FEDERAL REGISTER

VOLUME 30 • NUMBER 192

Tuesday, October 5, 1965 • Washington, D.C.

Pages 12657–12704

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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.

Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

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

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

[ACP–1966, Supp. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1966

STATE FUNDS

Paragraph (a) of § 701.2 is amended, for purposes of the 1966 program, to read as follows:

§ 701.2 State funds.

(a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1965 distribution. The allocation of funds among the States is as follows:

Alabama	$5,883,000
Alaska	66,000
Arizona	1,685,000
Arkansas	4,775,000
California	5,640,000
Colorado	3,816,000
Connecticut	461,000
Delaware	311,000
Florida	3,342,000
Georgia	7,067,000
Hawaii	176,000
Idaho	2,049,000
Illinois	8,476,000
Indiana	5,515,000
Iowa	9,282,000
Kansas	6,799,000
Kentucky	6,857,000
Louisiana	4,336,000
Maine	1,058,000
Maryland	1,274,000
Massachusetts	537,000
Michigan	4,936,000
Minnesota	6,335,000
Mississippi	6,328,000
Missouri	8,709,000
Montana	4,870,000
Nebraska	6,178,000
Nevada	607,000
New Hampshire	517,000
New Jersey	699,000
New Mexico	2,310,000
New York	4,758,000
North Carolina	6,312,000
North Dakota	5,183,000
Ohio	5,838,000
Oklahoma	7,028,000
Oregon	2,506,000
Pennsylvania	4,655,000
Puerto Rico	831,000
Rhode Island	77,000
South Carolina	3,499,000
South Dakota	4,413,000
Tennessee	5,169,000
Texas	19,812,000
Utah	1,361,000
Vermont	1,066,000
Virginia	4,381,000
Virgin Islands	13,000
Washington	2,672,000
West Virginia	1,572,000
Wisconsin	5,566,000
Wyoming	2,124,000
Total	209,730,000

* * * * *

Signed at Washington, D.C., on September 28, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65–10542; Filed, Oct. 4, 1965; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 731—SUITABILITY

Jurisdiction

Section 731.301 is amended to exclude certain reinstatements and transfers from the "subject-to-investigation" requirements of the section. Subparagraph (1) of paragraph (a) of § 731.301 is amended as set out below.

§ 731.301 Jurisdiction.

(a) *Appointments subject to investigation.* (1) In order to establish an appointee's qualifications and suitability for employment in the competitive service, every appointment to a position in the competitive service is subject to investigation by the Commission, except:

(i) Promotion;

(ii) Demotion;

(iii) Reassignment;

(iv) Conversion from career-conditional to career tenure;

(v) Appointment, or conversion to an appointment, made by an agency of an employee of that agency who has been serving continuously with that agency for at least one year in one or more positions in the competitive service under an appointment subject to investigation;

(vi) Reinstatement effected within one year from the date of separation from Federal civilian employment or from honorable separation from military service, provided the one-year, subject-to-investigation period applied to the previous appointment has expired; and

(vii) Transfer, provided the one-year, subject-to-investigation period applied to the previous appointment has expired.

* * * * *

(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. 65–10554; Filed, Oct. 4, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Airspace Docket No. 65–CE–78]

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

Designation of Control Zone and Alteration of Transition Areas

On July 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 8490) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Mattoon, Ill., and Bible Grove, Ill., terminal areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 9, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following control zone is added:

MATTOON, ILL.

Within a 5-mile radius of the Coles County Memorial Airport (latitude 39°28'46" N., longitude 88°17'05" W.), within 2 miles each side of the 060° radial of the Mattoon VOR, extending from the 5-mile radius zone to 8 miles northeast, and within 2 miles northwest and 3 miles southeast of the 231° radial of the Mattoon VOR, extending from the 5-mile radius zone to 8 miles southwest. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17643) the following transition areas are amended to read:

MATTOON, ILL.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Coles County Memorial Airport (latitude 39°28'46" N., longitude 88°17'05" W.), within 8 miles northwest and 9 miles southeast of the 231° and 051° radials of the Mattoon VOR, extending from 1 mile northeast of the VOR to 13 miles southwest of the VOR, and within 2 miles each side of the 060° radial of the Mattoon VOR, extending from the 6-mile radius area to 8 miles northeast of the VOR, and that airspace extending upward from 1,200 feet above the surface within 8 miles northwest and 5 miles southeast of the 060° radial of the Mattoon VOR, extending from the VOR to 12 miles northeast, and within 5 miles each side of the 140° radial of the Mattoon VOR, extending from the VOR southeast to V–14.

BIBLE GROVE, ILL.

That airspace extending upward from 1,200 feet above the surface within 4 nautical miles each side of the 015° and 207° radials of the

Bible Grove VOR, extending from the VOR southwest to V–446 and north to the Mattoon VOR, excluding the Mattoon, Ill., transition area.

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

Issued in Kansas City, Mo., on September 22, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65–10527; Filed, Oct. 4, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6941; Amdt. 95–133]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof.

These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective November 11, 1965, as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.41 *Green Federal airway 1* is amended to read:

United States-Canadian border; Millinocket, Maine, LF/RBN; *2,800. *2,100—MOCA.
Millinocket, Maine, LF/RBN; United States-Canadian border; 6,000.

Section 95.626 *Blue Federal airway 26* is amended to read in part:

Summit, Alaska, LFR; *Wolf INT, Alaska; 9,500. *6,000—MCA Wolf INT, southbound.
Wolf INT, Alaska; Fairbanks, Alaska, LFR; 3,000.

Section 95.643 *Blue Federal airway 43* is amended to read in part:

Int, N crs, Summit LFR and SW crs, Fairbanks LFR; Int, SE crs, Nenana LFR and N crs, Summit LFR; 9,500.

Section 95.1001 *Direct routes—United States* is amended to delete:

Andalusia INT, Ala.; Cairns, Ala., VOR; *2,000. *1,600—MOCA.

Bahama Routes

56V:

Nassau, Bahama, VOR; *Major INT, Bahama; **4,500. *3,000—MRA. **1,200—MOCA.

From, to, and MEA

Major INT, Bahama; *Abaco INT, Bahama; **8,500. *10,000—MRA. **1,100—MOCA.

63V:

West Palm Beach, Fla., VOR; Halibut INT, Bahama; *2,500. *1,400—MOCA.

64V:

Fort Lauderdale, Fla., VOR; Pike INT, Fla.; *2,000. *1,400—MOCA.
Pike INT, Fla.; Freeport, Bahama, VOR; *4,500. *1,100—MOCA.

65V:

Nassau, Bahamas, VOR; *Major INT, Bahamas; **4,500. *3,000—MRA. **1,200—MOCA.
Major INT, Bahamas; Freeport, Bahamas, VOR; *2,000. *1,100—MOCA.
Freeport, Bahamas, VOR; *Mullet INT, Bahamas; **4,500. *6,500—MRA. **1,100—MOCA.

12 Lima:

Nassau, Bahamas, RBN; Rock Sound, Bahamas, RBN; *#2,000. *1,400—MOCA. #3,800 required without HF airborne communication equipment.

Section 95.1001 *Direct route—United States* is amended by adding:

Cochise, Ariz., VOR; Douglas, Ariz., VOR; 8,200.
Miami, Fla., VOR; Int, 235° M rad, Vero Beach VOR and 335° M rad, Miami VOR; *5,500. *1,300—MOCA.
Miami, Fla., VORTAC; Gainesville, Fla., VORTAC; 18,000. MAA—45,000.
Montgomery, Ala., VOR; DeFuniak Springs, INT, Fla.; *4,800. *2,500—MOCA.

Bahama Routes

56V:

Nassau, Bahamas, VOR; *Thompson INT, Bahamas; **2,000. *5,800 — MRA. **1,200—MOCA.
Thompson INT, Bahamas; High Rock INT, Bahamas; *8,000. *1,000—MOCA.
High Rock INT, Bahamas; *Abaco INT, Bahamas; **10,000. *10,000—MRA. **1,000—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Arcus INT, Ala.; Goshen INT, Ala.; *2,500. *1,400—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Kinston, N.C., VOR; *Zang INT, N.C.; **2,000. *4,000—MRA. **1,900—MOCA.
Zang INT, N.C.; Cofield, N.C., VOR; *2,000. *1,900—MOCA.
Waterloo, Del., VOR; Leesburg INT, N.J.; 1,700.
Leesburg INT, N.J.; Atlantic City, N.J.; VOR; 1,800.
Atlantic City, N.J., VOR; Barnegat, N.J., VOR; 1,800.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Bozeman, Mont., VOR; Livingston, Mont., VOR; 10,000.
Bismarck, N. Dak., VOR; Jamestown, N. Dak., VOR; *3,900. *3,400—MOCA.
Bismarck, N. Dak., VOR via N alter.; Jamestown, N. Dak., VOR via N alter.; *3,800. *3,400—MOCA.
Jamestown, N. Dak., VOR; Fargo, N. Dak., VOR; *3,300. *2,800—MOCA.
Jamestown, N. Dak., VOR via N alter.; Fargo, N. Dak., VOR via N alter.; *3,300. *2,800—MOCA.
Gardner, Mass., VOR; *Leominster INT, Mass.; **3,700. *2,800—MCA Leominster INT, westbound. **3,100—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From, to, and MEA

Boston, Mass., VOR; Revere INT, Mass.; 2,000.
Revere INT, Mass.; Ipswich INT, Mass.; *2,000. *1,300—MOCA.
Ipswich INT, Mass.; Kennebunk, Maine, VOR; *3,000. *1,700—MOCA.
Kennebunk, Maine, VOR; Freeport INT, Maine; *2,400. *1,800—MOCA.
Freeport INT, Maine; Augusta, Maine, VOR; *2,400. *2,000—MOCA.
Augusta, Maine, VOR; Bangor, Maine, VOR; *3,000. *2,300—MOCA.
Bangor, Maine, VOR; Lee INT, Maine; *2,700. *2,000—MOCA.
Lee INT, Maine; Houlton, Maine, VOR; *2,700. *1,900—MOCA.
Houlton, Maine, VOR; Presque Isle, Maine, VOR; *3,400. *2,700—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Byers INT, Colo.; Thurman, Colo., VOR; 7,000.
Thurman, Colo., VOR; Goodland, Kans., VOR; *7,000. *6,000—MOCA.
Louisville, Ky., VOR; Lexington, Ky., VOR; *2,500. *2,000—MOCA.
Louisville, Ky., VOR via N alter.; Finchville INT, Ky., via N alter.; *2,500. *2,000—MOCA.
Finchville INT, Ky., via N alter.; Bridgeport INT, Ky., via N alter.; *2,700. *2,200—MOCA.
Mount Sterling INT, Ky.; Newcombe, Ky., VOR; 3,000.

Section 95.6005 *VOR Federal airway 5* is amended to delete:

Jacksonville, Fla., VOR via W alter.; Callahan INT, Fla., via W alter.; *1,600. *1,300—MOCA.
Callahan INT, Fla., via W alter.; Cabins INT, Ga., via W alter.; *2,000. *1,300—MOCA.
Cabins INT, Ga., via W alter.; Alma, Ga., VOR via W alter.; *2,000. *1,700–MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Appleton, Ohio, VOR; Mount Vernon INT, Ohio; 3,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Allentown, Pa., VOR; Solberg, N.J., VOR; 2,800.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Marianna, Fla., VOR via W alter.; *Malone INT, Fla., via W alter; **2,000. *3,000—MRA. **1,700—MOCA.
Malone INT, Fla., via W alter.; *Madrid INT, Ala., via W alter.; **2,000. *3,200—MRA. **1,700—MOCA.
Madrid INT, Ala., via W alter.; Dothan, Ala., VOR via W alter.; *2,000. *1,700—MOCA.
Empire INT, Ala., via W alter.; Double Springs INT, Ala., via W alter.; *2,600. *2,100—MOCA.
Double Springs INT, Ala., via W alter.; Mount Hope INT, Ala., via W alter.; *2,800. *2,100—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Int, 081° M rad, Akron VOR and 234° M rad, Hayes Center VOR via S alter.; Hayes Center, Nebr., VOR via S alter.; *7,000. *6,000—MOCA.
Allegheny, Pa., VOR; *Scottdale INT, Pa.; 3,300. *5,000—MRA.
Scottdale INT, Pa.; Indian Head, Pa., VOR; 5,000.

From, to, and MEA

Indian Head, Pa., VOR; Flint Stone INT, Pa.; 5,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Sardis INT, Miss., via E alter; Independence INT, Miss., via E alter.; *2,000. *1,800—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Bonner Springs INT, Kans.; Shawnee INT, Kans.; *2,600. *2,300—MOCA.
*Greensburg INT, Pa.; Johnstown, Pa., VOR; 5,000. *4,000—MCA Greensburg INT, eastbound.
Johnstown, Pa., VOR; Coalfax INT, Pa.; 5,000.
Johnstown, Pa., VOR via S alter.; St. Thomas, Pa., VOR via S alter.; 5,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Texarkana, Ark., VOR; Page, Okla., VOR; *4,600. *3,900—MOCA.
Fort Smith, Ark., VOR; *Chester INT, Ark.; **3,200. *4,500—MRA. **2,700—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

*Whiteface INT, Tex.; Shallowater INT, Tex.; **5,500. *8,000—MRA. **4,900—MOCA.
Shallowater INT, Tex.; Lubbock, Tex., VOR; *4,900. *4,400—MOCA.
Lubbock, Tex., VOR; Childress, Tex., VOR; *4,900. *4,500—MOCA.
Tulsa, Okla., VOR; Adair INT, Okla.; *2,500. *2,100—MOCA.
Lubbock, Tex., VOR via S alter.; Childress, Tex., VOR via S alter.; *4,900. *4,300—MOCA.
Shawnee INT, Okla., via S alter.; Prague INT, Okla., via S alter.; *5,500. *2,400—MOCA.
Tulsa, Okla., VOR via S alter.; *Pryor INT, Okla., via S. alter.; **2,700. *2,900—MRA. **2,200—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Satin INT, Tex.; Waco, Tex., VOR; *2,300. *2,000—MOCA.
Waco, Tex., VOR; Waxie INT, Tex.; *2,500. *2,000—MOCA.
Ardmore, Okla., VOR; Pharoah, INT, Okla.; *3,000. *2,700—MOCA.
Waco, Tex., VOR via E alter.; Brandon INT, Tex., via E alter.; *2,500. *1,800—MOCA.
Red Oak INT, Tex., via E alter.; Garland INT, Tex., via E alter.; *2,100. *1,900—MOCA.
Ardmore, Okla., VOR via E alter.; Okmulgee, Okla., VOR via E alter.; *3,000. *2,400—MOCA.
Waco, Tex., VOR via W alter.; Parker INT, Tex., via W alter.; *2,400. *1,900—MOCA.
Parker INT, Tex., via W alter.; Joshua INT, Tex., via W alter.; *2,400. *2,100—MOCA.
Joshua INT, Tex., via W alter.; Britton, Tex., VOR via W alter.; *2,400. *2,000—MOCA.
Morse INT, Okla., via W alter.; Okmulgee, Okla., VOR via W alter.; *2,600. *2,100—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Animas INT, N. Mex.; *Cedar INT, N. Mex., eastbound; **9,000. Westbound; **11,000. *11,000—MCA Cedar INT, westbound. **8,600—MOCA.
Cedar INT, N. Mex.; Columbus, N. Mex., VOR; *9,000. *8,200—MOCA.
Big Spring, Tex., VOR; Westbrook INT, Tex.; *4,200. *3,800—MOCA.
Westbrook INT, Tex.; *Loraine INT, Tex.; **4,300. *6,500—MRA. **4,000—MOCA.

From, to, and MEA

Loraine INT, Tex.; Trent INT, Tex.; *4,300. *4,000—MOCA.
Trent INT, Tex.; Abilene, Tex., VOR; 4,000.
Abilene, Tex., VOR; Trussell INT, Tex.; 3,100.
Trussell INT, Tex.; Mineral Wells, Tex., VOR; *3,700. *3,100—MOCA.
Dallas, Tex., VOR; Sulphur Springs, Tex., VOR; *2,200. *1,900—MOCA.
Sulphur Springs, Tex., VOR via S alter.; Naples INT, Tex., via S alter.; *2,000. *1,900—MOCA.
Naples INT, Tex., via S alter.; Texarkana, Ark., VOR via S alter.; *2,000. *1,700—MOCA.
Sulphur Springs, Tex., VOR via N alter.; Avery INT, Tex., via N alter.; *2,200. *1,800—MOCA.
Avery INT, Tex., via N alter.; Texarkana, Ark., VOR via N alter.; *2,200. *1,700—MOCA.
Texarkana, Ark., VOR; Hope INT, Ark.; *2,000. *1,700—MOCA.
Grapevine INT, Ark.; Pine Bluff, Ark., VOR; *1,700. *1,500—MOCA.
Eudora INT, Miss. via S alter.; Memphis, Tenn., VOR via S alter.; *1,900. *1,600—MOCA.
Kenton, Del., VOR; Millville, N.J., VOR; 1,800.
Millville, N.J., VOR; Coyle, N.J., VOR; 1,900.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

*Mill INT, Tex.; Mineral Wells, Tex., VOR; **3,000. *4,000—MCA Mill INT, southeastbound. *3,500—MRA. **2,400—MOCA.
Mineral Wells, Tex., VOR; Bridgeport, Tex., VOR; *3,000. *2,400—MOCA.
Bridgeport, Tex., VOR; Nocoma INT, Tex.; *2,900. *2,500—MOCA.
Nocoma INT, Tex.; Duncan, Okla., VOR; *2,800. *2,400—MOCA.
Duncan, Okla., VOR; Alex INT, Okla.; *3,000. *2,500—MOCA.
Alex INT, Okla.; Oklahoma City, Okla., VOR; *2,800. *2,600—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Sabine INT, Tex.; Quitman, Tex., VOR; *2,300. *1,600—MOCA.
Quitman, Tex., VOR; Caddo Lake INT, Tex.; *2,400. *1,900—MOCA.
Quitman, Tex., VOR; via S alter.; *Woodlawn INT, Tex., via S alter.; **2,500. *3,000—MRA. **1,900—MOCA.
Monroe, La., VOR; *Redwood INT, Miss.; **2,000. *3,500—MRA. **1,900—MOCA.
*Cotton INT, La., via N alter.; Homer INT, La., via N alter.; **2,000. *3,000—MRA. **1,500—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Corpus Christi, Tex., VOR; via N alter.; Woodsboro INT, Tex., via N alter.; *1,600. *1,200—MOCA.
Woodsboro INT, Tex., via N alter.; Austwell INT, Tex., via N alter.; *1,700. *1,200—MOCA.
Lake Charles, La., VOR; Arthur INT, La.; *1,700. *1,500—MOCA.
Mobile, Ala., VOR; via N alter.; INT., 029° M rad, Mobile VOR and 245° M rad, Evergreen VOR via N alter.; *2,000. *1,500—MOCA.
Int., 029° M rad, Mobile VOR and 245° M rad, Evergreen VOR; via N alter.; Evergreen, Ala., VOR via N alter.; *2,000. *1,600—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended by adding:

Ogden, Utah, VOR; *Corinne INT, Utah, northbound; **11,000, southbound; **8,000. #*13,000—MRA. #Not applicable using Corinne RBN to determine intersection; **7,600—MOCA.

From, to, and MEA

Corinne INT, Utah; Malad City, Idaho, VOR; *11,000. *10,000—MOCA.
*Dubois, Idaho, VOR; Dillon, Mont., VOR; **12,000. *9,000—MCA. Dubois VOR, northbound; **11,100—MOCA.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

Brookley, Ala., VOR; Navy Saufley, Fla., VOR; *2,500. *1,400—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Salem, Mich., VOR; Park INT, Mich.; *2,600. *2,200—MOCA.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

Pottstown, Pa., VOR; Coopersburg INT, Pa.; 2,800.
Coopersburg INT, Pa.; Allentown, Pa., VOR; 2,700.
Allentown, Pa., VOR; Pocono INT, Pa.; 3,900.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

East Texas, Pa., VOR; Coopersburg INT, Pa.; 2,800.
Coopersburg INT, Pa.; Int. 295° M rad, Colts Neck VOR and 043° M rad, Yardley VOR; 2,700.
Int. 295° M rad, Colts Neck VOR and 043° M rad, Yardley VOR; Rocky Hill INT, N.J.; 2,300.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

Deep Creek INT, Va.; Harcum, Va., VOR; 2,100.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

Wilkes-Barre, Pa., VOR; Sussex INT, N.J.; 4,000.
Sussex INT, N.J.; Sparta, N.J., VOR; 3,500.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Columbia, S.C., VOR via W alter.; Lexington INT, S.C., via W alter.; *2,200. *1,900—MOCA.
Lexington INT, S.C., via W alter.; Fort Mill, S.C., VOR via W alter.; *3,500. *2,000—MOCA.
*Millsboro INT, Pa.; Allegheny, Pa., VOR; 3,000. *4,000—MCA Millsboro INT, southbound.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Kennebunk, Maine, VOR; Freeport INT, Maine; *2,400. *1,800—MOCA.
Freeport INT, Maine; Augusta, Maine, VOR; *2,400. *2,000—MOCA.
Presque Isle, Maine, VOR; United States-Canadian border; 3,500.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Kenton, Del., VOR; Atlantic City, N.J., VOR; 1,800.
Atlantic City, N.J., VOR; Barnegat, N.J., VOR; 1,800.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Dundee INT, Mich.; Salem, Mich., VOR; *2,500. *2,200—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to delete:

Jacksonville, Fla., VOR via W alter.; Callahan INT, Fla., via W alter.; *1,600. *1,300—MOCA.

