate points; between Albion, Nebr., and Humphrey, Nebr., serving intermediate points; between Meadow Grove, Nebr., and Newman Grove, Nebr., serving intermediate points; between Norfolk, Nebr., and Columbus, Nebr., serving intermediate points; between Norfolk, Nebr., and Council Bluffs, Iowa, serving the intermediate point of Omaha; between Norfolk, Nebr., on the one hand, and, on the other, Sioux City, Iowa; general commodities, excluding household goods and other specified commodities, between Creighton, Nebr., and points in Nebraska within 30 miles of Creighton, on the one hand, and, on the other, Sioux City, Iowa; general commodities, between Sioux City, Iowa, and Omaha, Nebr., serving intermediate points on the highways specified; canned goods, from Nebraska City and Plattsmouth, Nebr., to points in Nebraska, South Dakota, and Iowa as specified; peanut butter, table and flavoring syrup, extracts, prepared mustard, vinegar, canned and preserved food products, coffee, cereals, flour, dessert, and beverage preparations, spices, and honey, between Sioux City, Iowa, on the one hand, and, on the other, points in Nebraska and those as specified in Kansas, Colorado, and Minnesota; such commodities as are dealt in by wholesale and retail grocery stores, and equipment, fixtures and supplies necessary in the conduct of such business, between Sioux City, Iowa, and points as specified in South Dakota, and between Sioux City, Iowa, and points in specified Minnesota Counties; and livestock, agricultural commodities, and household goods, between Tilden, Nebr., and points within 25 miles thereof, on the one hand, and, on the other, points in Iowa and South Dakota. Donald E. Leonard, 605 South 14th, Box 2028, Lincoln, Nebr., attorney for applicants.

No. MC–FC–68235. By order of October 21, 1965, Transfer Board approved the transfer to Marion Miller, Freeman, S. Dak., of Certificate No. MC–25790 issued June 10, 1941, to John A. Gross, Freeman, S. Dak., authorizing the transportation of livestock, over irregular routes, between Freeman, S. Dak., and points within 12 miles of Freeman, on the one hand, and, on the other, Sioux City, Iowa; and grain, feed, seed, building materials, liquid petroleum products, and farm machinery and implements, over irregular routes, from Sioux City, Iowa, to Freeman, S. Dak., and points within 12 miles of Freeman, with no transportation for compensation on return except as otherwise authorized.

No. MC–FC–68236. By order of October 21, 1965, Transfer Board approved the transfer to Frette-Nicholson Truck Lines, Inc., Ames, Iowa, of the operating rights issued by the Commission August 14, 1958, and October 13, 1960, under Certificates Nos. MC–102223 and MC–102223 (Sub-No. 9), respectively, to Frette Truck Line, Inc., Story City, Iowa, authorizing the transportation over regular routes, of livestock and agricultural commodities, between Story City, Iowa, and Omaha, Nebr., serving intermediate and off-route points within 15 miles of Story City, with exceptions; mill feeds, flour, and new furniture, from Omaha, Nebr., to Story City, Iowa, serving intermediate and off-route points within 15 miles of Story City, with exceptions, general commodities, with certain exceptions, between junction U.S. Highway 69 and Iowa Highway 210 south of Huxley, and Collins, Iowa, serving all intermediate points, and between Cambridge, Iowa, and Des Moines, Iowa, serving all intermediate points; and over irregular routes, livestock, between Story City, Iowa, and points within 20 miles thereof, on the one hand, and, on the other, Chicago, Ill., St. Paul, South St. Paul, Austin, and Albert Lea, Minn., and Omaha, Nebr.; between Randall, Iowa, and points within 10 miles thereof, on the one hand, and, on the other, South St. Paul, Minn., and Chicago, Ill.; from South St. Paul, Minn., to points in Iowa, with exceptions; from State Center, Iowa, and points within 30 miles thereof, to Chicago, Ill.; general commodities, with exceptions, from Chicago, and Moline, Ill., to State Center, Iowa, and points within 30 miles thereof; farm machinery, from Chicago, Rock Island, and Moline, Ill., to Story City, Iowa; from Chicago, Rock Falls, Canton, Rock Island, East Moline, and Streator, Ill., to Jewell, Iowa; feed and seed, from El Paso, Ill., to points in Iowa on and north of U.S. Highway 6 and on and west of U.S. Highway 65; dressed poultry, from Ellsworth, Iowa, to Omaha, Nebr.; and empty containers used in transporting dressed poultry, from Omaha, Nebr., to Ellsworth, Iowa; from machinery, farm implements, paint, and twine, from Chicago, Rock Falls, Moline, East Moline, Rock Island, Canton, and Rockford, Ill., to points in Hamilton, Hardin, Wright, and Franklin Counties, Iowa; wire, gates, nails, staples, and farm hardware, from Peoria, Sterling, De Kalb, and Chicago, Ill., to points in 4 counties in Iowa; mill feeds, and tankage, from Chicago and Forest Park, Ill., to Alden, Iowa, and points within 20 miles of Alden; livestock, poultry (live or dressed), and eggs, between Alden, Iowa, and points within 20 miles of Alden, and those in Hamilton County, Iowa, on the one hand, and, on the other, Chicago, Ill., Omaha, Nebr., St. Paul, Albert Lea, and Austin, Minn.; stock and feeder cattle, between Alden, Iowa, and points within 20 miles of Alden, on the one hand, and, on the other, points in South Dakota, Nebraska, and Minnesota; household goods, between Alden, Iowa, and points within 20 miles of Alden, and those in Hamilton County, Iowa, on the one hand, and, on the other, points in Illinois and Minnesota; livestock, between Alden, Iowa, and points within 20 miles of Alden, and points in Story County, Iowa, on the one hand, and, on the other, Peoria, Ill., Denver, Colo., and points in Kansas, Missouri, North Dakota, and Wisconsin; and agricultural implements, from Hopkins and Minneapolis, Minn., to points in Boone, Calhoun, Dallas, Franklin, Greene, Guthrie, Hamilton, Hardin, Humboldt, Story, Webster, and Wright Counties, Iowa. J. F. Edell, 510 Professional Building, Kansas City, Mo., attorney for applicants.