From, to, and MEA

Callahan INT, Fla., via W alter.; Cabins INT, Ga., via W alter.; *2,000. *1,300—MOCA.
Cabins INT, Ga., via W alter.; Alma, Ga., VOR via W alter.; *2,000. *1,700—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Columbia, S.C., VOR; *White Rock INT, S.C.; **2,000. *2,500—MRA. **1,800—MOCA.
Columbia, S.C., VOR via W alter.; Lexington INT, S.C., via W alter.; *2,200. *1,900—MOCA.
Lexington INT, S.C., via W alter.; Greenwood, S.C., VOR via W alter.; *2,200. *2,100—MOCA.
Lexington, Ky., VOR; Louisville, Ky., VOR; *2,500. *2,000—MOCA.
Whitesburg, Ky., VOR; Turkey INT, Ky.; 4,000.
Turkey INT, Ky.; Irvine INT, Ky.; *4,000. *3,000—MOCA.
Irvine INT, Ky.; Lexington, Ky., VOR; 2,600.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Quitman, Tex., VOR; Naples INT, Tex.; *2,100. *1,900—MOCA.
Naples INT, Tex.; Texarkana, Ark., VOR; *2,000. *1,700—MOCA.
Texarkana, Ark., VOR; Washington INT, Ark.; *2,500. *1,600—MOCA.
Holly Springs, Miss., VOR via S alter.; Maud INT, Ala., via S alter.; *3,500. *2,000—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to delete:

Augusta, Ga., VOR via N alter.; Monetta INT, S.C., via N alter.; *2,100. *2,000—MOCA.
Monetta INT, S.C., via N alter.; *Summit INT, S.C., via N alter.; **2,200. *2,300—MRA. **1,600—MOCA.
Summit INT, S.C., via N alter.; Columbia, S.C., VOR via N alter.; *2,100. *1,700—MOCA.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

Lexington, Ky., VOR; Falmouth, Ky., VOR; 2,800.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Field INT, N. Mex.; Texico, N. Mex., VOR; *6,500. *5,800—MOCA.
Joshua INT, Tex.; Britton, Tex., VOR; *2,400. *2,000—MOCA.

Section 95.6065 *VOR Federal airway 65* is amended to read in part:

Int, 170° M rad, St. Joseph VOR and 223° M rad, Kansas City VOR; Lansing INT, Kans.; *2,600. *2,300—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Douglas, Ariz., VOR; Heath INT, Ariz.; 8,500.
Heath INT, Ariz.; Animas INT, N. Mex.; *11,000. *8,600—MOCA.
Animas INT, N. Mex.; *Cedar INT, N. Mex., eastbound; **9,000. Westbound; **11,000. *11,000—MCA Cedar INT, westbound. **8,600—MOCA.
Cedar INT, N. Mex.; Columbus, N. Mex., VOR; *9,000. *8,200—MOCA.
By Pass INT, Tex.; Hyman, Tex., VOR; *4,500. *3,800—MOCA.
Int, 075 M rad, Hyman VOR and 241° M rad, Abilene VOR; Lazy X INT, Tex.; *6,000. *3,700—MOCA.
Lazy X INT, Tex.; Nolan INT, Tex.; *5,000. *4,000—MOCA.
Nolan INT, Tex.; Abilene, Tex., VOR; 4,000.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

From, to, and MEA

Sterling INT, Tex.; Tanker INT, Tex.; *4,100. *3,600—MOCA.
Tanker INT, Tex.; San Angelo, Tex., VOR; *3,700. *3,500—MOCA.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

*Cotton INT, La.; Homer INT, La.; **2,000. *3,000—MRA. **1,500—MOCA.
El Dorado, Ark., VOR; *Hampton INT, Ark.; **2,000. *5,000—MRA. **1,500—MOCA.
Hampton INT, Ark.; Pine Bluff, Ark., VOR; *2,000. *1,500—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Lake Charles, La., VOR; Arthur INT, La.; *1,700. *1,500—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Hot Springs, Ark., VOR via W alter.; *College INT, Ark., via W alter.; **6,500. *3,300—MRA. **3,800—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Tulsa, Okla., VOR via N alter.; *Pryor INT, Okla., via N alter.; **2,700. *2,900—MRA. **2,200—MOCA.
Fort Smith, Ark., VOR, via N alter.; *College INT, Ark., via N alter.; **3,000. *3,300—MRA. **2,000—MOCA.

Section 95.6075 *VOR Federal airway 75* is amended to read in part:

Morgantown, W. Va., VOR; Finley INT, W. Va.; 4,000.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Austin, Tex., VOR; Paige INT, Tex.; $2,200. *2,100—MOCA.
San Angelo, Tex., VOR; Eden INT, Tex.; *3,700. *3,200—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Duncan, Okla., VOR, via E alter.; Alex INT, Okla., via E alter; *3,000. *2,500—MOCA.
Alex INT, Okla., via E alter.; Oklahoma City, Okla., VOR via E alter.; *2,800. *2,600—MOCA.
San Angelo, Tex., VOR; *Rowena INT, Tex.; **3,900. *4,500—MRA. **3,400—MOCA.
Rowena INT, Tex.; Shep INT, Tex.; *3,900. *3,400—MOCA.
Shep INT, Tex.; Abilene, Tex., VOR; *3,900. *3,800—MOCA.
Abilene, Tex., VOR; *Westover INT, Tex.; **3,500. *5,000—MRA. **3,100—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

*Bozeman, Mont., VOR; Livingston, Mont., VOR; 10,000. *9,300—MCA Bozeman VOR, southeastbound.

Section 95.6091 *VOR Federal airway 91* is amended to read in part:

Poughkeepsie, N.Y., VOR; Athens INT, N.Y.; 3,000.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Hiram INT, Maine; Augusta, Maine, VOR; 3,000.
Augusta, Maine, VOR; Bangor, Maine, VOR; *3,000. *2,300—MOCA.
Bangor, Maine, VOR; Princeton, Maine, VOR; *3,000. *2,500—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

From, to, and MEA

Joshua INT, Tex.; Britton, Tex., VOR; *2,400. *2,000—MOCA.
By Pass INT, Tex.; Hyman, Tex., VOR; *4,500. *3,800—MOCA.
*Scurry INT, Tex.; Canton INT, Tex.; **4,000. *2,600—MRA. **1,700—MOCA.
Gregg Co., Tex., VOR; Bethany INT, Tex.; *2,000. *1,600—MOCA.
Bethany INT, Tex.; Barksdale AFB, La., VOR; *1,800. *1,500—MOCA.
Barksdale AFB, La., VOR; Jamestown INT, La.; *1,800. *1,500—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

*Castle INT, Ariz.; Desert INT, N. Mex.; **13,000. *10,000—MRA. **11,300—MOCA.
Desert INT, N. Mex.; Farmington, N. Mex., VOR; 8,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Loglick INT, Ky., via E alter.; Falmouth, Ky., VOR via E alter.; *2,600. *2,300—MOCA.
Richmond INT, Ky., Lexington, Ky., VOR; *3,000. *2,200—MOCA.
London, Ky., VOR via W alter.; Lexington, Ky., VOR via W alter.; *3,200. *2,800—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

Lubbock, Tex., VOR; Guthrie, Tex., VOR; *4,900. *4,300—MOCA.
Guthrie, Tex., VOR; *Santa Rosa INT, Tex.; **3,700. *4,000—MRA. **3,000—MOCA.
Santa Rosa INT, Tex.; Wichita Falls, Tex., VOR; *2,700. *2,200—MOCA.
Guthrie, Tex., VOR via S alter.; Vera INT, Tex., via S alter.; *3,700. *3,000—MOCA.
Vera INT, Tex., via S alter.; *Wichita Falls, Tex., VOR via S alter.; **3,000. *3,000—MCA Wichita Falls VOR, southwestbound. **2,800—MOCA.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

Johnstown, Pa., VOR; Huntingdon INT, Pa.; 5,000.
Huntingdon INT, Pa.; Reedsville INT, Pa.; 4,500.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Claude INT, Tex.; Childress, Tex., VOR; *5,100. *4,400—MOCA.
Finley INT, Tex., via S alter.; Childress, Tex., VOR via S alter.; *5,100. *4,400—MOCA.
*Santa Rosa INT, Tex., via S alter.; Wichita Falls, Tex., VOR via S alter.; **2,700. *4,000—MRA. **2,200—MOCA.
Dallas, Tex., VOR; Fruitvale INT, Tex.; *2,300. *1,900—MOCA.
Sabine INT, Tex., via N alter.; Quitman, Tex., VOR via N alter.; *2,300. *1,600—MOCA.
Quitman, Tex., VOR via N alter.; Gregg County, Tex., VOR via N alter.; *2,300. *1,900—MOCA.
Carthage INT, Tex.; Loganport INT, La.; *2,500. *1,700—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Crestview, Fla., VOR; Andalusia INT, Ala.; *2,000. *1,500—MOCA.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

Wilkes-Barre, Pa., VOR; Sussex INT, N.J.; 4,000.
Sussex INT, N.J.; Sparta, N.J., VOR; 3,500.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

From, to, and MEA

Wilkes-Barre, Pa., VOR; Huguenot, N.Y., VOR; 4,000.

Section 95.6131 *VOR Federal airway 131* is amended to read in part:

McAlester, Okla., VOR; *Hoffman INT, Okla.; **2,700. *4,700—MRA. **2,200—MOCA.
Hoffman INT, Okla.; Okmulgee, Okla., VOR; *2,700. *2,200—MOCA.
Tulsa, Okla., VOR; Coffeyville INT, Kans.; *2,700. *2,200—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Willards INT, Md.; Sea Isle, N.J., VOR; 1,800.
Providence, R.I., VOR; Whitman, Mass., VOR; 2,100.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Tulsa, Okla., VOR; *Pryor INT, Okla.; **2,700. *2,900—MRA. **2,200—MOCA.
Tulsa, Okla., VOR via N alter.; Adair INT, Okla., via N alter.; *2,500. *2,100—MOCA.
Pryor INT, Okla.; Fayetteville, Ark., VOR; *3,400. *2,800—MOCA.
Adair INT, Okla.; via N alter.; Fayetteville, Ark., VOR via N alter.; *3,400. *2,800—MOCA.

Section 95.6147 *VOR Federal airway 147* is amended to read in part:

Pottstown, Pa., VOR; Coopersburg INT, Pa.; 2,800.
Coopersburg INT, Pa.; Allentown, Pa., VOR; 2,700.

Section 95.6148 *VOR Federal airway 148* is amended to read in part:

Kiowa, Colo., VOR; Shaw INT, Colo.; 7,900.
Shaw INT, Colo.; Thurman, Colo., VOR; 7,000.
Thurman, Colo., VOR; Hayes Center, Nebr., VOR; *7,000. *6,000—MOCA.

Section 95.6151 *VOR Federal airway 151* is amended to read in part:

Woonsocket INT, R.I.; Millbury INT, Mass.; 3,000.
Millbury INT, Mass.; Gardner, Mass., VOR; *3,300. *2,700—MOCA.

Section 95.6153 *VOR Federal airway 153* is amended to read in part:

Stillwater, N.J., VOR; Wilkes-Barre, Pa., VOR; 3,800.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Vero Beach, Fla., VOR via E alter.; *1,500—MOCA; Winder INT, Fla., via E alter. *2,000.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Justin INT, Tex.; *Fox INT, Tex.; **2,500. *2,500—MRA. **2,000—MOCA.
Ardmore, Okla., VOR; Pharoah INT, Okla.; *3,000. *2,700—MOCA.
Tulsa, Okla., VOR; Nowata INT, Okla.; *2,500. *2,200—MOCA.

Section 95.6162 *VOR Federal airway 162* is amended to read in part:

Int. 139° M rad, Clarksburg VOR and 096° M rad, Elkins VOR; Clarksburg, W. Va., VOR; 6,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

From, to, and MEA

Lometa, Tex., VOR; Caradan INT, Tex.: *3,400. *2,800—MOCA.
*Mill INT, Tex.; Mineral Wells, Tex., VOR; **3,000. *3,500—MRA. **2,400—MOCA.
Mineral Wells, Tex., VOR; Bridgeport, Tex., VOR; *3,000. *2,400—MOCA.
Bridgeport, Tex., VOR; Alvord INT, Tex.; *3,000. *2,600—MOCA.
Ardmore, Okla., VOR via W alter.; Alex INT, Okla., via W alter.; *3,000. *2,500—MOCA.

Section 95.6168 *VOR Federal airway 168* is amended to read in part:

Scottsbluff, Nebr., VOR; Snake INT, Nebr., eastbound; *14,000. Westbound; *6,200. *5,500—MOCA.
Snake INT, Nebr.; O'Neill, Nebr., VOR; *14,000. *5,600—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

Hugo, Colo., VOR; Thurman, Colo., VOR; *7,200. *6,500—MOCA.
Thurman, Colo., VOR; Akron, Colo., VOR; *7,000. *6,000—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Danville, Ill., VOR; Peotone, Ill., VOR; *2,500. *2,300—MOCA. MAA—14,000.

Section 95.6176 *VOR Federal airway 176* is amended to read in part:

Holly Springs, Miss., VOR via N alter.; Maud INT, Ala., via N alter.; *3,500. *2,000—MOCA.
Double Springs INT, Ala., via N alter.; Empire INT, Ala., via N alter.; *2,600. *2,100—MOCA.

Section 95.6180 *VOR Federal airway 180* is amended to read in part:

Clear Spring INT, Tex.; *Weimar INT, Tex.; **3,000. *3,000—MRA. **1,800—MOCA.

Section 95.6188 *VOR Federal airway 188* is amended to read in part:

Pocono INT, Pa.; Tannersville, Pa., VOR; 3,800.

Section 95.6189 *VOR Federal airway 189* is amended to read in part:

Rocky Mount, N.C., VOR; Jackson INT, N.C.; *2,000. *1,500—MOCA.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

Bartlesville, Okla., VOR; Oswego, Kans., VOR; *2,700. *2,000—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

San Simon, Ariz., VOR; Animas INT, N. Mex., southeastbound; *11,000. Northwestbound; *9,000. *8,000—MOCA.
Animas INT, N. Mex.; *Cedar INT, N. Mex.; eastbound; **9,000. Westbound; **11,000. *11,000—MCA Cedar INT, westbound; **8,600—MOCA.
Cedar INT, N. Mex.; Columbus, N. Mex.; VOR; *9,000. *8,200—MOCA.
Clear Spring INT, Tex.; *Weimar INT, Tex.; **3,000. *3,000—MRA. **1,800—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Tuba City, Ariz., VOR; Fruitland INT, N. Mex.; 12,000.

From, to, and MEA

Fruitland INT, N. Mex.; Farmington, N. Mex., VOR; 8,300.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Zanesville, Ohio, VOR; Bellaire, Ohio, VOR; 3,000.
Bellaire, Ohio, VOR; Wolfdale INT, Pa.; 3,000.

Section 95.6215 *VOR Federal airway 215* is amended to read in part:

*Tadpole INT, Mich.; Salmon INT, Mich.; **3,500. *3,200—MRA. **1,600—MOCA.

Section 95.6226 *VOR Federal airway 226* is amended to read in part:

Thornhurst, Pa., VOR; Stillwater, N.J., VOR; 4,000.

Section 95.6238 *VOR Federal airway 238* is amended to read in part:

Woodstown, N.J., VOR; Millville, N.J., VOR; 1,900.

Section 95.6239 *VOR Federal airway 239* is amended to read in part:

Sea Isle, N.J., VOR; Bridgeton INT, N.J.; 1,800.

Section 95.6241 *VOR Federal airway 241* is amended to read in part:

Crestview, Fla., VOR; Darlington INT, Fla.; *2,000. *1,500—MOCA.
Darlington INT, Fla.; Dothan, Ala., VOR; *2,000. *1,300—MOCA.

Section 95.6260 *VOR Federal airway 260* is amended to read in part:

Hopewell, Va., VOR; Driver INT, Va.; 2,000.
Driver INT, Va.; Int, 140° M rad, Hopewell VOR and 233° M rad, Norfolk VOR; 2,100.

Section 95.6268 *VOR Federal airway 268* is amended to read in part:

Kenton, Del., VOR; Leesburg INT, N.J.; 1,800.

Section 95.6272 *VOR Federal airway 272* is amended to read in part:

Holdenville INT, Okla.; McAlester, Okla., VOR; *3,000. *2,100—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Plainview, Tex., VOR; Guthrie, Tex., VOR; *5,100. *4,500—MOCA.
Guthrie, Tex., VOR; Vera INT, Tex.; *3,700. *3,000—MOCA.
Vera INT, Tex.; *Westover INT, Tex.; **5,000. *5,000—MRA. **2,800—MOCA.
Westover INT, Tex.; Archer INT, Tex.; *5,000. *2,800—MOCA.
*Fox INT, Tex.; Dallas, Tex., VOR; **2,300. *2,500—MRA. **2,100—MOCA.
Dallas, Tex., VOR; Paris, Tex., VOR; *2,400. *1,700—MOCA.
Paris, Tex., VOR; Avery INT, Tex.; *2,300. *1,700—MOCA.
Avery INT, Tex.; Texarkana, Ark., VOR; *2,200. *1,700—MOCA.
Texarkana, Ark., VOR; *Waterloo INT, Ark.; **2,200. *4,000—MRA. **1,700—MOCA.
Waterloo INT, Ark.; *Hampton INT, Ark.; **5,000. *5,000—MRA. **1,600—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

*Dora INT, N. Mex.; Texico, N. Mex., VOR; **6,500. *10,000—MRA. **5,600—MOCA.
*Dora INT, N. Mex., via S alter.; Texico, N. Mex., VOR via S alter.; **6,500. *10,000—MRA. **5,600—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

From, to, and MEA

Lufkin, Tex., VOR; *Cushing INT, Tex.; **2,400. *3,000—MRA. **2,000—MOCA.
Cushing INT, Tex.; Gregg County, Tex., VOR; *2,000. *1,800—MOCA.
Texarkana, Ark., VOR; Dierks INT, Tex.; *2,300. *1,700—MOCA.
Dierks INT, Ark.; Greenwood INT, Ark.; *4,500. *3,800—MOCA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Vero Beach, Fla., VOR via E alter.; Indian River INT, Fla., via E alter.; *2,000. *1,500—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Johnstown, Pa., VOR; Paulton INT, Pa.; 5,000.

Section 95.6300 *VOR Federal airway 300* is amended to read in part:

Camp INT, Maine; Works INT, Maine; *7,000. *5,700—MOCA.
Works INT, Maine; Millinocket, Maine, VOR; *6,000. *5,700—MOCA.
Millinocket, Maine, VOR; Prentiss INT, Maine; *3,000. *1,700—MOCA.
Prentiss INT, Maine; United States-Canadian border; *3,000. *2,100—MOCA.

Section 95.6302 *VOR Federal airway 302* is amended to read:

Augusta, Maine, VOR; Rockland INT, Maine; *2,200. *1,600—MOCA.

Section 95.6303 *VOR Federal airway 303* is amended to read in part:

Hot Springs, Ark., VOR via E alter.; *College INT, Ark., via E alter.; **6,500. *3,300—MRA. **3,800—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

Mouse, INT, Miss., via E alter.; Hattiesburg, Miss., VOR via E alter.; *2,000. *1,900—MOCA.

Section 95.6471 *VOR Federal airway 471* is amended to read:

Bar Harbor INT, Maine; Bangor, Maine, VOR; *3,000. *2,300—MOCA.
Bangor, Maine, VOR; Millinocket, Maine, VOR; *2,400. *1,700—MOCA.
Millinocket, Maine, VOR; Houlton, Maine, VOR; *2,600. *1,900—MOCA.
Houlton, Maine, VOR; U.S.-Canadian Border; *2,600. *1,900—MOCA.

Section 95.6472 *VOR Federal airway 472* is amended to read in part:

*Zang INT, N.C.; Kinston, N.C., VOR; **2,000. *4,000—MRA. *4,000—MCA Zang INT, eastbound. **1,900—MOCA.

Section 95.6476 *VOR Federal airway 476* is amended to read in part:

Baltimore, Md., VOR; Blackbird INT, Del.; *2,000. *1,600—MOCA.
Blackbird INT, Del.; Millville, N.J., VOR; 2,000.

Section 95.6478 *VOR Federal airway 478* is amended to read in part:

Falmouth, Ky., VOR; Newcombe, Ky., VOR; *3,000. *2,500—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

Lexington, Ky., VOR; York, Ky., VOR; 3,000.

Section 95.6501 *VOR Federal airway 501* is amended to read in part:

From, to, and MEA

St. Thomas, Pa., VOR; Philipsburg, Pa., VOR; 4,500.

Section 95.6802 *VOR Federal airway 802* is amended to read in part:

*Greensburg INT, Pa.; Johnstown, Pa., VOR; 5,000. *4,000—MCA Greensburg INT, eastbound.
Johnstown, Pa., VOR; Huntingdon INT, Pa.; 5,000.
Huntingdon INT, Pa.; Reedsville INT, Pa.; 4,500.
Allentown, Pa., VOR; Solberg, N.J., VOR; 2,800.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

Stillwater, N.J., VOR; Thornhurst, Pa., VOR; 4,000.

Section 95.6805 *VOR Federal airway 805* is amended to read in part:

Cofield, N.C., VOR; *Zang INT, N.C.; **2,000. *4,000—MRA. **1,900—MOCA.
Zang INT, N.C.; Kinston, N.C., VOR; *2,000. *1,900—MOCA.

Section 95.6807 *VOR Federal airway 807* is amended to read in part:

Sparta, N.J., VOR; Sussex INT, N.J.; 3,500.
Sussex INT, N.J.; Wilkes-Barre, Pa., VOR; 4,000.

Section 95.6830 *VOR Federal airway 830* is amended to read in part:

Dallas, Tex., VOR; Paris, Tex., VOR; *2,400. *1,700—MOCA.
Paris, Tex., VOR; Avery INT, Tex.; *2,300. *1,700—MOCA.
Avery INT, Tex.; Texarkana, Ark., VOR; *2,200. *1,700—MOCA.
Texarkana, Ark., VOR; Hope INT, Ark.; *2,000. *1,700—MOCA.
Grapevine INT, Ark.; Pine Bluff, Ark., VOR; *1,700. *1,500—MOCA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

Kenton, Del., VOR; Leesburg INT, N.J.; 1,800.
Providence, R.I., VOR; Whitman, Mass., VOR; 2,100.

Section 95.6843 *VOR Federal airway 843* is amended to read in part:

Peotone, Ill., VOR; Danville, Ill., VOR; *2,500. *2,300—MOCA. MAA—14,000.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

Pharoah INT, Okla.; Ardmore, Okla., VOR; *3,000. *2,700—MOCA.

Section 95.6859 *VOR Federal airway 859* is amended to read in part:

Pharoah INT, Okla.; Ardmore, Okla., VOR; *3,000. *2,700—MOCA.

Section 95.6880 *VOR Federal airway 880* is amended to read in part:

Int, 065° M rad, Tannersville VOR and 311° M rad, Sparta VOR; Sussex INT, Pa.; 3,500.
Sussex INT, Pa.; Wilkes-Barre, Pa., VOR; 4,000.

Section 95.6887 *VOR Federal airway 887* is amended to read in part:

Pine Bluff, Ark., VOR; Grapevine INT, Ark.; *1,700. *1,500—MOCA.
Hope INT, Ark.; Texarkana, Ark., VOR; *2,000. *1,700—MOCA.

From, to, and MEA

Sulphur Springs, Tex., VOR; Dallas, Tex., VOR; *2,200. *1,900—MOCA.

Section 95.6888 *VOR Federal airway 888* is amended to read in part:

Leesburg INT, N.J.; Kenton, Del., VOR; 1,800.

2. By amending Subpart D as follows:

Airway Segment: From; to—Changeover point: Distance; from

Section 95.8003 *VOR Federal airway changeover points:*

V–4 is amended to delete:
Malad City, Idaho, VOR; Rock Springs, Wyo., VOR; 93; Malad City.

V–22 is amended by adding:
Brookley, Ala., VOR; Navy Saufley, Ala., VOR; 18; Brookley.

V–66 is amended by adding:
Douglas, Ariz., VOR; Columbus, N. Mex., VOR; 44; Douglas.

V–68 is amended to read in part:
Corona, N. Mex., VOR; Roswell, N. Mex., VOR; 33; Corona.

V–83 is amended to read in part:
Roswell, N. Mex., VOR; Corona, N. Mex., VOR; 48; Roswell.

V–148 is amended by adding:
Kiowa, Colo., VOR; Thurman, Colo., VOR; 44; Kiowa.

V–478 is amended to delete:
Falmouth, Ky., VOR; Newcombe, Ky., VOR; 21; Falmouth.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on September 27, 1965.

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

[F.R. Doc. 65–10528; Filed, Oct. 4, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–445]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Blanket Authority to Air Taxi Operators To Carry Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1965.

In a notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1965 (30 F.R. 4636), and circulated to the industry as EDR–82, Docket 16024, the Board proposed to amend Part 298 of the Board's Economic Regulations (14 CFR Part 298) to (1) extend the term of the part for an indefinite period; and (2) grant air taxi operators blanket authority to carry mail subject to conditions. In the notice the Board invited interested persons to submit pertinent information and data with respect to the proposed rule.

Pursuant to the above notice, 31 comments were received, including 6 from

air taxi operators,[1] 2 from trunkline air carriers,[2] 7 from local service carriers,[3] 3 from intra-Alaska carriers,[4] 1 from a Hawaiian route carrier,[5] 1 from a helicopter carrier,[6] 6 comments from trade associations,[7] a comment from the Post Office Department, 1 from a State aviation agency,[8] 1 from a Congressman,[9] and 2 from the general public.[10]

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. In brief, the notice proposed to (1) extend the term of the part for an indefinite period; and (2) grant air taxi operators blanket authority to carry mail, subject to the requirements that there be in effect a final section 406 mail rate for the carrier covering the particular service, that the service be rendered on a nonsubsidy basis and that the air taxi operator be proscribed from carriage of mail in markets where a certificated route carrier is authorized to provide service pursuant to either certificate or exemption authority. For the reasons hereinafter set forth, we shall adopt the rule as proposed with the following modifications: (1) The term of authorization for the carriage of mail shall be limited to a 3-year period; (2) the geographical area of such carriage shall be limited to the 48 contiguous States and and Hawaii; and (3) air taxi operators shall not be prohibited from carrying mail between points between which a certificated helicopter carrier is authorized to provide service by an area exemption order unless such helicopter carrier also has an approved flight pattern on file with the Board authorizing it to serve such market. Except for these changes and for minor editorial modifications, the final rule is the one that the Board proposed.

Through inadvertence we failed to consolidate into this proceeding two petitions for rule making which were filed by the National Association of Third Level Airlines, now known as Association of Commuter Airlines (Docket 14977) and The New England Council, Inc. (Docket 15223), and which were discussed in the explanatory statement in the notice. Consequently, these petitions are hereby consolidated in the instant rule making proceeding (Docket 16024).

Discussion

Extension of the term of the part. Lake Central objects to the proposed extension of the term of the part for an indefinite period solely with respect to air taxi operators which engage in "scheduled route-type" operations. As to such carriers, Lake Central requests an extension of the term of the part for not more than 2 years.[11] According to Lake Central, such air taxi operators, of which TAG Airlines is an example, operate services in direct competition with certificated route carriers. In addition, Lake Central requests and evidentiary hearing or oral argument before the Board on the limited issue of the extension of the term of the part to such "scheduled route-type" air taxi operators. Presumably, Lake Central is not objecting to an extension of the term with respect to air taxi operators which do not engage in "scheduled route-type" operations.

We shall overrule Lake Central's objection and extend the term of Part 298 for an indefinite period as proposed in the notice. The local service carrier has provided no factual data which would justify the Board in differentiating in the rule between air taxi operators which offer scheduled service in markets served by certificated route carriers and those which do not offer such service. We shall also deny Lake Central's request for an evidentiary hearing or oral argument on the issue of the extension of the term of the part solely with respect to "scheduled route-type" air taxi operators. The present record amply supports our findings herein and no useful purpose would be served by an augmented record based on an evidentiary hearing or oral argument.

Blanket authority to carry mail. Three local service carriers (Lake Central, Pacific and Southern) object in whole or in part to the proposed blanket authority to air taxi operators to carry mail. Also, certain Alaskan route carriers (Alaska Coastal-Ellis, Cordova and Wien) object to additional mail authority for air taxi operations in Alaska, and the Hawaiian route carriers (Hawaiian Airlines and Aloha) object to blanket mail authority for operations in the State of Hawaii.

Lake Central limited its objection to the grant of mail authority to "scheduled route-type" air taxi operators which were described in connection with its objection to the extension of the term of the part, supra, p. 3. For the reasons given above, and since utility of the exemption would be severely diminished if the Post Office was unable to rely upon scheduled services, this objection is overruled. Pacific and Southern maintain that if air taxi operators are granted blanket mail authority, they will appear to have been awarded an opportunity to provide a governmental service under normal public utility type regulation when in fact this is not so and, accordingly, may attract investors on the strength of something which does not exist. Even if this speculation had substance, it would be a matter for State and Federal agencies concerned with securities regulation rather than the Board.

However, in view of the experimental nature of the carriage of mail by air taxi operators, we shall limit the grant of this authority to a term of 3 years. This will provide the Board with sufficient data to enable it to review and appraise the results of such operations and decide on the appropriate action prior to the end of the term.

For reasons hereinafter set forth, we shall exclude from the grant of authority herein mail operations in Alaska and shall limit the mail authority of air taxis in Hawaii to those markets where regular service can now be provided under Part 298.

Mail authority in Alaska and Hawaii. The Alaskan route carriers oppose the grant of additional mail authority to air taxis in Alaska. They argue that the carriage of mail by air taxi operators to points and over routes in Alaska not served by certificated scheduled air carriers may be provided under contracts with the Post Office Department pursuant to statutory authority entitled "Special Arrangement in Alaska" (39 U.S.C. 6302, 74 Stat. 693). It appears that the proposed rule is superfluous insofar as Alaska is concerned and accordingly, the final rule makes no provision for Alaska mail authority. (See § 298.3(a), infra.)

The Hawaiian route carriers oppose any authorization to air taxis to carry mail in Hawaii. They assert that such transportation would be on a scheduled basis whereas air taxis in Hawaii are prohibited by § 298.21(b)(1) of the Board's Economic Regulations from providing such scheduled service. They also assert that the carriage of mail by air taxis in Hawaii would divert mail revenue of the certificated route carriers, thereby causing them substantial financial harm. Finally, they maintain that there is no need for the carriage of mail by air taxis in view of the high frequency of service

[1] Air Taxi Co. of Red Bank, N.J.; Catalina Air Lines, Inc.; Commuter Airlines, Inc.; Greylock Airways, Inc., doing business as Greylock Airways or Yankee Airlines; Hood Airlines, Inc.; TAG Airlines.

[2] Delta Air Lines, Inc.; United Air Lines.

[3] Allegheny Airlines, Inc.; Central Airlines, Inc.; Frontier Airlines, Inc.; Lake Central Airlines, Inc.; North Central Airlines, Inc., and West Coast Airlines, Inc. (jointly); Pacific Air Lines, Inc.; Southern Airways, Inc. Also, Ozark Airlines, Inc., and Trans-Texas Airways, Inc., filed a joint comment with Hawaiian Airlines and Los Angeles Airways (helicopter).

[4] Alaska Coastal-Ellis Airlines; Cordova Airlines, Inc.; Wien Alaska Airlines, Inc.

[5] Aloha Airlines, Inc. In addition, Hawaiian Airlines, Inc., filed a joint comment with Los Angeles Airways, Ozark and Trans-Texas.

[6] Los Angeles Airways, Inc., jointly with Hawaiian, Ozark and Trans-Texas.

[7] Aircraft Owners and Pilots Association; Association of Commuter Airlines, formerly known as National Association of Third Level Airlines, a petitioner in the instant rule making proceeding; National Air Taxi Conference; National Association of State Aviation Officials; National Aviation Trades Association; The New England Council, a petitioner in the instant rule making proceeding.

[8] Texas Aeronautics Commission.

[9] Hon. Teno Roncalio of Wyoming.

[10] Mr. Thomas J. Harris of Oklahoma City, Oklahoma; Dr. L. M. Southwick, Edinburg, Tex.

[11] The carrier also asks the Board to provide expressly for (1) retention of the authority to review at any time the exemption applicable to any competing route-type air taxi operator, and (2) reservation of the right to withdraw the exemption as to any such carrier at any time without a hearing. The Board finds no need to include these terms in its grant of authority provided for herein. The Board has ample power to review the exemption in the event that circumstances warrant.

by the route carriers between the islands.[12]

Of course, the usefulness of air taxi mail service would appear to depend in part upon the authority to provide regularly scheduled service. It is true that at the time that the comments were filed in this rule making proceeding, air taxis in Hawaii were proscribed by Part 298 from providing regular service. However, subsequent to the filing of the comments in the instant proceeding, the Board on July 20, 1965 by ER–438 (30 F.R. 9201) partially removed the regularity limitations on air taxi operations within Hawaii and authorized regular air taxi operations to or from airports or landing areas which are located 15 or more air miles from the nearest airport served by a certificated carrier. Thus, in a limited number of markets in Hawaii, air taxi operators may now provide regularly scheduled operations. Although the route carriers have alleged that the authorization of air taxis to carry mail in Hawaii would cause them substantial harm, they have not demonstrated that this would be so. In the absence of such a showing, we are unwilling to proscribe the Department from utilizing air taxi operators authorized to provide scheduled point-to-point services. In view of the foregoing, we will authorize air taxis to carry mail in Hawaii in those markets in which they may provide regular air taxi service pursuant to § 298.21(e). (See § 298.3(a), infra.)

Conditions on mail authorization—(1) *Final mail rate under section 406.* The notice proposed that, as a condition to the mail authorization, there be a final section 406 mail rate in effect for the carrier covering the particular service. Lake Central suggests that the Board require each air taxi operator filing a petition for the fixing of a section 406 final mail rate to serve by registered or certified mail a copy of such petition upon each certificated route carrier which is authorized to serve any point in such petition. Our rules of practice applicable to mail rate proceedings do not require such service in other cases, and we see no reason to require it here. Under our procedures, the Board provides ample public notice before establishing final mail rates.

(2) *Markets which a certificated route carrier is authorized to serve.* The notice proposed that the mail exemption authority to air taxi operators not be operative in markets where a certificated route carrier is currently authorized to provide service either by certificate or pursuant to exemption authority. The Post Office Department, the trade associations, the air taxi operators (with one exception),[13] and the private individuals who filed comments all support the Board's proposed rule. One route carrier (Allegheny) states that it does not object to the Board's proposed exemption to air taxis to carry mail. Although two route carriers (Ozark and Trans-Texas) assert that they are taking no position with respect to the authorization of air taxi operators to transport mail at compensatory mail rates between points not authorized to be served either by exemption authority or certificate, they nevertheless urge that no such authority be granted where a route carrier in the area has indicated to the Board a willingness to provide mail service between the points in question and has filed an application for exemption authority covering such service. This suggestion would result in built-in delays in the implementation of needed services, and it will not be adopted.

With one exception applicable to certificated helicopter operators (infra, pp. 11–12), we shall not authorize air taxis to conduct mail operations in markets where route carriers are authorized to serve, as set forth in the proposed rule.

Delta and Central ask that the mail exemption authority be made inoperative in markets where multi-carrier service by certificated route carriers is authorized pursuant to certificate or exemption authority. They point out that under the Board's proposed rule, air taxi mail service would be authorized between pairs of points where no single certificated route carrier holds authority but connecting service may be provided by two such carriers via a junction point. They assert that there are many significant markets involving good, usable two-carrier connecting mail service between exclusive local service carrier points and trunkline points where connecting service is the best that can be provided under existing authority from the Board, that the concept of local service and trunkline carrier systems presupposes the feeding of mail and other traffic between the respective systems via connections at gateway points, and that the Board's proposed rule would enable air taxis to divert mail from the local service and trunkline carriers which serve such markets.

We shall not adopt this proposal at this time. If the Board modifies the proposed rule by proscribing air taxis from providing mail service in markets which certificated route carriers can serve only via multi-carrier connections, the practical effect would be to restrict air taxis to the carriage of mail in markets where one of the points is not authorized service by a certificated route carrier. Although these may be the only markets where the Post Office Department will find it advantageous to contract with air taxis for the transportation of mail by aircraft, we are not persuaded by these arguments to deprive the Post Office Department of freedom to contract for mail carriage by air taxis in markets served by certificated carriers only via multi-carrier connections which may not, in fact, provide the Post Office with usable services. In addition, the mail authority granted to air taxis is for an experimental period of 3 years and, should the route carrier suffer substantial diversion from grant of this authority (a happening which we seriously doubt could occur), the matter can be reconsidered when the Board determines the issue of renewal of the term.

We wish to make it clear that the only markets which are proscribed for air taxi mail service are those which are authorized on-line service by a single certificated route carrier, whether such authorization be found in a certificate of public convenience and necessity or in a Board order granting exemption authority. There is no requirement that such a market be described on a single segment of a route carrier's authorization and, so long as both points comprising the market are authorized service in the route carrier's certificate or pursuant to exemption authority, the air taxi operator will not be permitted to carry mail between such points. We also wish to emphasize that the Board will consider specific requests for exemptions to authorize mail service by air taxi operators between points where a certificated route carrier may not be providing a usable postal service in the view of the Post Office Department or other interested party.

(3) *Markets in which single-plane service is not scheduled by a route carrier.* In its notice the Board requested the parties to comment on a somewhat broadened exemption which would authorize air taxi operators to carry mail between points where no single-plane service is scheduled by a route carrier. All of the route carriers filing comments oppose this broader exemption, pointing out that, if adopted, a local service carrier could frustrate an air taxi's mail authority in a given market by initiating single-plane service therein after the Board had completed a section 406 mail rate proceeding for the carriage of mail by an air taxi. In addition, they state that the threat of diversion of mail revenues of a local service carrier by air taxi operations in a particular market might induce a local service carrier to initiate single-plane service therein which would

[12] Aloha asserts that the Board cannot as a matter of law grant air taxi operators authority to carry mail to points to which Aloha has applied for similar authority without granting Aloha a comparative hearing, citing the Ashbacker doctrine (Ashbacker Radio Corp. vs. FCC, 326 U.S. 327 (1956)). In this connection, Aloha has filed a certificate amendment application with the Board (Docket 14915) in which it seeks authority to engage in air transportation "between any pair of points in the State of Hawaii." Aloha made a similar Ashbacker argument in the rule making proceeding in which the Board removed in part the regularity limitations on air taxi operations within Hawaii. This argument was rejected by the Board in that rule making proceeding (ER–438, adopted July 20, 1965, 30 F.R. 9201) and for the same reasons given therein it is rejected here.

[13] The one exception is the air taxi, Catalina Air Lines, Inc., which transports mail between Long Beach and Santa Catalina Island, Calif., pursuant to a so-called air star route contract (39 U.S.C. 6303). It asks that the blanket mail-carrying authority of the air taxi operators be further restricted to those areas where air star route contracts have not been entered into. We shall not incorporate this suggestion into the final rule. The extent to which the Post Office Department should rely on star route contracts is for the Department to determine, and we find no basis to interfere with the exercise of its discretion in the matter.

not otherwise be economically justified and could, in the long run, increase subsidy. It is further claimed that the broader exemption would foster competition between air taxis and route carriers in the smaller markets which can least support such competition. On the other hand, the air taxi operators, the trade associations and the Post Office Department seek the broader exemption; in fact, the latter asks for the broadest possible mail-carrying authority for air taxi operators.