No. MC–FC–68237. By order of October 21, 1965, Transfer Board approved the transfer to Baker Motor Express, Inc., Warsaw, N.Y., of the operating rights in Certificate of Registration No. MC–57798 (Sub-No. 1), issued November 18, 1963, to Walter Smearing, doing business as Rochester Lakeville Express, Avon, N.Y., corresponding to the grant of intrastate authority to transferor in Certificate of Public Convenience and Necessity No. 701 dated November 9, 1950, issued by the New York Public Service Commission. Raymond A. Richards, 35 Curtice Park, Webster, N.Y., 14580, practitioner for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65–11503; Filed, Oct. 26, 1965; 8:46 a.m.]

[Notice 73]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 22, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 5429 (Sub-No. 20 TA), filed October 20, 1965. Applicant: LYON VAN LINES, INC., 3416 South La Cienega, Los Angeles, Calif., 90069. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, Alabama, and West Virginia, on the one hand, and, on the other, points in the United States, for 180 days. Supporting shippers: Russell R. Greene, Capitol Records, Inc., Hollywood and Vine, Hollywood 28, Calif.; Herbert T. Lundahl, United California Bank, Los Angeles, Calif., 90054; and, L. J. Rowley, Lockheed-California Co., Burbank, Calif. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif., 90012.

No. MC 40757 (Sub-No. 6 TA), filed October 20, 1965. Applicant: CREECH BROTHERS TRUCK LINES, INC., 312 West Cherry Street, Troy, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), between Troy, Mo., and the plantsite of the D.O.V.E. Equipment Corp. located approximately 7 miles east of Troy, Mo., over Missouri Highway 47, serving no intermediate points, for 180 days. Supporting shipper: D.O.V.E. Equipment Corp., Box 233, Route 1, Winfield, Mo., 63389. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 66562 (Sub-No. 2124 TA), filed October 19, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service between Milwaukee, Wis., and Savanna, Ill., from Milwaukee over U.S. Highway 41 to the junction of Wisconsin Highway 11, thence over Wisconsin Highway 11 to Sturtevant, Wis., thence over Wisconsin Highway 11 to the junction of Wisconsin Highway 15 (Delavan, Wis.), thence over Wisconsin Highway 15 to the junction of U.S. Highway 51 (Beloit, Wis.), thence over U.S. Highway 51 to the junction of U.S. Highway 20 (Rockford, Ill.), thence over U.S. Highway 20 to the junction of Illinois Highway 26 (Freeport, Ill.), thence over Illinois Highway 26 to the junction of Illinois Highway 72, thence over Illinois Highway 72 to the junction of U.S. Highway 52, thence over U.S. Highway 52 to Savanna, and return over the same route, serving the intermediate and/or off-route points of Sturtevant, Union Grove, Burlington, Elkhorn, Delavan, Clinton, and Beloit, Wis., Rockford, Ill., Durand, Freeport, Shannon, Lanark, and Mount Carroll, Ill. Restrictions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. (2) Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. The authority is requested for 150 days. Supporting shippers: There are approximately 51 statements from supporting shippers, which may be examined here at the Commission in Washington, D.C., or at the New York office of the Commission named below. Send protests to: District Supervisor Stephen P. Tomany, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 103880 (Sub-No. 350 TA), filed October 20, 1965. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio, 44306. Applicant's representative: Ronald Burian (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reducing compound paint thinner and laquer thinner*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont Co., Flint, Mich., to Norwood, Ohio, for 120 days. Supporting shipper: E. I. du Pont de Nemours & Co., Wilmington, Del., 19898. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio, 44114.