In view of the experimental nature of the authority granted herein, we do not find it appropriate to adopt the broader exemption for air taxis at this time. In those specific instances where a route carrier's service in a particular market is deemed inadequate, the Post Office Department and/or air taxi operators should file with the Board an application for specific exemption authority for air taxi operations in such market.

(4) *Area exemption authority for certificated helicopter carriers.* Under the proposed rule, the Part 298 exemption authority to air taxi operators to carry mail would not be operative in markets where a certificated route carrier is authorized to provide service pursuant to exemption authority. The intent of the proposed rule is to proscribe operations by air taxi operators in markets which are authorized for service by certificated carriers. However, the area exemption authority of three certificated helicopter operators requires Board approval of a flight pattern as a condition to exercise of the exemption. See Chicago Helicopter Airways, Inc. (Orders E–20258/9, December 12, 1963), Los Angeles Airways, Inc. (27 CAB 36, 45 (1958)), and New York Airways, Inc. (30 CAB 898, 906 (1960)). Accordingly, we shall modify the proposed rule so as to permit air taxi operators to carry mail in a market which, although within the area exemption authority of a certificated helicopter carrier, is not included within an approved flight pattern so that the market cannot be served by such helicopter carrier. (See § 298.21(f)(3), infra.)[14]

Accordingly, the Civil Aeronautics Board hereby amends Part 298 of its Economic Regulations (14 CFR 298) effective November 4, 1965, as follows.

1. By amending § 298.3(a) to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property and/or in the transportation within the 48 contiguous States or Hawaii[15] of mail by aircraft and which:

(1) Do not, directly or indirectly, utilize large aircraft in air transportation, and

(2) Do not hold a certificate of public convenience and necessity or other economic authority issued by the Board.

Provided, however, That any authority granted in this part to engage in the transportation of mail is limited to the carriage of mail on a non-subsidy basis; i.e., on a service mail rate to be paid entirely by the Postmaster General, and the air taxi operator shall not be entitled to any subsidy payment with respect to any operations conducted pursuant to any authority granted in this part.

* * * * *

2. By amending § 298.13 so that the section will read as follows:

§ 298.13 Duration of exemption.

The exemption from any provision of Title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided,* That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further,* That the authorization to air taxi operators to engage in the transportation of mail by aircraft within the 48 contiguous States and Hawaii shall terminate on December 31, 1968.

3. Amend paragraph (a) and add paragraph (f) of § 298.21 to read as follows:

§ 298.21 Scope of service authorized.

(a) *General scope.* The exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) in aircraft having a maximum takeoff weight of 12,500 pounds or less, except as prohibited by paragraphs (b), (c), (d), and (f) of this section.

* * * * *

(f) *Limitations on carriage of mail within the 48 contiguous States and Hawaii.* Within the 48 contiguous States and Hawaii, an air taxi operator shall not be authorized to carry mail between any pair of points (1) when there is no final mail rate in effect for such carriage; (2) when an air carrier holds a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act which authorizes service between such pair of points and such authority has not been suspended; or (3) when an air carrier holding a certificate of public convenience and necessity pursuant to section 401(d) (1) or (2) of the Act has authority to serve between such pair of points by reason of an exemption authorization issued pursuant to section 416(b)(1) of the Act: *Provided, however,* That with respect to a market which a certificated helicopter carrier is authorized to serve under an area exemption order, an air taxi operator will be prohibited from carrying mail therein only if there is an approved flight pattern with respect to such market under Part 376 of this chapter (Board's special regulations). The rules applicable to final mail rate proceedings set forth in Part 302 of this chapter shall govern the procedure for establishing a final mail rate of an air taxi operator for purposes of this part. (See §§ 302.300 through 302.321, excluding § 302.310 of this chapter.)

(Sec. 204, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply section 416, 72 Stat. 771; 49 U.S.C. 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65–10565; Filed, Oct. 4, 1965; 8:47 a.m.]

[14] Several comments called attention to the omission from the proposed rule of existing § 298.3(a)(1) and (2) which prohibit air taxi operators from utilizing large aircraft in air transportation (§ 298.3(a)(1)) or holding a certificate of public convenience and necessity or other economic authority issued by the Board (§ 298.3(a)(2)). This omission was inadvertent and these provisions have been inserted in the final rule promulgated herein (§ 298.3(a), infra).

[15] The authority of air taxis to carry mail in Hawaii is limited to the markets where point-to-point regular service may be provided under this part.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 6—FEES FOR COPYING, CERTIFICATION AND SERVICES IN CONNECTION THEREWITH

Charges

Pursuant to the provisions of Title V of the Independent Offices Appropriation Act, 1952 (5 U.S.C. sec. 140), as implemented by Bureau of the Budget Circular No. A–25, dated September 23, 1959, the Interstate Commerce Commission has revised its schedule of fees for copying, certification and services in connection therewith, effective October 1, 1965.

It is ordered, That paragraphs (a), (b), (c), (d), (e), and (f) of § 6.1, *Charges,* be amended to read as follows:

§ 6.1 Charges.

* * * * *

(a) Certificate of the Secretary, $1.

(b) Services involved in examination of tariffs or schedules for preparation of photostat copies or certified copies of tariffs or schedules or extracts therefrom at the rate of $6 per hour.

(c) Services involved in checking records to be certified to determine authenticity, the clerical work, etc., incidental thereto, at the rate of $3 per hour.

(d) Photostat copies of tariffs, reports and other documents, at the rate of $1.20 per exposure. Copy of one or more pages may be made with one exposure, depending on size of page.

(e) Xerox copy of tariffs, reports and other documents, 25 cents per letter-size or legal-size sheet.

(f) Minimum charge of $1 will be made for copying service.

* * * * *

(Sec. 501, 65 Stat. 290; 5 U.S.C. 140)

It is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 28th day of September 1965.

By the Commission, Chairman Webb.

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

[F.R. Doc. 65-10547; Filed, Oct. 4, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

n-HEPTYL *p*-HYDROXYBENZOATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5H1654) filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va., 22046, on behalf of Washine Chemical Corp., Lodi, N.J., and other relevant material, has concluded that a food additive regulation should be issued to provide for the safe use of *n*-heptyl *p*-hydroxybenzoate in fermented malt beverages to inhibit microbiological spoilage. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1186 *n*-Heptyl *p*-hydroxybenzoate.

n-Heptyl *p*-hydroxybenzoate may be safely used in fermented malt beverages to inhibit microbiological spoilage, in amounts not to exceed 12 parts per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 28, 1965.

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

[F.R. Doc. 65-10561; Filed, Oct. 4, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Zoalene, 3-Nitro-4-Hydroxyphenylarsonic Acid, Penicillin, Bacitracin

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4C1206) filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich., 48641, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use in chicken feed of specified combinations of zoalene, 3-nitro-4-hydroxyphenylarsonic acid, and low-level antibiotics. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 121 is amended as follows:

1. In § 121.207(c), the table is changed in the following respects:

a. Under item 1, subitem f is changed in the fifth and sixth columns to read as indicated.

b. A new item 2.4 is inserted immediately following item 2.3; subitems a, b, and c thereafter are changed in the first column to read as indicated; and subitem l is deleted and reserved.

c. A new item 3.4 is inserted immediately following item 3.3; subitems a, b, and c thereafter are changed in the first column to read as indicated; subitem l is deleted and reserved; and subitem m is changed in the fifth column to read as indicated.

As amended, the affected portions read as follows:

§ 121.207 Zoalene.

* * * * * *

(c) * * *

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. * * *					
* * *	* * *	* * *	* * *	* * *	* * *
f. * * *	* * *	* * *	* * *	§ 121.262, table 1, item 2.1.	§ 121.262, table 1, item 2.1.
* * *	* * *	* * *	* * *	* * *	* * *
2.3 * * *					
2.4 Zoalene	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4 (0.0025%-0.005%)	For broiler chickens; withdraw 5 days before slaughter.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
a. 2.1, 2.2, or 2.4	* * *	* * *	* * *	* * *	* * *
b. 2.1, 2.2, or 2.4	* * *	* * *	* * *	* * *	* * *
c. 2.1, 2.2, or 2.4	* * *	* * *	* * *	* * *	* * *
* * *					
1. [Reserved]	* * *	* * *	* * *	* * *	* * *
3.3 * * *					
3.4 Zoalene	36.3-113.5 (0.004%-0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	22.7-45.4 (00.025%-0.005%)	* * *	* * *
a. 3.1, 3.2, or 3.4.	* * *	* * *	* * *	* * *	* * *
b. 3.1, 3.2, or 3.4.	* * *	* * *	* * *	* * *	* * *
c. 3.1, 3.2, or 3.4.	* * *	* * *	* * *	* * *	* * *
* * *					
l. [Reserved]					
m. * * *	* * *	* * *	* * *	For replacement chickens; as tylosin phosphate.	* * *

2. Section 121.208(d) is amended by adding to table 1 new items 2(e), 3(b), 6(e), and 7(b), as follows:

§ 121.208 Chlortetracycline.

(d) * * *

TABLE 1—CHLORTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2. * * *					
(c) Chlortetracycline.	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
3. * * *					
(b) Chlortetracycline.	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.
6. * * *					
(c) Chlortetracycline.	100–200	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
7. * * *					
(b) Chlortetracycline.	100–200	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.

3. Section 121.232(d) is amended by adding to table 1 new items 2.2f, 3.2a, and 5.2b, as follows:

§ 121.232 Bacitracin.

(d) * * *

TABLE 1—BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.2 * * *					
f. 2.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
3.2 * * *					
a. 3.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.
5.2 * * *					
b. 5.1	100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.

4. Section 121.233(d) is amended by adding to table 1 new items 2.2f, 3.2a, and 5.2b, as follows:

§ 121.233 Zinc bacitracin.

(d) * * *

TABLE 1—ZINC BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.2 * * *					
f. 2.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
3.2 * * *					
a. 3.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262(c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.
5.2 * * *					
b. 5.1	100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.

5. Section 121.251(d) is amended by adding to table 1 new subitems 3c and 6c as follows:

§ 121.251 Oxytetracycline.

(d) * * *

TABLE 1—OXYTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
3. * * *					
c. 3	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 2.1.	§ 121.262, table 1, item 2.1.
6. * * *					
c. 6	100–200	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 1.1.	§ 121.262, table 1, item 1.1.

6. Section 121.252(d) is amended by adding to table 1 new items 2.2d, 3.2a, and 5.2a, as follows:

§ 121.252 Bacitracin methylene disalicylate.

(d) * * *

TABLE 1—BACITRACIN METHYLENE DISALICYLATE IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2.2 * * *					
* * *	* * *	* * *	* * *	* * *	* * *
d. 2.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in §121.262 (c), table 1, item 1.1.	§121.262(o), table 1, item 1.1.
* * *	* * *	* * *	* * *	* * *	* * *
3.2 * * *					
a. 3.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in §121.262 (c), table 1, item 2.1.	§121.262(c), table 1, item 2.1.
* * *	* * *	* * *	* * *	* * *	* * *
5.2 * * *					
a. 5.1	100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as prescribed in §121.262 (c), table 1, item 1.1.	§121.262(c), table 1, item 1.1.

7. Section 121.256(d) is amended by adding to table 1 new items 3.2b and 4.2a, as follows:

§ 121.256 Procaine penicillin.

* * * * * * *

(d) * * *

TABLE 1—PROCAINE PENICILLIN IN COMPLETE CHICKEN AND TURKEY FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
3.2 * * *					
* * *	* * *	* * *	* * *	* * *	* * *
b. 3.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For chickens; as provided in § 121.262(c), table 1, item 1.1.	§ 121.262(c), table 1, item 1.1.
* * *	* * *	* * *	* * *	* * *	* * *
4.2 * * *					
a. 4.1	50–100	3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4	For turkeys; as prescribed in § 121.262 (c), table 1, item 2.1.	§ 121.262(c), table 1, item 2.1.

8. Section 121.262(c) is amended by revising the table to read as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)			For chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
1.2 3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	3,5-Dinitrobenzamide. + Acetyl-(p-nitrophenyl)-sulfanilamide.	227 (0.025%) 272 (0.03%)	For chickens; not to be fed to laying chickens; withdraw 5 days before slaughter; from feed additive premixes containing not more than 25 percent 3,5-dinitrobenzamide, 30 percent acetyl-(p-nitrophenyl)-sulfanilamide, and 5 percent 3-nitro-4-hydroxyphenylarsonic acid; as sole source of organic arsenic.	Prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, and *E. acervulina*; growth promotion and feed efficiency; improving pigmentation.
1.3 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	Zoalene	113.5 (0.0125%)	For broiler chickens: withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
1.4 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	do	36.3–113.5 (0.004%–0.0125%)	For replacement chickens; in complete feed only; grower ration not to be fed to birds under 5½ weeks of age nor over 14 weeks of age; withdraw 5 days before slaughter; as sole source of organic arsenic; as follows:	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.

Growing Conditions	Starter ration	Grower ration
	Grams per ton	*Grams per ton*
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%)
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%)	36.3–75.4 (0.004%–0.0085%)

a. 1.1, 1.3, 1.4	22.7–45.4	Penicillin	2.4–50	As procaine penicillin.	Growth promotion and feed efficiency.
b. 1.1	22.7–45.4	do	50–100	§ 121.256, table 1, item 3.1.	§ 121.256, table 1, item 3.1.
c. 1.1	22.7–45.4	Penicillin + streptomycin.	14.4–50	As procaine penicillin and streptomycin sulfate.	Growth promotion and feed efficiency.
d. 1.1	22.7–45.4	Chlortetracycline.	10–50	As chlortetracycline hydrochloride.	Do.
e. 1.1	22.7–45.4	do	50–200	§ 121.208, table 1, items 2, 6.	§ 121.208, table 1, items 2, 6.
f. 1.1, 1.3, 1.4	22.7–45.4	Penicillin + bacitracin.	3.6–50	As procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
g. 1.1	22.7–45.4	do	50–100	§121.232, table 1, items 2.2, 5.2; §121.233, table 1, items 2.2, 5.2; §121.252, table 1, items 2.2, 5.2.	§121.232, table 1, items 2.2, 5.2; §121.233, table 1, items 2.2, 5.2; §121.252, table 1, items 2.2, 5.2.

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED—Con.

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
h. 1.1	22.7–45.4	Bacitracin	50–100	§121.232, table 1, items 2.1, 5.1; §121.233, table 1, items 2.1, 5.1; §121.252, table 1, items 2.1, 5.1.	§121.232, table 1, items 2.1, 5.1; §121.233, table 1, items 2.1, 5.1; §121.252, table 1, items 2.1, 5.1.
i. 1.1, 1.3, 1.4	22.7–45.4	do	4–50	As bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin.	Growth promotion and feed efficiency.
j. 1.1	22.7–45.4	Oxytetracycline	50–200	§121.251, table 1, item 6.	§121.251, table 1, item 6.
k. 1.1	22.7–45.4	Amprolinm	36.3–227	§121.210, table 1, items 2.1, 3.1.	§121.210, table 1, items 2.1, 3.1.
2.1 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)			For turkeys; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
2.2 3-Nitro-4-hydroxyphenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	Zoalene	113.5–170.3 (0.0125%–0.018%)	For turkeys grown for meat purposes only; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation; prevention and control of coccidiosis.
a. 2.1	22.7–45.4	Penicillin	2.4–50	As procaine penicillin.	Growth promotion and feed efficiency.
b. 2.1	22.7–45.4	do	50–100	§ 121.256, table 1, item 4.1.	§ 121.256, table 1 item 4.1.
c. 2.1	22.7–45.4	Penicillin + streptomycin.	14.4–50	As procaine penicillin and streptomycin sulfate.	Growth promotion and feed efficiency.
d. 2.1	22.7–45.4	Chlortetracycline	10–50	As chlortetracycline hydrochloride.	Do.
e. 2.1	22.7–45.4	do	50–200	§ 121.208, table 1, items 3, 7.	§ 121.208, table 1, items 3, 7.
f. 2.1	22.7–45.4	Penicillin + bacitracin.	3.6–50	Not less than 0.6 gm. of penicillin nor less than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
g. 2.1	22.7–45.4	do	50–100	§ 121.256, table 1, item 4.2.	§ 121.256, table 1, item 4.2.
h. 2.1	22.7–45.4	Bacitracin	4–50	As bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Growth promotion and feed efficiency.
i. 2.1	22.7–45.4	do	50–100	§ 121.232, table 1, item 3.1; § 121.233, table 1, item 3.1, § 121.252, table 1, item 3.1.	§ 121.232, table 1, item 3.1; § 121.233, table 1, item 3.1; § 121.252, table 1, item 3.1.
j. 2.1	22.7–45.4	Oxtetracycline	50–100	§ 121.251, table 1, item 3.	§ 121.251, table 1, item 3.
k. 2.1	22.7–45.4	Amprolium	113.5–227	§ 121.210, table 1, item 1.1.	§ 121.210, table 1, item 1.1.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

§ 144.26 [Amended]

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the Commissioner finds that animal feeds containing combinations of antibiotic drugs and certain food additives need not comply with the requirements of sections 502(l) and 507 in order to insure their safety and efficacy when used as prescribed in Part 121, Subpart C. Therefore, § 144.26 *Animal feed containing certifiable antibiotic drugs* is amended by inserting in the first sentence in paragraph (b)(45) after the words "arsanilic acid," the words "or 3-nitro-4-hydroxyphenylarsonic acid,".

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507(c), 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357(c))

Dated: September 27, 1965.

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

[F.R. Doc. 65-10522; Filed, Oct. 4, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 43—PERSONAL COMMERCIAL AFFAIRS

The Deputy Secretary of Defense approved the following on September 29, 1965:

Sec.
43.1 Purpose.
43.2 Applicability and scope.
43.3 General policy.
43.4 Supervision of solicitation.
43.5 Advertisements appearing in unofficial military publications sold and distributed on Defense installations.
43.6 Collection procedures, full disclosure, and standards of fairness.
43.7 Grounds for suspending the solicitation privilege.
43.8 Declaration of "off-limits."
43.9 Suspensions and off-limits.
43.10 Responsibilities.
43.11 Implementation.

AUTHORITY: The provisions of this part 43 issued under section 161, R.S., 5 U.S.C. 22.

§ 43.1 Purpose.

The purpose of this part is to prescribe uniform Defense policy governing personal commercial transactions and related matters involving members of the Armed Forces; to safeguard and promote the welfare and interests of such personnel as consumers; and to observe the policies stated in the Message of the President to the Congress, February 5, 1964 (H.R. Doc. 220, 88th Cong., 2d Sess.), "The American Consumer," with special emphasis to be given to the serviceman in his "* * * rights to safety * * * to be informed * * * to choose (and) to be heard * * *."

§ 43.2 Applicability and scope.

This part is applicable to members of the Armed Forces and to any partnership, corporate entity or individual, either as principal or agent, electing to request and exercise the privilege, if granted, of soliciting and selling goods, services or commodities on Defense installations, including controlled housing areas; and to any person or firm seeking assistance from the Department of Defense (DoD) in the collection of contractual obligations of members of the Armed Forces as provided by Service regulations.

§ 43.3 General policy.

(a) *Doing business with members of the Armed Forces.* The personal commercial affairs policies of the DoD for members of the Armed Forces, reject the "* * * legal doctrine, 'Let the buyer beware,' (and insists on observance of)

the doctrine, 'Let the seller make full disclosure' * * *" by those who would elect to specialize in the privilege of doing business with the serviceman or his dependents as stated in the Message of the President to the Congress, February 5, 1964 (H.R. Doc. 220, 88th Cong., 2d Sess.), "The American Consumer."

(b) *Solicitation privilege.* The solicitation or transaction of any private business on any Defense installation is a privilege, the control of which is a responsibility vested in the installation commander subject to compliance with this part.

(c) *Limitation on exclusive franchises and concessions.* No exclusive franchise or concession will be awarded to any commercial enterprise, vendor, organization, company or agent, within the meaning of this part for the on-base solicitation and sale or servicing of insurance, and all investment plans including, but not limited to, stocks, bonds, mutual funds, etc., without the approval of the Secretary of Defense. Similar limitations may also be extended to other commodities if found to be warranted.

(d) *On-base transactions a convenience for the Defense member.* (1) Whenever feasible, personal commercial transactions on Defense installations are permitted as a convenience for the Defense member desiring such service.

(2) Because enforcement of controls is an expense in terms of personnel and administration, in regulating (i) access to Defense installations and (ii) the quality of goods, services or commodities sold, authorization to solicit on Defense installations will be restricted as determined by the appropriate commander to services and commodities not reasonably available through installation appropriated or nonappropriated facilities (e.g., quartermaster sales service, exchanges, etc.). Factors that should be considered in determining whether or not the commodity or service is available through installation facilities are:

(*a*) Distance of installation from other Defense facilities offering similar merchandise.

(*b*) The variety and quality of the merchandise offered on the installation.

(*c*) The waiting period for purchases ordered through installation facilities.

(e) *Minimum requirements for accreditation to solicit, sell or extend credit.* (1) Accreditation shall be a condition precedent to permitting on-base solicitation and sales privileges and may be granted by any command, Military Department, or the Secretary of Defense, as applicable, under the terms of this part and other implementing DoD issuances (see § 43.10(b)).

(2) In the United States, its Territories and the Commonwealth of Puerto Rico, on-base solicitation by the agent of any commercial enterprise will only be permitted after the agent and the company he represents both present properly authenticated documentary evidence of possessing necessary licenses in the jurisdiction(s) in which the installation(s) is located or have otherwise met all requirements of the civil regulatory authorities (Federal, State, county, municipality, etc., as appropriate).

(3) On U.S. bases in foreign countries compliance with the applicable laws of the Host Power will be observed, except that if the agent and company are from the United States, the minimum licensing or other regulatory requirements of the jurisdiction of origin must be met.

(4) Extension of credit:

(i) The contractual practices of the agent or commercial enterprise must provide for the full disclosure of credit terms and that terms offered meet the prescribed standards of fairness (see § 43.6), or that an offer of compromise meeting all the desired standards of fairness will be extended to the debtor at the time of making any complaint through military channels for nonpayment of debt even though full disclosure had previously been made.

(ii) Exceptions: Agents, companies, concessionaires including banks, and credit unions approved for on-base solicitation or operation shall be exempt from this accreditation requirement until ninety (90) days from the date of issuance of implementing Service regulations or the expiration of existing contracts whichever is later. (Subdivision (1) of this subparagraph does not apply to utility services, milk, laundry and related delivery services in which the extension of credit is solely to facilitate the service and not a substantial inducement for using the service.)

(f) *Restrictive requirements.* When there is need to prescribe more restrictive requirements than may be contained in the implementing regulations of the Military Departments or designated component commanders, such additional requirements or restrictions must first be reviewed and confirmed by the Military Departments or designated component commanders.

(g) *DoD endorsement prohibited.* (1) The privilege of solicitation on Defense installations is conditioned upon the clear understanding that such permission does not constitute sponsorship or endorsement of the commercial enterprise, his agent(s) or the goods, services, or commodities offered for sale. The DoD as a matter of continuing policy abstains from sponsoring or endorsing any seller or product.

(2) Any advertisement or sales circular letter which states that the goods, services, or commodities offered for sale comply with the requirements, regulations or directive of the DoD or any component thereof will be deemed a prima facie attempt to convey the erroneous belief that the goods, services or commodities have DoD endorsement.

(h) *Educational program.* Military Departments will continue aggressive efforts to promote understanding by military members of principles applicable to the wise use of credit. Disinterested third party counselling should be available, interviewing hours set aside, and facilities supplied. Legal assistance programs will continue to encourage military members to seek counsel concerning contractual obligations, particularly those which the members believe to be unfair or illegal.

§ 43.4 Supervision of solicitation.

(a) Prohibited solicitation practices include:

(1) The solicitation of recruits or trainees and "mass" or "captive" audiences.

(2) Practices involving rebates or elimination of competition.

(3) The offering of remuneration or gifts to facilitate transactions.

(4) Retired or reserve military personnel using their official identification cards to gain access to Defense installations for the purpose of conducting any form of solicitation.

(5) Solicitation of transient personnel or solicitation in areas utilized for processing or housing transient personnel.

(6) Appointments for solicitation purposes while Defense personnel are in an "on duty" status.

(7) The issuance of permanent installation passes to agents.

(8) Even though the appearance is incidental, the use of commercial agents (including loan or finance company agents, or trade association representatives) for the purpose of giving lectures on personal commercial matters such as insurance, investments, consumer credit or consumer financing, Government benefits or for separation counseling.

(9) Soliciting Defense members in barracks occupied as quarters.

(10) Procuring or attempting to procure or the supplying of rosters or listings of Defense personnel.

(b) Solicitation on installations will be on an individual basis, preferably by appointment, in a specific location(s) and at designated hours.

(c) Before being permitted to solicit, the agent will be required to examine a copy of the regulations governing solicitation and to indicate in writing that he understands them and that any violation of the regulations could result in the withdrawal of the privilege of solicitation for himself or his employer.

§ 43.5 Advertisements appearing in unofficial military publications sold and distributed on Defense installations.

(a) *Unofficial military publications defined.* Unofficial military publications are defined for the purpose of this part as any unofficial publication specializing in military news and news of military personnel:

(1) Published primarily for sale or distribution to the Defense community, active or retired members of the Armed Forces and their families; or

(2) Containing in the masthead or name of the publication the name of the Armed Forces or one or more of the Military Services.

(b) *Advertising policies.* (1) Because unofficial military publications:

(i) Are bought (many military units have subscriptions paid for out of authorized funds), sold, delivered, and read on base;

(ii) Contain offers to sell which are often accepted and paid for on base; and

(iii) Are read by the young serviceman, often inexperienced and underage who, in making his first purchases away from home without parental guidance is susceptible to believing, erroneously, that the advertisers enjoy at least the implied endorsement of the DoD because of the permitted use of a military name as cited above or circulation and display on base.

(2) The DoD expects that commercial enterprises soliciting military personnel through advertisements appearing in unofficial military publications will voluntarily observe, or will be required by the publisher to observe, the highest probity in describing goods, services or commodities and the terms of sale (including guarantees, warranties, etc.). If credit terms are offered in such advertisements a statement of the total cash price as well as the total credit price which should include all charges, should be in the advertisements, but this sentence shall not apply to advertisements relating to the purchase or sale of dwellings or land.

§ 43.6 Collection procedures, full disclosure, and standards of fairness.

(a) Members of the Armed Forces are expected to discharge their private indebtedness and financial obligations in an honorable manner. The DoD is without legal authority directly to require a member to pay a private debt; or to divert any part of his pay in satisfaction thereof, even though the indebtedness may have been reduced to a judgment of a civil court. The enforcement of the private obligations of persons in the Military Services is a matter for civil authorities.

(b) Collection procedures:

(1) The Armed Forces are not collection agencies for private indebtedness (see paragraph (a) of this section), however, creditors or persons extending credit to members of the Armed Forces under conditions which meet either the full disclosure or the standards of fairness criteria (defined in paragraphs (c) and (d) of this section) and judgment creditors of judgments based on personal service of process on the debtor within the jurisdiction of the court, and showing compliance with the Soldiers' and Sailors' Civil Relief Act, shall be entitled in event of default to acceptance by the Armed Forces of their letters and appropriate referral of their letters in military channels under governing Service regulations.

(2) Letters of indebtedness addressed to military headquarters which do not meet either the full disclosure or the standards of fairness requirements and are not judgments based on personal service will be returned to the sender without action other than information that the military member's address may be obtained by writing to the locator service of the cognizant Military Department and enclosing its required fee, or that the creditor may in the alternative execute Appendix A, B, or C hereto as appropriate, indicating that the creditor will compromise the claim under limitations consistent with the standards of fairness provided for in paragraph (d) of this section and return his complaint with Appendix A, B, or C hereto properly executed after which such correspondence will be processed. Such requirements do not extend to claims of accommodation endorsers, co-makers or lenders against the party primarily liable on obligations which were not intended to benefit the accommodating party through payment of interest or otherwise; or on claims related to charges for utility services; support of dependents; or contracts for the purchase, sale or occupancy of real estate. However, liens on real property and related note obligations which are other than purchase money liens or liens for repairs or improvements to the subject property are included in these requirements.

(c) Full disclosure—truth-in-lending. Full disclosure is intended to insure truth-in-lending practices and shall require execution of Appendix A, B, or C hereto as appropriate, prior to signing of the contractual obligation or the deposit of money or property which will be subject to forfeiture if the written contractual obligation is not signed.

(d) Standards of fairness. A contractual obligation shall be considered fair by the DoD if it is in a form in common use by reputable firms in the particular trade or business and if all of the limitations contained in Part II of Appendix A, B, or C hereto, as appropriate, are applicable to the contract in its original form or by virtue of the creditors later execution of Part IV. b of such Appendix.

(e) Waiver of requirement. Any commander or higher authority receiving a valid complaint against a military member for nonpayment of an obligation may, at his discretion, waive the collection procedure requirements prescribed herein if the complaint:

(1) Involves a total unpaid claim of $50 or less, or

(2) Is not predicated upon an installment note or contract, or

(3) Is predicated on an open or revolving charge account even though such an account involved an installment contract.

Any waiver so granted may be revoked by the military member's immediate commanding officer or higher authority if it is subsequently determined that fair treatment of the debtor would be facilitated by the creditor's compliance with the requirements of this part.

§ 43.7 Grounds for suspending the solicitation privilege.

(a) *Without prejudice.* Solicitation on-base, a privilege as distinguished from a right, is subject to the reasoned granting or withholding of the privilege or circumstances may warrant. Suspension without prejudice may be ordered due to conflict with the primary military mission, in the interests of the national security, or invoked temporarily when classified operations are in progress.

(b) *For cause.* The suspension of the on-base solicitation privilege for cause shall only be invoked for good and sufficient reasons, such as, but not limited to:

(1) Violation of law or regulatory orders of Federal, State, local agencies, DoD Directives, instructions or Service regulations.

(2) Failure to continue requirements for accreditation as prescribed in § 43.3 (e).

(3) Substantiated adverse complaints or reports from—

(i) Federal or state regulatory agencies or commissions or other statutory authorities having enforcement, licensing, or regulatory powers.

(ii) Consultants retained by the DoD and recognized financial, investment, insurance or consumer advisory services.

(iii) Members of Congress.

(iv) Chambers of Commerce, better business bureaus, consumers' organizations.

(v) Professional, business and trade associations.

(vi) Defense personnel (with particular weight to be given to verified reports of transactions involving youthful personnel in the lower pay grades involving unethical or sharp, if not illegal, practices).

(4) Prompt action will be taken upon receipt of any substantiated adverse complaints or reports from any of the above sources or when DoD personnel discover any of the following irregularities:

(i) The use of any manipulative, deceptive, or fraudulent device, scheme, or artifice, including misleading advertising or other misleading sales literature.

(ii) The solicitation (by mail or otherwise) offering purchases, investments, loans, insurance, etc., when such communications or presentations are composed, enveloped, or delivered in any manner which gives rise to any appearance that the offer is sponsored or has the endorsement of the DoD or any element thereof, or that the offeror may possibly be a Federal quasi-governmental agency.

(iii) Improper deportment by agents or representatives while soliciting Defense personnel including the offering for sale of any thing which fails to meet the requirements of this part, implementing instructions, or Service regulations.

(iv) The possession of allotment forms by agents.

§ 43.8 Declaration of "off-limits".

(a) In addition to suspension of any on-base solicitation or accreditation privileges, within the scope of this part, commercial businesses, creditors, lenders, agents, or persons who are found to be in violation of the terms of this part or implementing instructions and Service regulations, or that have otherwise victimized members of the Armed Forces, may be declared off-limits to all members of the Armed Forces.

(b) Off-limits findings may be reached at the local or area level by appropriate Armed Forces Disciplinary Control Board procedures in accordance with Joint Regulations, "Armed Forces Disciplinary Control Boards" (AR 15–3, DSAR 5725.1, BUPERSINST 1620.4, AFR 125–11, MCO

1620.1, COMDTINST 1620.1), March 12, 1965, and extended beyond their jurisdiction throughout the DoD under the procedures prescribed in § 43.9.

§ 43.9 Suspensions and off-limits.

(a) Definitions:

(1) "Suspension" means the termination or withholding of the privileges of any one or all of the following as may be decided appropriate:

(i) On-base solicitation and sale.

(ii) DoD accreditation of the commercial enterprise, vendor, organization, company, or agent.

(2) "Off-limits" establishments or areas are designated by those commanders or officials announced in this part or the Joint Service Regulation (see Joint Regulations, "Armed Forces Disciplinary Control Boards" (AR 15–3, DSAR 5725.1, BUPERSINST 1620.4, AFR 125–11, MCO 1620.1, COMDTINST 1620.1) March 12, 1965), to assist in maintaining discipline and safeguarding the health, morals, and welfare of military personnel.

(b) Application of regulatory issuances:

(1) Below Military Department level, in off-limit actions the provisions of the Joint Regulations, "Armed Forces Disciplinary Control Boards" (AR 15–3, DSAR 5725.1, BUPERSINST 1620.4, AFR 125–11, MCO 1620.1, COMDTINST 1620.1), March 12, 1965, apply.

(2) The provisions of this part govern in suspensions or off-limits actions reviewed or taken at Military Department or Office of the Secretary of Defense levels, but records and actions taken under Joint Regulations, "Armed Forces Disciplinary Control Boards" (AR 15–3, DSAR 5725.1, BUPERSINST 1620.4, AFR 125–11, MCO 1620.1, COMDTINST 1620.1), March 12, 1965, will be reviewed in off-limits actions originated by military commanders.

(3) A Military Secretary or the Secretary of Defense may request an Armed Forces Disciplinary Control Board to make recommendations on substantiated adverse reports which may come to their attention directly or from other than military sources.

(c) Commanders may order suspensions under § 43.7, but when such suspension occurs for cause (§ 43.7(b)) the reason therefore will be included in prompt notifications to the party or parties; agent(s); all appropriate regulatory or enforcement officials including those in state of domicile and license; and the cognizant Military Department, including a recommendation as to whether the suspension should be extended throughout the Department. In off-limits actions arising under Joint Regulations, "Armed Forces Disciplinary Control Boards" (AR 15–3, DSAR 5725.1, BUPERSINST 1620.4, AFR 125–11, MCO 1620.1, COMDTINST 1620.1), March 12, 1965, major commanders may make appropriate recommendations to the cognizant Military Secretary for extending such actions throughout the DoD.

(d) The Secretary of a Military Department, with or without the recommendation of a subordinate command may, after review of the record, recommend to the Secretary of Defense that the suspension action or the off-limits order be extended throughout the DoD. The Secretary of Defense, after a similar review of the record may concur in the recommendation of the Military Secretary and order the suspension action or the off-limits order extended throughout the DoD. The Secretary of Defense may also take such action without the recommendation of a Military Secretary after review of the record and recommendations of a Board. Such Board will be required to follow procedures prescribed or similar to the Armed Forces Disciplinary Control Board.

(e) Termination of suspension actions or off-limits orders. Only the highest authority ordering a suspension action or an off-limits order can terminate such action or order.

§ 43.10 Responsibilities.

(a) Due to the necessity of maintaining consistent and uniform policies on which the business community can rely throughout the DoD overseas areas, unified command commanders beyond the contiguous 48 States will designate a component headquarters to:

(1) Administer and insure the uniform application and enforcement of the provisions of this part and applicable supplemental DoD Instructions as implemented by the appropriate Military Departmental regulations.

(2) Issue one controlling regulation for the Unified Command area suitably composed for dual distribution to the command and to businesses requesting such guidance.

(3) Consolidate the administration of this part and procedures governing the granting, retention, and suspension of accreditation privileges for commercial enterprises and agents throughout the unified command.

(b) Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Manpower) (ASD (M)) shall have the responsibility for the administration of this part to include the issuance of appropriate DoD Instructions governing personal commercial affairs including the solicitation and sale of goods, services, or commodities on Defense installations including controlled housing areas (i.e., insurance, mutual funds shares and investment securities companies, clearance and accreditation of agents and businesses qualifying for solicitation on United States installations in foreign countries, etc.).

§ 43.11 Implementation.

Within sixty (60) days from the date of publication of this part in the FEDERAL REGISTER the Secretaries of the Military Departments shall submit to the ASD (M) for approval their proposed implementing regulations.

Effective date. This part shall be effective 30 days after the date of publication in the FEDERAL REGISTER.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

APPENDIX A

To be used by:

1. Sellers financing their own sales.
2. Lending institutions having any financial ties with, or right of recourse against the seller of the service or goods to which the contract relates.

PART I

1. Description of property or service acquired or to be acquired:
2. Seller's name and address:
3. Name and address of creditor to whom the note or obligation is or will be payable if other than the seller:
4. Does the creditor have any financial ties with the seller or any right of recourse against the seller in event of default on the obligation ____ (yes) (no)

5. (a)	Quoted cash price of goods or services		$_____
(b)	Less discount customarily allowed cash purchases		$_____
(c)	Net cash price of goods or services (a minus b)		$_____
(d)	Add ancillary charges, such as taxes and auto license fees, from which the seller or creditor receives no benefit and which are not related to the extension of credit. If insurance premiums are included here, exclude any commission or fee earned on the insurance by the seller, creditor, or any insurer in which seller or creditor have a financial interest. Itemize ancillary charges:		
	_____	$_____	
	_____	$_____	
	_____	$_____	
	Total ancillary charges:	$_____	$_____
(e)	Cash delivered price (c plus d)		$_____
(f)	Less trade-in allowance		$_____
(g)	Net cash to be financed (e minus f)		$_____
(h)	Add finance charges, include here all charges including commissions which inure to the benefit of the seller or creditor or entities in which either have a financial interest and all other charges which would not be made if this were a cash purchase:		
	Charge for	*Amount*	
	_____	$_____	
	_____	$_____	
	_____	$_____	
	Total finance charges	$_____	$_____
(i)	Total time price (g plus h)		$_____

PART II—STANDARDS OF FAIRNESS

The items set forth in Column I are limitations which the Department of Defense considers desirable to insure fairness in contracts of this type obligating military members for the payment of money. Column II signifies the creditors willingness, or lack thereof, to have such limitations apply to the subject contract. These limitations do not extend any provision of the contract.

Column I Provisions Desirable to Insure Fairness	Column II Complete by filling in "shall apply" or "shall not apply"
1. No finance charge made shall be in excess of the charge which could be made under the law of the place in which this contract is signed by the serviceman.	1. ----------
2. No claim shall be made for an attorney's fee unless suit is filed and decided in favor of the creditor in which event such fee shall not exceed 10% of the obligation found due.	2. ----------
3. No deficiency shall be claimed if the security for the debt is repossessed and sold for an amount less than the balance due on the contract.	3. ----------
4. Defenses which the debtor may have against the original lender or against the seller of the goods or any agent of either shall be good against any subsequent holder of the obligation.	4. ----------
5. The debtor shall have the right to remove any security for the obligation beyond state or national boundaries if he or his family moves beyond such boundaries and notifies the creditor of the new address where the security is located and removal of the security shall not accelerate payment of the obligation.	5. ----------
6. No late charge in excess of 5% of the late payment shall be made.	6. ----------
7. There shall be no penalty for prepayment and in the event of prepayment that portion of the finance charges which have inured to the benefit of the seller or creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the term of the contract and only the prorated amount to the date of prepayment shall be due.	7. ----------
8. This contract may be terminated at any time prior to delivery to the debtor of the goods or services which were consideration for the contract. However, if goods of special manufacture or made to size to meet specifications of the purchaser, are the subject of this contract then the contract may be terminated only if such goods are not delivered to the debtor within 30 days after the date of the contract. If this contract provides for the delivery of goods or services at future intervals of time then termination shall apply with regard to undelivered goods or services and the debtor shall pay no greater part of the total contract price than the fraction which goods or services delivered to the time of termination bears to total goods or services called for by contract.	8. ----------
9. No charge shall be made as a part of the cash delivered price or finance charges for an insurance premium unless satisfactory evidence of a policy reflecting such coverage is delivered to the debtor within 15 days after the contract is signed.	9. ----------

PART III

I certify that I fully examined PARTS I and II of this form and that each blank in PART I was completed or marked "N/A", if not applicable, and that PART II was completed by marking each blank "shall apply" or "shall not apply," both parts being completed prior to my signing this form and prior to my signing the contractual obligation or depositing money or property with the seller which would have been subject to forfeiture had I failed to sign a contractual obligation.

---------- ----------

Date and Hour *Debtor*

PART IV

(a) (If executed prior to extension of credit use this section) I certify that each blank in PART I was completed or marked not applicable and each blank in PART II was completed with the words "shall apply" or "shall not apply" and PART III of the form was signed by the debtor prior to the time the debtor incurred the contractual obligation to which this form relates and prior to the time he deposited any money or property which would have been subject to forfeiture had he failed to execute the contractual obligation. Charges reported in PART I and the limitations of PART II which are marked "shall apply" serve to limit any greater charges or less favorable provisions stated in the contract.