No. MC 112520 (Sub-No. 131 TA), filed October 20, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. Applicant's representative: Sol H. Proctor, Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous monomethylamines*, in bulk, in tank vehicles, from Pace, Fla., to Groton, Conn., for 180 days. Supporting shipper: Escambia Chemical Corp., Post Office Box 467, Pensacola, Fla., 32502. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla.

No. MC 117867 (Sub-No. 6 TA), filed October 20, 1965. Applicant: SMITH BANANA TRANSPORT, INC., 21 Street and County Farm Road, Post Office Box 1392, Pueblo, Colo. Applicant's representative: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Colorado Springs and Pueblo, Colo., for 180 days. Supporting shippers: A. Lee Blakley Co., 156 Denargo Market, Denver 5, Colo., Stevenson Produce Co., Inc., 3147 North Century, Colorado Springs, Colo., 80907, J. G. Andrews, 212 North Grand Avenue, Pueblo, Colo. Send protests to: Acting District Supervisor Herbert C. Ruoff, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo., 80202.

No. MC 118208 (Sub-No. 5 TA), filed October 20, 1965. Applicant: H. E. WRIGHT, doing business as WRIGHT-WAY AUTO CARRIERS, 101 West Whitney Road, Anchorage, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movement, in truckaway service, between Anchorage, Alaska, and Fairbanks, Alaska, for 180 days. Supporting shippers: Tip Top Chevrolet, Inc., Box 257, Fairbanks, Alaska, Aurora Motors, Inc., Post Office Box 870, Fairbanks, Alaska, Gene's Auto Service, Inc., 730 Second Avenue, Fairbanks, Alaska, Markstrom Chrysler Corner, Inc., 537 Gaffney, Fairbanks, Alaska, the Carrington Co., Box 739, Anchorage, Alaska, Fifth Avenue Chrysler Center, 2501 East Fifth Avenue, Anchorage, Alaska, A & B Auto Sales, Inc., 618 Airport Way, Fairbanks, Alaska. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations and Compliance, Post Office Box 1532, Anchorage, Alaska, 99501.

No. MC 119349 (Sub-No. 2 TA), filed October 20, 1965. Applicant: C. R. STEVENSON, Post Office Box 1116, Ninth and E. Plant Streets, Winter Garden, Fla. Authority sought to op-

erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Emlenton, to points in Florida in and south of Levy, Marion, Lake, and Volusia Counties, Fla., for 180 days. Supporting shipper: Quaker State Oil Refining Corp., Oil City, Pa. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla.

No. MC 123888 (Sub-No. 9 TA), filed October 20, 1965. Applicant: CANA TRANSPORT CO., INC., 706 Franklin Street, Endicott, N.Y. Applicant's representative: Donald C. Carmien, 300 Press Building, Binghamton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, for the account of Granite State Leathers, Inc., from Kansas City, Mo., to Nashua, N.H., for 150 days. Supporting shipper: Granite State Leathers, Inc., Fairmont Street, Nashua, N.H. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215–217 Post Office Building, Binghamton, N.Y.

No. MC 125717 (Sub-No. 4 TA), filed October 20, 1965. Applicant: NORMAN JOSEPH CHOPLIN, doing business as JOE CHOPLIN, 1301 North Spring, Independence, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dairy replacement products*, from Kansas City, Mo., to Des Moines, Council Bluffs, Cedar Rapids, and Davenport, Iowa, and Minneapolis and Rochester, Minn., for 150 days. Supporting shipper: Presto Food Products, Inc., 1602 Forest, Kansas City, Mo., 64108. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo., 64106.

By the Commission.

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

[F.R. Doc. 65-11502; Filed, Oct. 26, 1965; 8:46 a.m.]

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