Seller or Creditor

(b) (If completed after extension of credit complete this section) Execution of this section shall constitute an offer to compromise, pursuant to which all of the limitations of PART II shall apply to the contractual obligation reported in PART I including all payments heretofore made by the debtor on such contractual obligation, the date and amount of each such payment, balance due on the contract and balance currently due without acceleration being calculated subject to the limitations of the compromise and set forth below. This compromise offer may be revoked by written notice to the debtor prior to the time the debtor has made payments under the compromise in excess of 1/10th of the amount set forth below as currently due and owing without acceleration. Thereafter this offer may only be revoked if the debtor is discharged from the service under conditions other than honorable for reasons related to his failure to pay his just obligations. If revoked any payments under the compromise shall be treated as payments on the principal contract and this compromise offer shall be of no effect whatever.

Seller or Creditor

Payments on contract received prior to execution of this compromise:

Date of payment	*Amount of Payment*

Balance due on contract computed under limitations of the compromise: $----------

Balance currently due and owing without acceleration computed under the limitations of the compromise: $----------

Accredited agents and companies instruction: Agents and companies that have applied for and received accreditation for on-base solicitation as a condition of accreditation are required to complete section b of PART IV prior to processing of a complaint through military channels even though such agent or company had previously completed section a of PART IV.

APPENDIX B

To be used by:

1. Lending institutions having no financial ties with, or right of recourse against the seller of the service or goods to which the contract relates.
2. Lending institutions on an obligation secured by property which the debtor has owned and possessed for less than 60 days prior to the loan.

PART I

1. Description of property or service acquired or to be acquired:
2. Seller's name and address:
3. Name and address of creditor to whom the note or obligation is or will be payable if other than the seller:
4. Does the creditor have any financial ties with the seller or any right of recourse against the seller in event of default on the obligation ----------
(Yes) (No)

5. (a) Quoted cash price of goods or services $----------
(b) Less discount customarily allowed cash purchases $----------
(c) Net cash price of goods or services (a minus b) $----------
(d) Add ancillary charges, such as taxes and auto license fees, from which the seller or creditor receives no benefit and which are not related to the extension of credit. If insurance premiums are included here, exclude any commission or fee earned on the insurance by the seller, creditor or any insurer in which seller or creditor have a financial interest. Itemize ancillary charges:

----------	$----------
----------	$----------
----------	$----------
Total ancillary charges:	$----------

(e) Cash delivered price (c plus d) $----------
(f) Less trade-in allowance $----------
(g) Net cash price to be financed (e minus f) $----------
(h) Add finance charges, include here all charges including commissions which inure to the benefit of the seller or creditor or entities in which either have a financial interest and all other charges which would not be made if this were a cash purchase: $----------

Charge for	*Amount*
----------	$----------
----------	$----------
----------	$----------
Total finance charges	$----------

(i) Total time price (g plus h) $----------

PART II—STANDARDS OF FAIRNESS

The items set forth in Column I are limitations which the Department of Defense considers desirable to insure fairness in contracts of this type obligating military members for the payment of money. Column II signifies the creditors willingness, or lack thereof, to have such limitations apply to the subject contract. These limitations do not extend any provision of the contract.

Column I Provisions Desirable to Insure Fairness	Column II Complete by filling in "shall apply" or "shall not apply"
1. No finance charge made shall be in excess of the charge which could be made under the law of the place in which this contract is signed by the serviceman.	1. ----------
2. No claim shall be made for an attorney's fee unless suit is filed and decided in favor of the creditor in which event such fee shall not exceed 10% of the obligation found due.	2. ----------
3. No deficiency shall be claimed if the security for the debt is repossessed and sold for an amount less than the balance due on the contract.	3. ----------
4. The debtor shall have the right to remove any security for the obligation beyond state or national boundaries if he or his family moves beyond such boundaries and notifies the creditor of the new address where the security is located and removal of the security shall not accelerate payment of the obligation.	4. ----------
5. No late charge in excess of 5% of the late payment shall be made.	5. ----------
6. There shall be no penalty for prepayment and in the event of prepayment that portion of the finance charges which have inured to the benefit of the seller or creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the term of the contract and only the prorated amount to the date of prepayment shall be due.	6. ----------

7. No charge shall be made as a part of the cash delivered price or finance charges for an insurance premium unless satisfactory evidence of a policy reflecting such coverage is delivered to the debtor within 15 days after the contract is signed. 7. ----------

PART III

I certify that I fully examined PARTS I and II of this form and that each blank in PART I was completed or marked "N/A", if not applicable, and that PART II was completed by marking each blank "shall apply" or "shall not apply", both parts being completed prior to my signing this form and prior to my signing the contractual obligation or depositing money or property with the seller which would have been subject to forfeiture had I failed to sign a contractual obligation.

---------- ----------
Date and Hour *Debtor*

PART IV

(a) (If executed prior to extension of credit use this section) I certify that each blank in PART I was completed or marked not applicable and each blank in PART II was completed with the words "shall apply" or "shall not apply" and PART III of the form was signed by the debtor prior to the time the debtor incurred the contractual obligation to which this form relates and prior to the time he deposited any money or property which would have been subject to forfeiture had he failed to execute the contractual obligation. Charges reported in PART I and the limitations of PART II which are marked "shall apply" serve to limit any greater charges or less favorable provisions stated in the contract.

Seller or Creditor

(b) (If completed after extension of credit complete this section) execution of this section shall constitute an offer to compromise, pursuant to which all of the limitations of PART II shall apply to the contractual obligation reported in PART I including all payments heretofore made by the debtor on such contractual obligation, the date and amount of each such payment, balance due on the contract and balance currently due without acceleration being calculated subject to the limitations of the compromise and set forth below. This compromise offer may be revoked by written notice to the debtor prior to the time the debtor has made payments under the compromise in excess of 1/10th of the amount set forth below as currently due and owing without acceleration. Thereafter this offer may only be revoked if the debtor is discharged from the service under conditions other than honorable for reasons related to his failure to pay his just obligations. If revoked any payments under the compromise shall be treated as payments on the principal contract and this compromise offer shall be of no effect whatever.

Seller or Creditor

Payments on contract received prior to execution of this compromise:

Date of Payment	*Amount of Payment*
Balance due on contract computed under limitations of the compromise:	$----------
Balance currently due and owing without acceleration computed under the limitations of the compromise:	$----------

Accredited agents and companies instruction: Agents and companies that have applied for and received accreditation for on-base solicitation as a condition of accreditation are required to complete section b of PART IV prior to processing of a complaint through military channels even though such agent or company had previously completed section a of PART IV.

APPENDIX C

To be used by:

Lenders making: (1) unsecured loans not intended for the purchase of goods or services, or (2) loans secured by property which the borrower has owned and possessed for more than 60 days, and which was not purchased from a seller having any financial interest in the lender or vice versa, or (3) any loan secured by a lien on real property.

PART I

1. Date of loan:
2. Lender's name and address:

3. Borrower's name and address:
4. Purpose of loan:
5. Security for the loan:

6. No charges shall be

3. Borrower's name and address:
4. Purpose of loan:
5. Security for the loan:
6. (a) Total amount to be repaid, including interest, if this loan is paid according to its terms. $----------

(b) Charges which will be made against the debtor if loan is repaid according to its terms are: (Itemize)

Charge	*Amount*	
----------	$----------	
----------	$----------	
----------	$----------	
Total charges (cost of loan)	$----------	$----------
Net proceeds of loan		$----------

(c) Deductions from net proceeds to be applied to payoff of other obligations:

Item	*Amount*	
----------	$----------	
----------	$----------	
----------	$----------	
Total deductions other than charges	$----------	$----------

(d) Net proceeds to borrower $---------- $----------

PART II—STANDARDS OF FAIRNESS

The items set forth in Column I are limitations which the Department of Defense considers desirable to insure fairness in contracts of this type obligating military members for the payment of money. Column II signifies the creditors willingness, or lack thereof, to have such limitations apply to the subject contract. These limitations do not extend any provision of the contract.

Column I Provisions Desirable to Insure Fairness	Column II Complete by filling in "shall apply" or "shall not apply"
1. No finance charge made shall be in excess of the charge which could be made under the law of the place in which this contract is signed by the serviceman.	1. ----------
2. No claim shall be made for an attorney's fee unless suit is filed and decided in favor of the creditor in which event such fee shall not exceed 10% of the obligation found due,	2. ----------
3. The debtor shall have the right to remove any personal property which is security for the obligation beyond state or national boundaries if he or his family moves beyond such boundaries and notifies the creditor of the new address where the security is located and removal of the security shall not accelerate payment of the obligation.	3. ----------
4. No late charge in excess of 5% of the late payment shall be made.	4. ----------
5. There shall be no penalty for prepayment and in the event of prepayment that portion of the finance charges which have inured to the benefit of the seller or creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the term of the contract and only the prorated amount to the date of prepayment shall be due,	
6. No charge shall be made as a part of the cash delivered price or finance charges for an insurance premium unless satisfactory evidence of a policy reflecting such coverage is delivered to the debtor within 15 days after the contract is signed.	6. ----------

PART III

I certify that I fully examined PARTS I and II of this form and that each blank in PART I was completed or marked "N/A", if not applicable, and that PART II was completed by marking each blank "shall apply" or "shall not apply", both parts being completed prior to my signing this form and prior to my signing the contractual obligation or depositing money or property with the seller which would have been subject to forfeiture had I failed to sign a contractual obligation.

---------- ----------
Date and Hour *Debtor*

PART IV

(a) (If executed prior to extension of credit use this section) I certify that each blank in PART I was completed or marked not applicable and each blank in PART II was completed with the words "shall apply" or "shall not apply" and PART III of the form was signed by the debtor prior to the time the debtor incurred the contractual obligation to which this form relates and prior to the time he deposited any money or property which would have been subject to forfeiture had he failed to execute the contractual obligation. Charges reported in PART I and the limitations of PART II which are marked "shall apply" serve to limit any greater charges or less favorable provisions stated in the contract.

Creditor

(b) (If completed after extension of credit complete this section) Execution of this section shall constitute an offer to compromise, pursuant to which all of the limitations of PART II shall apply to the contractual obligation reported in PART I including all payments heretofore made by the debtor on such contractual obligation, the date and amount of each such payment, balance due on the contract and balance currently due without acceleration being calculated subject to the limitations of the compromise and set forth below. This compromise offer may be revoked by written notice to the debtor prior to the time the debtor has made payments under the compromise in excess of 1/10th of the amount set forth below as currently due and owing without acceleration. Thereafter this offer may only be revoked if the debtor is discharged from the service under conditions other than honorable for reasons related to his failure to pay his just obligations. If revoked, any payments under the compromise shall be treated as payments on the principal contract and this compromise offer shall be of no effect whatever.

Creditor

Payments on contract received prior to execution of this compromise:

Date of Payment	*Amount of Payment*

Balance due on contract computed under limitations of the compromise: $----------

Balance currently due and owing without acceleration computed under the limitations of the compromise: $----------

Accredited agents and companies instruction: Agents and companies that have applied for and received accreditation for on-base solicitation as a condition of accreditation are required to complete section b of PART IV prior to processing of a complaint through military channels even though such agent or company had previously completed section a of PART IV.

[F.R. Doc. 65-10546; Filed, Oct. 4, 1965; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56493]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Boston Port of Entry

SEPTEMBER 27, 1965.

There is a current trend for truck carriers and others concerned with the movement and receipt of customs bonded merchandise to relocate their facilities in suburban areas away from large cities. This is done to avoid traffic congestion and the resulting time losses in shipment.

At the port of Boston this movement has extended to many surrounding towns outside the port limits. In order to provide for the increasing need of customs service in these locations, it is desirable to extend the Boston port limits.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), the geographical limits of the customs port of entry of Boston, Mass., in Customs Collection District No. 4 (Massachusetts), which presently include Boston, Braintree, Cambridge, Chelsea, Everett, Hingham, Medford, Quincy, Somerville, Weymouth, and waters adjacent thereto, are extended to include the following cities and towns in the State of Massachusetts: Arlington, Belmont, Brookline, Canton, Cohasset, Dedham, Hull, Lexington, Malden, Melrose, Milton, Needham, Newton, Norwood, Randolph, Revere, Saugus, Scituate, Stoneham, Wakefield, Waltham, Watertown, Wellesley, Westwood, Winchester, Winthrop, Woburn, and the waters adjacent thereto.

Section 1.1(c) of the Customs Regulations is amended by deleting all after the word "*Boston" in the listing under "Ports of Entry" in District No. 4 (Massachusetts) and substituting "(including territory and waters adjacent thereto described in T.D. 56493)."

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

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

[F.R. Doc. 65-10556; Filed, Oct. 4, 1965; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—United States Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Addition of Montgomery County, Ala.

Appendix A is amended under the heading "Dates, Times, and Places for Filing," by an addition under the subheading "Alabama" as set out below.

ALABAMA

County; Place for Filing; Beginning Date				
*	*	*	*	*
Montgomery; Montgomery—Post Office and Courthouse Building, corner of Church, Lee and Moulton Streets, Rooms 332, 334, 336; October 6, 1965.				

(Secs. 7, 9, Voting Rights Act of 1965; Public Law 89-110)

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

[F.R. Doc. 65-10682; Filed, Oct. 4, 1965; 11:11 a.m.]

Title 46—SHIPPING

Chapter III—Great Lakes Pilotage Administration, Department of Commerce

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots

WORKING RULES

Section 402.320(a)(2) is amended to read as follows:

§ 402.320 Working rules.

(a) * * *

(2) The joint (interpool) working rules for United States and Canadian Districts No. 1 and No. 2 adopted by the St. Lawrence Seaway Pilots Association, Cape Vincent, N.Y.; Lakes Pilots Association, Inc., Port Huron, Mich.; and the Supervising Pilot, Department of Transport, Port Weller, Ontario, Canada, approved as of September 15, 1965.

* * * * *

A. T. MESCHTER,
Administrator.

[F.R. Doc. 65-10568; Filed, Oct. 4, 1965; 8:48 a.m.]

PART 403—GREAT LAKES PILOTAGE UNIFORM ACCOUNTING SYSTEM

Inter-Association Settlements

Section 10 General, is amended effective interim settlement period ending August 31, 1965, to provide for settlement of accounts between United States and Canadian counterpart pilotage pools on a net balance of payment basis in order to expedite interpool payments, prevent temporary depletion of working capital each month, and minimize the cost of conversion of United States and Canadian funds now flowing monthly between the counterpart pools.

Interassociation Settlements

10. GENERAL

A. Section 10.1 is amended to read as follows:

1. Under the memorandum of arrangements between the Secretary of Commerce of the United States and the Minister of Transport of Canada it was agreed that settlement of accounts between United States pools and Canadian pools will be effected on an interim basis as of the end of each month with an annual settlement as of December 31 of each year. Payments on account will be made by the 15th of the following month on a net balance basis.

B. Section 10.2 is amended to add a new subsection (b).

10.2 * * *

(b) The pilotage pool having the larger amount of cash available for distribution will make payment of such excess to the United States or Canadian counterpart pool on the basis of the currency of the nationality of the paying pilotage pool. The following statement will be submitted by the United States associations making net balance payments.

Amount available for distribution__ $------
Less applied credit ------ @ ----- ------
(*amount*) (*rate*)
Remaining balance ------

United States Associations making net balance payment will make the following accounting entry:

Account No.	Description of account	Debit	Credit
2050	Accounts payable other associations.	----------	
1250	Accounts receivable other associations.		----------
1010	Cash		----------

To record settlement of account with Canadian pool for month ended _____ (*month*) ------ ---------
(*day*) (*year*)

United States Associations receiving net balance payment will make the following accounting entry:

Account No.	Description of account	Debit	Credit
1010	Cash	----------	
2050	Accounts payable other associations	----------	
1250	Accounts receivable other associations		----------

To record receipt of settlement from Canadian pool for month ended _____
(*month*)

_____ _____
(*day*) (*year*)

Effective August 31, 1965.

A. T. MESCHTER,
Administrator.

[F.R. Doc. 65-10569; Filed, Oct. 4, 1965; 8:48 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 15; Docket No. 875]

PART 533—FILING OF TARIFFS BY TERMINAL OPERATORS

The Federal Maritime Commission published in the FEDERAL REGISTER dated December 18, 1959 (24 F.R. 10262) proposed rules in Docket No. 875 which would require 30 days advance filing of marine terminal rates, rules, and regulations. The rules were changed to include uniform definitions and were published in the FEDERAL REGISTER on December 27, 1962 (27 F.R. 12777). Comments on both sets of rules were received from terminal operators, port authorities, marine terminal associations, railroads, shippers, and other interested parties. On April 22 and 23, 1964, oral argument was held before the Commission on the changed rules. The rules were further revised and published in the FEDERAL REGISTER on June 10, 1965 (30 F.R. 7574). Comments on the further revised rules were submitted by various parties. The Commission has considered said comments and has decided to adopt, with certain minor changes shown below, the rules published in the FEDERAL REGISTER on June 10, 1965.

The rules require that marine terminal operators (1) file their rates, rules and regulations, and changes thereof with the Commission on or before their effective date; (2) post their tariff of rates, rules and regulations at their place or places of business; and (3) include in their tariffs either the definitions of services set forth in § 533.6 of the rules or other definitions with appropriate explanation of how they differ from the definitions contained in the rules.

Until the proposed rules were revised on June 10, 1965, the principal arguments against adoption were:

(1) The Commission lacked authority to prescribe that terminal operators file tariffs affording 30 days notice of rate changes and did not have jurisdiction to prescribe tariff filing for certain segments of the industry;

(2) The Commission should not require tariffs to be filed governing terminal services provided in accordance with private contracts entered into between steamship companies and terminal operators; and

(3) The Commission should not prescribe new or different definitions for terminal operators who had historically used a particular term to describe a service.

The proposed rules as revised on June 10, 1965, were designed to eliminate these objections. The only significant objections in the last round of comments are that the Commission lacks authority to impose any form of tariff filing requirement; lacks jurisdiction over railroad operated marine terminals and state and municipally operated terminals; and marine terminal services provided to the U.S. Government should be exempted from tariff filing requirements.

As authority for the proposed rules we have cited section 4 of the Administrative Procedure Act and sections 17, 21, and 43 of the Shipping Act, 1916. The last paragraph of section 17 reads:

> Every such carrier and every other person subject to this Act shall establish, observe, and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property. Whenever the Commission finds that any such regulation or practice is unjust or unreasonable it may determine, prescribe, and order enforced a just and reasonable regulation or practice.

This section applies directly to common carriers by water and terminal operators, as "other persons", to whose practices these proposed rules are directed. The Commission's predecessors at various times have found that failure to give adequate notice of rate changes is an unreasonable practice.[1]

Section 43 of the Shipping Act expressly provides that "the Commission shall make such rules and regulations as may be necessary to carry out the provisions of this Act". Section 21 of the Shipping Act provides that the Commission "may require any * * * person subject to this Act * * * to file with it any periodical or special report, or any account, record, rate, or charge, or any memorandum of any facts and transactions appertaining to the business of such * * * person subject to this Act." Terminal operators of course, are "other person(s) subject to this Act" and as such they may be required to file tariffs containing their rates and charges. Uniform tariff filing requirements are necessary to enable the Commission to carry out the provisions of section 17. The Commission is not in a position to determine whether the regulations and practices of terminals are just and reasonable unless the regulations and practices are specified in tariffs published in such a way that the public and the Commission can consider their fairness.

Certain railroads take the position that they are not subject to the Commission's jurisdiction in any respect because all of their activities including the furnishing of marine terminal facilities are subject to the jurisdiction of the Interstate Commerce Commission. They argue that Federal Maritime Commission regulation would result in duplicity of tariff filing and regulation which would not be in the public interest. Nothing in these rules requires the filing of rates in connection with terminal services included in the line haul rates of railroads. Specific charges for marine terminal services performed in connection with cargo moving on common carriers by water, however, are subject to Federal Maritime Commission jurisdiction. If the function is of a marine terminal nature, no matter what the identity of the person performing such function, it is subject to Federal Maritime Commission jurisdiction. If the Commission were to regulate only the services performed by railroad marine terminals in connection with truck traffic, and not regulate identical services performed for rail traffic, the door would be open to discrimination by railroads against truck cargo in favor of their own rail cargo.

The courts hold that a railroad is an "other person" subject to the Shipping Act, 1916, when it is engaged in the business of operating an ocean terminal in connection with common carriers by water. B. & O. R. Co. v. United States, 201 F. 2d 795 (1953) and B. & O. R. Co. v. United States, 208 F. 2d 734 (1953).

Several marine terminals argue that the Commission has no basis in law to assert its jurisdiction over terminal facilities owned and operated by a sovereign state or political sub-division. They maintain that as agents for sovereign states, all of their actions in owning, operating and maintaining ocean terminals and warehouses, are as actions of the state itself and Federal intervention would constitute an encroachment upon their states rights. Some terminals urge that they be exempted from advance tariff filing requirements because they are presently subject to regulation under state or local law. They state that imposition of the rules would create a burdensome duplication of regulation. One party offers the suggestion that if the Commission were to require merely that tariffs be filed, i.e., without advance notice, there would be little or no objection to such a rule particularly since most of the terminal operators presently file their tariff with the Commission on a voluntary basis.

The contentions that the Federal Maritime Commission has no jurisdiction over states or municipally operated terminals were rejected by the Supreme Court in California v. United States, 320 U.S. 577 (1944). We do not think it reasonable or fair for the Commission to require the filing of tariffs by private terminals and not their State or municipally owned competitors. Indeed, the sharp trend is toward State or municipal ownership of terminal facilities and there would be no effective regulation if such terminals were exempt from tariff filing requirements.

Several Federal agencies argue that (1) where the Government operates terminals to handle its own cargo tariffs should not be required, and (2) the rates charged to the Federal Government by

[1] See Practices of San Francisco Bay Area Terminals, 2 U.S.M.C. 588 (1941); Transportation of Lumber Through Panama Canal, 2 U.S.M.C. 143, 149 (1939); and Wharfage Charges and Practices at Boston, Mass., 2 U.S.M.C. 245, 250 (1940).

public terminals should not be subject to filing requirements. The Federal agencies argue that their right and responsibility to contract for services at the lowest rates that can be obtained supersedes the provisions of regulatory statutes.

The proposed rules would not require terminals owned or operated by the Federal Government to file rates covering proprietary cargoes. Section 533.3 of the rules requires the filing of tariffs by persons "carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities." Furnishing means furnishing to other persons and would not cover the furnishing of terminal services or facilities to handle proprietary cargo.

These rules, however, would require public terminals to file the rates they charge Federal agencies. This does not mean that the terminals must alter their present method of making rates for Federal agencies. It merely means that once a terminal reaches an agreement with the Federal Government on the rates to be charged for terminal services such rates must be filed with the Federal Maritime Commission. We do not think this restricts the ability of Federal agencies to procure terminal services at terms most favorable to the government.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 17, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 816, 820 and 841a), Title 46 CFR, is hereby amended by the addition of a new part, Part 533, as follows:

Sec.
533.1 Scope.
533.2 Purpose.
533.3 Persons who must file.
533.4 Filing of tariffs and tariff changes.
533.5 Compliance with this part and other terminal tariff filing requirements.
533.6 Definitions.

AUTHORITY: The provisions of this Part 533 issued under secs. 17, 21, 43 Shipping Act, 1916; 46 U.S.C. 816, 820 and 841a.

§ 533.1 Scope.

This part sets forth rules and regulations for the filing of terminal tariffs by persons engaged in carrying on the business of furnishing wharfage, dock, warehouse or other terminal facilities within the United States or a commonwealth, territory, or possession thereof, in connection with a common carrier by water in the foreign commerce of the United States or in interstate commerce on the high seas or the Great Lakes.

§ 533.2 Purpose.

The purpose of this part is to enable the Commission to discharge its responsibilities under section 17, Shipping Act, 1916, by keeping informed of practices and rates and charges related thereto, instituted and to be instituted by terminals, and by keeping the public informed of such practices.

§ 533.3 Persons who must file.

Every person carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities as described in § 533.1, including, but not limited to terminals owned or operated by states and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and warehousemen who operate port terminal facilities, shall file in duplicate with the Bureau of Domestic Regulation, Federal Maritime Commission, and shall keep open to public inspection at all its places of business a schedule or tariff showing all its rates, charges, rules, and regulations relating to or connected with the receiving, handling, storing and/or delivering of property at its terminal facilities: *Provided, however,* That rates and charges for terminal services performed for water carriers pursuant to negotiated contracts, and for storage of cargo and services incidental thereto by public warehousemen pursuant to storage agreements covered by issued warehouse receipts need not be filed for purposes of this part.

§ 533.4 Filing of tariffs and tariff changes.

Every tariff or tariff change shall be filed on or before its effective date, except as required by Commission Order or agreements approved pursuant to section 15, and be kept open for public inspection as provided in § 533.3. Initial tariff filings required by this part shall be filed within one hundred and eighty (180) days after the effective date of this part. Tariffs on file with the Commission on the effective date of this part need not be republished or refiled but shall be amended within one hundred and eighty (180) days after the effective date of this part to conform to the provisions hereof.

§ 533.5 Compliance with this part and other terminal tariff filing requirements.

Persons who file tariffs pursuant to requirements of Commission Orders or approved section 15 agreements shall not be relieved of such requirements by this part.

§ 533.6 Definitions.

(a) The definitions of terminal services set forth in paragraph (d) of this section shall be set forth in tariffs filed pursuant to this part: *Provided, however,* That other definitions of terminal services may be used if they are correlated by footnote or other appropriate method to the definitions set forth herein. Any additional services which are offered shall be listed and charges therefor shall be shown in terminal tariffs.

(b) These definitions shall apply to "port terminal facilities" which are defined as one or more structures comprising a terminal unit, and including, but not limited to wharves, warehouses, covered and/or open storage space, cold storage plants, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and water carriers or between two water carriers.

(c) For the purpose of this section, "point of rest" shall be defined as that area on the terminal facility which is assigned for the receipt of inbound cargo from the ship and from which inbound cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading.

(d) Definitions of terminal services:

(1) Dockage: The charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank, or for mooring to a vessel so berthed.

(2) Wharfage: A charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto, or under wharves or between vessels (to or from barge, lighter, or water), when berthed at wharf or when moored in slip adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service.

(3) Free time: The specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.

(4) Wharf demurrage: A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements have been made for storage.

(5) Terminal storage: The service of providing warehouse or other terminal facilities for the storing of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage and refrigerated storage, after storage arrangements have been made.

(6) Handling: The service of physically moving cargo between point of rest and any place on the terminal facility, other than the end of ship's tackle.

(7) Loading and unloading: The service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, lighters or barges or any other means of conveyance to or from the terminal facility.

(8) Usage: The use of terminal facility by any rail carrier, lighter operator, trucker, shipper or consignee, their agents, servants, and/or employees, when they perform their own car, lighter or truck loading or unloading, or the use of said facilities for any other gainful purpose for which a charge is not otherwise specified.

(9) Checking: The service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.

(10) Heavy lift: The service of providing heavy lift cranes and equipment for lifting cargo.

Effective date. Because terminal operators are allowed 180 days from the effective date of these rules to comply with the requirements thereof, the Commission is of the opinion that good cause exists for these rules to be effective immediately upon publication, and these

rules shall be effective upon publication in the FEDERAL REGISTER.

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

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10552; Filed, Oct. 4, 1965; 8:46 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

Lacreek National Wildlife Refuge, S. Dak.

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.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres, known locally as the Little White River recreational area, is delineated on a map available at the refuge headquarters 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 upland game subject to the following special conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from September 25, 1965 through October 16, 1965, and from noon to sunset (CST) daily, October 16, 1965 through October 31, 1965. Pheasants—from noon to sunset (CST) daily, from October 16, 1965 through November 28, 1965.

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.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 24, 1965.

[F.R. Doc. 65-10533; Filed, Oct. 4, 1965; 8:45 a.m.]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebr.

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.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 27,000 acres, is delineated on maps available at refuge headquarters, Valentine, Nebr., and from the office of 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 subject to the following special conditions;

(1) All deer hunters will check in and out at a designated checking station.

(2) Hunters will park their vehicles in designated parking areas and will hunt on foot. Patrol vehicles will pick up deer kills for hunters.

(3) The open seasons for deer are as follows:

a. Archery season—one-half hour before sunrise to one-half hour after sunset, December 15, 1965 through December 17, 1965, and from December 22 through December 31, 1965.

b. Firearms season—one-half hour before sunrise to one-half hour after sunset, December 18, 19, 20 and 21, 1965.

(4) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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 December 31, 1965.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 24, 1965.

[F.R. Doc. 65-10532; Filed, Oct. 4, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 51, 78]

OFFICIAL VACCINATE

Proposed Change in Definition

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a. 114a–1, 120, 121, 125, and 134b), it is proposed to amend paragraph (m) of § 51.1 of the regulations in Part 51 and paragraph (j) of § 78.1 of the regulations in Part 78, Title 9, Code of Federal Regulations, as amended, in the following respects:

1. Section 51.1(m) would be amended to read as follows:

§ 51.1 Definitions.

* * * * *

(m) *Official vaccinate.* A female bovine animal vaccinated subcutaneously against brucellosis while from 4 through 8 months of age or a female bovine animal of a beef breed in a range or semi-range area vaccinated subcutaneously against brucellosis while from 4 through 11 months of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; permanently identified as an official vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis: *Provided, however,* That a bovine animal vaccinated prior to November 1, 1965, in accordance with the existing definition of an official vaccinate as set forth in this part at the time of vaccination, shall be deemed to be an official vaccinate.[1]

2. Section 78.1(j) would be amended to read as follows:

§ 78.1 Definitions.

* * * * *

(j) *Official vaccinate.* A female bovine animal vaccinated subcutaneously against brucellosis while from 4 through 8 months of age or a female bovine animal of a beef breed in a range or semi-range area vaccinated subcutaneously against brucellosis while from 4 through 11 months of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; permanently identified as an official vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis: *Provided, however,* That a bovine animal vaccinated prior to November 1, 1965, in accordance with the existing definition of an official vaccinate as set forth in this Part at the time of vaccination, shall be deemed to be an official vaccinate.[1]

* * * * *

Under the proposed amendments, the definition of an "official vaccinate" as set forth in 9 CFR 51.1(m) and 78.1(j) would include any bovine animal properly vaccinated, identified, and reported on or before October 31, 1965, and only female bovine animals properly vaccinated, identified, and reported after said date. Insofar as female bovine animals vaccinated after October 31, 1965, are concerned, the proposed action would harmonize such definition with the Uniform Methods and Rules for the Establishment and Maintenance of Certified Brucellosis-Free Herds of Cattle and Modified Certified Areas without adversely affecting the status of male and female bovine animals vaccinated on or before October 31, 1965. Such Methods and Rules no longer recognize male bovine animals as "official vaccinates."

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 45 days 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 such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 30th day of September 1965.

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

[F.R. Doc. 65–10581; Filed, Oct. 4, 1965; 8:48 a.m.]

[1] See, 28 F.R. 5933 and 5956 regarding such existing definition.

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and Date for Conducting Referendum on Marketing Quotas for 1966 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1966 crop of rice, to determine and proclaim the national acreage allotment for the 1966 crop of rice, to apportion among States and counties the national acreage allotment for the 1966 crop of rice, to establish county normal yields for the 1966 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1966 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1965 the Secretary determines that the total supply of rice for the 1965–66 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1965, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1966. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas. In the event that the Secretary proclaims quotas in effect for the 1966 crop of rice, the date for holding the referendum will be within 30 days of the date of such proclamation.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1966 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1961 through 1965, produce an amount of rice adequate, together with the estimated carry-over from the 1965–66 marketing year, to make available a supply for the 1966–67 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1965.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1966 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1966 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior

to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1966 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1966 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the 5 calendar years, 1961 through 1965 on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage alloments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area," respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1966 but who have not produced rice in the State in any one of the years, 1961 through 1965, on the basis of the applicable apportionment factors set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1966 but on which rice was not planted during any of the years, 1961 through 1965, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act either is not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area," wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1966 for any county shall be the average yield per acre of rice for the county during the 5 calender years 1961 through 1965 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1961 through 1965 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1961 through 1965 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that any case in which the acreage planted to rice on any farm in any year is less than the rice acreage allotment for the farm for such year, the entire acreage allotment for such farm for such year shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in such year, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for such year or for either of the 2 immediately preceding years was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended. Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, as amended, authorizes the Secretary, to the extent he deems it desirable to carry out the purposes of the cropland conversion program, to provide any cropland conversion agreement for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage and allotment history applicable to the land covered by the agreement for the purposes of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop; or (2) surrender of any such history and allotments.

Prior to making any of the foregoing determinations with respect to marketing quotas and National, State, and county acreage allotments, and county normal yields for the 1966 crop of rice, including National, State, and county reserves, and announcing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in

writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. All written submissions must be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 30, 1965.

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

[F.R. Doc. 65-10582; Filed, Oct. 4, 1965; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Volume Regulation for 1965–66 Crop Year and List of Countries for Export Sale of Surplus Tonnage By or Through Handlers

Notice is hereby given of a proposal (1) to designate the percentages of standard natural (sun-dried) Thompson Seedless raisins acquired by handlers during the 1965–66 crop year beginning September 1, 1965, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, on the basis of proposed free, reserve and surplus tonnages recommended by the Raisin Administrative Committee, and (2) to establish a list specifying the countries to which sale in export of surplus tonnage raisins may be made by or through handlers.

The proposal would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act." The proposal is based upon the recommendation of the Raisin Administrative Committee.

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 sixth 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)).

The proposal is to designate free, reserve, and surplus percentages for standard natural (sun-dried) Thompson Seedless raisins for the 1965–66 crop year which would achieve a free tonnage objective approximating 110,000 tons[1] a reserve tonnage objective of about 35,000 tons, and a surplus tonnage equaling the difference between the total of about 145,000 tons of the free and reserve tonnages and the estimated 1965 production of such raisins. The total of the free and reserve tonnages would approximate 1965–66 trade demand, estimated by the Committee at 145,000 tons, for such raisins in free tonnage outlets. This estimate of trade demand may be compared with disappearance of such raisins into Western Hemisphere countries of about 143,300 tons in 1964–65. For certain past crop years, the total of the free and reserve tonnages has been in excess of trade demand for such raisins in free tonnage outlets, causing price weakness and adversely affecting returns to producers. The proposal, by more closely tailoring the quantity of such raisins to their estimated trade demand, is intended to achieve a greater degree of price stability than has prevailed in such past crop years and hence to better effectuate the declared policy of the act. The Committee determined handler carrying (September 1, 1965) to be 24,179 tons which approximates a desirable handler carryout (August 31, 1966).

The Committee did not recommend any change in the 1964–65 list of countries for export sale of surplus tonnage by or through handlers and the same list is proposed herein. Therefore, the proposal is to establish the countries to which sale in export of surplus tonnage raisins acquired by handlers beginning September 1, 1965, may be made by or through handlers, as all those countries, other than Australia, outside of the Western Hemisphere. This list of countries would continue to apply until changed. For this purpose "Western Hemisphere" means the area east of the International Date Line and west of 30 degrees west longitude but shall not be deemed to include any of Greenland.

The Committee did not recommend volume regulation for other varietal types of raisins and hence none is proposed herein.

Dated: September 30, 1965.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 65-10586; Filed, Oct. 4, 1965; 8:48 a.m.]

[1] All tonnage figures herein are in terms of natural condition weight.

[9 CFR Part 203]

STOCKYARD OWNERS AND MARKET AGENCIES

Regulations and Practices

Notice is hereby given that, pursuant to section 407(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228(a)), the Consumer and Marketing Service proposes to promulgate as § 203.8 of Part 203, Chapter II, Code of Federal Regulations, a statement of interpretation concerning the rights and duties of stockyard owners and market agencies in the conduct of their business.

Statement of considerations. The livestock industry is in a constant state of change and makes constant demand on public livestock markets to meet new and different needs. At the time of the enactment of the Packers and Stockyards Act, 1921, the large terminal stockyards were the principal market places for livestock producers. These markets now compete with other marketing channels, including auction markets, dealer buying stations, and direct livestock purchases by packers. In an effort to meet the demands of the changing industry, stockyard and market agency owners have sought to change their methods of marketing livestock and their facilities for handling livestock. Several terminal markets have been converted to the auction method of selling livestock. Others have had facilities rebuilt or reduced in size in order to handle livestock more efficiently and economically. A few markets have closed for economic reasons. In some cases stockyard owners have been reluctant or hesitant to effect changes because of uncertainty as to the requirements imposed upon them by the Packers and Stockyards Act, 1921.

The Packers and Stockyards Division, Consumer and Marketing Service, has received numerous inquiries from market agencies and stockyard owners concerning their rights, duties, and obligations in the conduct and control of their operations. It appears, therefore, that an interpretative statement would serve as a guide to stockyard owners and owners of market agencies in establishing, observing, and enforcing regulations and practices in the control and conduct of their business. The following views are being considered for inclusion in an interpretative statement:

§ 203.8 Statement with respect to regulations and practices of stockyard owners and market agencies.

(a) Stockyard and market agency owners have the statutory duty to furnish upon reasonable request, without discrimination, reasonable stockyard services, and to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of stockyard services.

(b) The Packers and Stockyards Division, Consumer and Marketing Service, encourages stockyard and market agency owners to make innovations and to establish and enforce regulations which foster efficient and competitive livestock markets. Section 201.4 of the regulations under the Packers and Stockyards Act (9 CFR 201.4) emphasizes the importance of self regulation by the livestock industry. It provides for the "legitimate application or enforcement of any valid bylaw, rule or regulation, or requirement of any exchange, association, or other organization, or any other valid law, rule or regulation, or requirement to which any packer, stockyard owner,

market agency, dealer, or licensee shall be subject which is not inconsistent or in conflict with the act and these regulations."

(c) The livestock industry is in a constant state of transition. Rapid changes in the industry require a continual appraisal by stockyard and market agency owners of their regulations, practices, facilities, and services to meet the demands of the changing industry and to insure improved, efficient services for market patrons.

(d) The livestock producer today has many alternative methods of marketing livestock which were not available to him at the time the Packers and Stockyards Act became law. Terminal livestock markets and auction markets compete with these other marketing channels, and stockyard and market agency owners must continually seek ways to improve services and facilities offered to livestock producers. Subject to reasonable regulation, the right to control and conduct the business of a public stockyard remains in the stockyard company. The Packers and Stockyards Act, 1921, does not abridge the right of the stockyard owner to conduct his business and to establish and enforce regulations and practices not in conflict with the purposes of the law. Similarly, market agencies, through their livestock exchanges, may and do establish and enforce rules and regulations governing the members of the exchange.

(e) Public livestock market owners are not required to obtain a Federal certificate of public convenience and necessity before they enter into business, and conversely, they are not required to obtain Federal Government approval before they cease operations. The Packers and Stockyards Act does not prohibit a stockyard owner from changing the character of the market business. Nothing in the Act prohibits a stockyard owner from converting his operations from a terminal market, where livestock are sold by private treaty, to an auction market where livestock are sold by an auctioneer to the highest bidder. Similarly, nothing in the Act prohibits the stockyard owner from operating the auction alone or in association with other persons, including some or all of the market agencies previously engaged in business at the terminal stockyards.

(f) Whenever a stockyard owner engaged in operating a terminal livestock market elects to cease operating as a terminal livestock market, to convert to auction market operations, or to reduce the size of his facility and the number of market agencies operating thereat, reasonable notice must be given to the public and to all persons engaged in business at the stockyards. The notice must be given as much in advance as possible before the date the stockyard owner proposes to effect any such change.

(g) The Packers and Stockyards Division of the Consumer and Marketing Service has the responsibility of giving consideration to the issuance of a complaint charging a violation of the Act whenever it has reason to believe that any public livestock market owner or market agency has issued or is operating under an unjust, unreasonable, or discriminatory rule, regulation, or requirement. In the formal administrative proceeding initiated by any such complaint, it is the responsibility of the Judicial Officer of the Department to determine, after full hearing, whether the market owner or market agency has violated the Act.

This notice of rule making is for the purpose of obtaining the views of the livestock industry with respect to whether an interpretative statement should be issued and, if so, whether the foregoing proposal should be adopted or changed in any respect.

Any person who wishes to submit written data, views, or arguments concerning the proposed statement may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before November 5, 1965.

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

Done at Washington, D.C., this 30th day of September 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65-10585; Filed, Oct. 4, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6944]

AIRWORTHINESS DIRECTIVES

Maule Model M-4-210 Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Maule Model M-4-210 airplanes. There have been instances of loss of engine power due to fuel starvation on the subject airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require several modifications to the airplane fuel system on Maule Model M-4-210 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket 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 communications received on or before November 4, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MAULE. Applies to Model M-4-210 airplanes, Serial Numbers 1001 through 1035.

Compliance required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To prevent loss of engine power due to fuel starvation, modify the fuel system in accordance with Maule Service Letter No. 7, dated June 15, 1965, or later FAA-approved revision, or an equivalent, approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region.

Issued in Washington, D.C., on September 29, 1965.

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

[F.R. Doc. 65-10529; Filed, Oct. 4, 1965; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 6945]

AIRWORTHINESS DIRECTIVES

de Havilland Model 104 Dove Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to de Havilland Model 104 Dove Series airplanes. There have been instances of cracks on the eye ends of elevator trim tab connecting rods on the subject airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspection and replacement where necessary of the eye ends used in the rudder and elevator trim tab connecting rod assemblies on the subject airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket 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 communications received on or before November 4, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DE HAVILLAND. Applies to Model 104 Dove Series airplanes.

Compliance required within 150 hours' time in service after the effective date of this AD.

As a result of cracking of eye ends used in the rudder and elevator trim tab connecting rod assemblies, accomplish the following unless already accomplished:

(a) Remove eye ends, P/N's CM.2A and CM.2B, and inspect for cracks visually or by use of other FAA-approved methods.

(b) Replace cracked parts before further flight.

(Hawker-Siddeley Aviation, de Havilland Division T.N.S. Dove (104) Series CT (104) No. 187 or later ARB-approved issues cover this same subject)

Issued in Washington, D.C., on September 29, 1965.

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

[F.R. Doc. 65-10530; Filed, Oct. 4, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-121]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Milwaukee, Wis., terminal area.

The Federal Aviation Agency is planning to install an instrument landing system which will serve Runway 7R at General Mitchell Field, Milwaukee, Wis. Concurrently with the completion of the installation of this system, an instrument approach procedure will be established, utilizing this system. Also, an additional approach procedure is being established for Timmerman Airport, Milwaukee, Wis.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Milwaukee, Wis., terminal area, as a result of the proposed installation of the instrument landing system and the establishment of instrument approach procedures, proposes the following airspace actions:

(1) Alter the Milwaukee, Wis. (General Mitchell Field) control zone by redesignating it as that airspace within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.) and within 2 miles each side of the Milwaukee ILS localizer S course, extending from the 5-mile radius to the OM; and within 2 miles each side of the Milwaukee No. 2 ILS localizer W course, extending from the 5-mile radius zone to the OM.

(2) Alter the Milwaukee, Wis. (Timmerman Airport) control zone by redesignating it as that airspace within a 3-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.) and within 2 miles each side of the Timmerman VOR 337° radial, extending from the 3-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 3-mile radius zone to 6 miles SW of the VOR, effective from 0600 to 2200 hours, local time daily.

(3) Alter the Milwaukee, Wis., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within an 8-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), within 8 miles E and 5 miles W of the Milwaukee ILS Localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; within 2 miles each side of the Milwaukee No. 2 ILS localizer W course extending from the OM to 8 miles W of the OM; within a 5-mile radius of Horlick-Racine Airport, Racine, Wis. (latitude 42°45'35" N., longitude 87°48'55" N.); within an 8-mile radius of Timmerman Airport, Milwaukee, Wis. (latitude 43°06'40" N., longitude 88°02'05" W.); within 5 miles NE and 8 miles SW of the Timmerman VOR 337° radial, extending from the 8-mile radius area to 12 miles NW of the VOR; and within 2 miles each side of the Timmerman VOR 214° radial, extending from the 8-mile radius area to 14 miles SW of the VOR; and within a 6-mile radius of Waukesha County Airport, Waukesha, Wis. (latitude 43°02'00" N., longitude 88°14'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°30'00" N., on the E by longitude 87°00'00" W., on the S by latitude 42°30'00" N., and on the W by longitude 88°30'00" W.

The proposed control zone extensions would provide controlled airspace protection for aircraft executing the new approach procedures at the General Mitchell and Timmerman Airports during descent below 1,000 feet above the surface. The transition area extensions proposed herein would provide controlled airspace protection for aircraft executing the above procedures during descent from 1,500 to 1,000 feet above the surface.

The floors of the airways that traverse the additional transition areas proposed herein would automatically coincide with the floors of the transition areas.

Specific details of the new procedures upon which the action proposed herein was based may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on September 21, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-10531; Filed, Oct. 4, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17, 73]

[Docket No. 16030]

ANTENNA FARM AREAS

Order Extending Time for Filing Comments and Reply Comments Regarding Establishment and Use

1. The dates for filing comments and reply comments in the above-captioned proceeding are September 30, 1965 and October 15, 1965, respectively. On September 23, 1965, Midwest Radio-Television, Inc., licensee of Television Station WCCO-TV, Minneapolis, Minn., and Twin City Area Educational Corp., licensee of Educational Television Stations KCTA-TV and KCTI-TV, St. Paul, Minn., filed a petition stating that they are currently preparing comments on the Commission's proposal in this proceeding but require a brief extension of 1 week for completion and filing of their comments.

2. The Commission is of the view that the requested extension of time should be granted and accordingly: *It is ordered,* This 27th day of September 1965, that the time for filing comments is extended from September 30, 1965 to October 7, 1965, and for filing reply comments from October 15, 1965 to October 22, 1965.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: September 30, 1965.

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

[F.R. Doc. 65-10570; Filed, Oct. 4, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56494]

CUSTOMHOUSE BROKERS

Licenses in Reorganized Customs Districts

SEPTEMBER 29, 1965.

By virtue of the authority vested in me by regulation of the Secretary of the Treasury dated January 9, 1953 (31 CFR 14.3; 18 F.R. 225), with respect to the licensing of customhouse brokers, notice is hereby given that a customhouse broker presently licensed in a customs collection district which is abolished under the reorganization of the customs field service by Treasury Department Order No. 165–17 (30 F.R. 10913) shall be deemed to be licensed in the newly created customs district embracing the entire area of the abolished district, effective on the date that the creation of said district becomes effective under Treasury Department Order No. 165–17.

Where the area of a district in which a customhouse broker is licensed is included in two or more new districts or certain ports in such district are being transferred to other districts, he shall be deemed to be licensed only in the newly created customs district which embraces the area in which his principal office is located, effective on the date of the creation of such new district. A broker who desires to continue operation in the other areas presently covered by his license shall apply in the usual form to the Bureau through the office of the district directors concerned for a license to operate in the newly created districts which embrace such areas. Pending consideration of such applications he will be permitted to transact customs business in those districts in which he has applied. The fee of $150 prescribed by § 24.12 of the Customs Regulations (19 CFR 24.12) shall not be required in such cases.

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

[F.R. Doc. 65–10557; Filed, Oct. 4, 1965; 8:47 a.m.]

Office of the Secretary

[Antidumping–AA 643.3–b]

BRAKE DRUMS FROM CANADA

Determination of Sales at Not Less Than Fair Value

SEPTEMBER 28, 1965.

On August 3, 1965, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Investigation and to Make Determination That No Sales Exist Below Fair Value" because of termination of sales with respect to brake drums imported from Canada, manufactured by Atom-Otive Products Co., Rexdale, Ontario, Canada, and that such fact is considered to be evidence that there are not, and are not likely to be, sales below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that because of termination of sales, brake drums from Canada, manufactured by Atom-Otive Products Co., Rexdale, Ontario, Canada, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

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

[F.R. Doc. 65–10558; Filed, Oct. 4, 1965; 8:47 a.m.]

[Antidumping–AA 643.3–r]

PERCHLORETHYLENE SOLVENT FROM FRANCE

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

SEPTEMBER 28, 1965.

Information was received on November 6, 1964, that perchlorethylene solvent imported from France, manufactured by Solvay & Cie, Paris, France, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On March 8, 1965, the Acting Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER dated March 12, 1965.

Perchlorethylene solvent is used mainly as a commercial drycleaning compound and as a metal degreasing agent.

Promptly after the commencement of the antidumping investigation, price revisions were made which eliminated the likelihood of sales below fair value. There appears to be no likelihood of a resumption of prices which prevailed before such price revision.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of perchlorethylene solvent from France, manufactured by Solvay & Cie, Paris, France.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

This notice is published pursuant to § 14.7(b)(9) of the Customs Regulations (19 CFR 14.7(b)(9)).

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

[F.R. Doc. 65–10559; Filed, Oct. 4, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 017533]

ARIZONA

Order Providing for Opening of Public Lands

SEPTEMBER 27, 1965.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 12 S., R. 29 E.,
Sec. 31, lots 1, 2, 3, and 4, and E½W½.

The area described aggregates approximately 305.60 acres.

2. The lands are located in Cochise County, approximately 4 miles east-northeast of the town of Bowie. Topography is relatively flat to moderately sloping, cut by several intermittent shallow washes. The soil ranges from silty loam to sandy loam. Vegetation consists of mesquite trees, creosote brush, and a sparse understudy of perennial and annual grasses.

3. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. This order shall become effective at 10 a.m. on November 2, 1965.

5. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz., 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 65–10534; Filed, Oct. 4, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

BEMIDJI SALES BARN, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and location of stockyard, and date of posting

MINNESOTA

Bemidji Sales Barn, Inc., Bemidji, June 30, 1965.
Detroit Lakes Auction Market, Detroit Lakes, Aug. 21, 1965.

MISSISSIPPI

Yazoo Livestock Auction, Yazoo City, Aug. 21, 1965.

NEW JERSEY

Flemington Agricultural Marketing Coop. Assn., Inc., Flemington, Sept. 9, 1965.

NEW MEXICO

Portales Livestock Commission Co., Portales, June 7, 1965.

OKLAHOMA

Watonga Livestock Auction, Watonga, Aug. 26, 1965.

SOUTH DAKOTA

Newell Stockyards, Inc., Newell, Sept. 10, 1965.

Done at Washington, D.C., this 27th day of September 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-10544; Filed, Oct. 4, 1965; 8:46 a.m.]

DECATUR LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Decatur Livestock Auction, Decatur, Ark.
Holland Valley Sales, Holland, N.Y.
Southern Indiana Livestock Exchange, Inc., Scottsburg, Ind.
Laramie Livestock Exchange, Inc., Laramie, Wyo.
Ledford Livestock Co., Inc., d/b/a Mississippi Livestock Yards, Laurel, Miss.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 27th day of September 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-10545; Filed, Oct. 4, 1965; 8:46 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Arkansas.	Lawrence.
Ashley.	Lee.
Chicot.	Lincoln.
Clay.	Lonoke.
Craighead.	Mississippi.
Crittenden.	Monroe.
Cross.	Phillips.
Desha.	Poinsett.
Drew.	Prairie.
Greene.	Randolph.
Jackson.	St. Francis.
Jefferson.	Woodruff.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of September 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-10588; Filed, Oct. 4, 1965; 8:48 a.m.]

SOUTH DAKOTA

Designation of Area 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 county in the State of South Dakota a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Sanborn.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county 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 30th day of September 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-10589; Filed, Oct. 4, 1965; 8:48 a.m.]

MEAT IMPORT LIMITATIONS

Third Quarter Estimates

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lambs (TSUS 106.20) which may be imported into the United States in any calendar year. Such limitations to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the act.

In accordance with the requirements of the act the following third quarter estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the act, be imported during calendar year 1965, is 630 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the act during the calendar year 1965, is 848.7 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the act, no limitations for the calendar year 1965 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep

(106.20), are authorized to be imposed pursuant to P.L. 88-482.

Done at Washington, D.C., this 30th day of September 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-10587; Filed, Oct. 4, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-243]

OREGON STATE UNIVERSITY

Notice of Application for Utilization Facility License

Please take notice that Oregon State University, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a TRIGA Mark II nuclear reactor for education and research on the University's campus at Corvallis, Oreg. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 28th day of September 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-10525; Filed, Oct. 4, 1965; 8:45 a.m.]

[Docket No. 115-4]

COMBUSTION ENGINEERING, INC., AND PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Order Extending Expiration Date of Provisional Operating Authorization

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1966, the expiration date specified in Provisional Operating Authorization No. DPRA-4 issued jointly to Combustion Engineering, Inc. and the Puerto Rico Water Resources Authority, authorizing operation at thermal power levels up to 50 megawatts of the Boiling Nuclear Superheater (BONUS) Power Station at Punta Higuera, P.R.

Copies of the Commission's order and the application dated September 17, 1965, filed by Combustion Engineering, Inc., and the Puerto Rico Water Resources Authority are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of September 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-10526; Filed, Oct. 4, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CANNED SLICED CARROTS DEVIATING FROM IDENTITY STANDARD

Notice of Temporary Permit for Market Testing

Pursuant to § 10.5, Title 21, Code of Federal Regulations, concerning temporary permits for market testing foods deviating from the requirements of standards of identity promulgated by authority of section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Libby, McNeill, and Libby, 200 South Michigan Avenue, Chicago, Ill., 60604, to cover interstate marketing tests of canned sliced carrots with an added seasoning constituent containing butter and propylene glycol alginate, ingredients not provided for in the standard (21 CFR 51.990). The labels will name all the ingredients used and include the statement "Seasoned with butter."

This permit expires September 15, 1966.

Dated: September 28, 1965.

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

[F.R. Doc. 65-10562; Filed, Oct. 4, 1965; 8:47 a.m.]

ARMOUR AND CO.

Notice of Filing of Petition for Food Additive Acetylated Monoglycerides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6A1854) has been filed by Armour & Co., 1015 National Press Building, Washington, D.C., 20004, proposing that § 121.1018 *Acetylated monoglycerides* be amended to eliminate the requirement for subsequent molecular distillation in the preparation of the additive having a Reichert-Meissl value of 75-150 and an acid value of less than 6 when manufactured by the interesterification of edible fats with triacetin in the presence of catalytic agents.

Dated: September 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-10563; Filed, Oct. 4, 1965; 8:47 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1831) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn., 37660, proposing that paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended by inserting in the list of substances, the item "Polyethylenemaleic anhydride copolymer."

Dated: September 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-10564; Filed, Oct. 4, 1965; 8:47 a.m.]

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance of Applications for Filing

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

University of Hawaii, 1801 University Avenue, Honolulu, Hawaii, File No. 113, for the establishment of a new noncommercial educational television station on Channel 11, Honolulu, Hawaii.

Florida Central East Coast Educational TV Inc., 2908 West Oak Ridge Road, Orlando, Fla., File No. 114, to expand the operation of the noncommercial educational television station on Channel 24, Orlando, Fla.

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

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

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, Office of Education.

[F.R. Doc. 65-10560; Filed, Oct. 4, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16298; Order E-22709]

BRANIFF AIRWAYS, INC.

Order Denying Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1965.

By petition filed July 15, 1965, Trans International Airlines, Inc. (TIA) requested the Board to reconsider Order E-22385 (June 30, 1965) insofar as it grants an exemption to Braniff Airways, Inc. (Braniff), from the requirements of section 401 and/or 403 of the Federal

Aviation Act of 1958 for fiscal year 1966 to perform charter services in the Pacific under contract with the Military Air Transport Service (MATS).

TIA in support of its objection to the exemption granted Braniff and petition for reconsideration relies on a policy favoring continuation of supplemental carriers as a class. This, TIA argues, requires as an interim policy [1] to enable the supplemental carriers to survive, that all existing sources of revenues available to the supplemental carriers should be conserved. It points out that in 1963 almost 76 percent of the supplementals' revenues originated in military contract and charter operations and that the problem is particularly acute for carriers like TIA which equipped themselves with jet equipment conforming to Defense directives requiring equipment modernization. It contrasts its jet acquisitions to meet military requirements with a belief that Braniff's jet purchases are on the basis of commercial needs. TIA cites recent Congressional hearing testimony of the Secretary of Defense indicating a probable phasing out of commercial operators' participation in MATS carriage and points out that the introduction of new carriers in MATS operations will dilute seriously the already dwindling allocation of MATS transportation to the supplementals, which already is manifested in the recent new participation of Continental. TIA alludes to the fact that MATS contract work normally involves a three-year contracting cycle, that fiscal year 1966 is the second year of the current cycle, and claims that the introduction of Braniff in the middle of a cycle sets an unwholesome precedent, which, if permitted, will further reduce the supplementals' revenue opportunities. TIA proposes that new carriers be introduced into the MATS program only if existing MATS participants are first offered the required operations under the expansion provisions of their contracts and they are not available. In conclusion, TIA states, even though the contract is between Defense and Braniff, the matter is not out of the Board's hands because Braniff needs relevant authority from the Board, which the Board can deny due to overriding public interest considerations and that the public interest considerations outweigh the grant to Braniff of an exemption.

On July 26, 1965, opposing TIA's petition, answers were filed by the Department of Defense and Braniff. Defense avers that no particular carrier or type of carrier has a vested right in MATS airlift to the exclusion of any other qualified carrier; that a prime consideration in the award of MATS contracts is the amount of potential expanded airlift capability that will be available to the government; that the encouragement to modernize fleets was predicated on the basis of sound company management and anticipated civil revenue rather than dependence upon the military; that TIA purchased one jet aircraft in connection with the MATS modernization program while the second was purchased without express or implied commitment from Defense; that the option provision in MATS contracts in the three-year procurement cycle is a right to the government and the government is not bound to extend any contract, as is manifested when MATS in fiscal 1966 declined to exercise the option and extend the contracts of two carriers; that TIA's proposal is in effect a system of "first refusal" for MATS charter operations, which the Board dealt with in ER–422,[2] and which proposal Defense opposes because it would destroy the responsiveness and flexibility required for Defense operations; that TIA was unable to perform all expansion flights tendered by MATS in fiscal 1965 and again in fiscal 1966; and concludes that rescission of the exemption granted to Braniff would be contrary to the interest of national defense and requests that the petition for reconsideration be dismissed.

In its answer in opposition to the petition for reconsideration, Braniff alleges that its diversion of MATS revenues is minute when compared with supplemental carrier revenues; that the argument that Braniff's exemption should be withdrawn as a precedent harmful to the supplemental carriers in effect suggests the Board would be controlled by fear of some future mistake in applying a present ruling in such a way as to be disruptive of the supplemental carrier industry, an argument the Board should not accept and has not in the past; that TIA's fundamental complaint is with the MATS policies which led to Braniff's contract and that the proceeding is inappropriate for resolution of this matter; that Braniff's exemption meets the criteria established by the Board for deciding military exemptions; that TIA's proposed freeze on the opportunity for certificated carriers to participate in operations now available to supplementals would frustrate DOD national defense determination concerning expanded airlift requirements; the fact that MATS has no obligation to employ Braniff's new jet aircraft undercuts TIA's claim that Braniff's exemption constitutes a threat to the supplementals; that TIA's right of first refusal concept was rejected by the Board as recently as September 1964, in connection with amendments to Part 207 of the Economic Regulations.

The principal thrust of TIA's petition for reconsideration is that the national interest favors continuation of the supplemental carriers as a class and that fulfillment of this objective requires the Board, at least as an interim policy pending final disposition of the charter and supplemental service proceedings,[3] to exclude new participation by certificated combination carriers in MATS foreign charters in order to protect the revenues received from military sources by the supplemental carriers.

We regard the basic issue to be the matter of carrier selection for MATS charters. This matter relates to the responsibility of Defense for maintaining the strongest defense posture. The general policy established by Defense is to use the certificated combination carriers in their normal areas of operation. The Board has supported this policy. However, when Defense has seen fit to contract with carriers outside of their normal operating areas, the Board has granted the necessary authority.[4]

Part 207 of the Economic Regulations restricts the volume of off-route civil charters that may be performed by the certificated combination carriers, in order to prevent undue dilution of the revenues available for supplemental carriers. Nonetheless, the preamble to Part 207 (ER–419, September 18, 1964) is explicit that military charters are exempted from those restrictions in order to give Defense the flexibility it needs to meet its airlift requirements by civil carrier augmentation and maintain the best possible defense posture. The Board, while encouraging Defense to make use of the supplemental carriers on an equitable basis consistent with their contribution to the mobilization base, has not attempted to influence the selection of contractors in the past nor the amount of award to a given contractor. Nothing here presented persuades us to change this policy, particularly in view of MATS' current requirements for civil airlift. We cannot conclude that the considerations advanced by TIA outweigh the public interest in the broadest possible mobilization base.

Braniff qualifies for an exemption to perform its contract, meeting all Board criteria expressed in § 399.16 for exemption for transportation of persons and/or property in foreign operations under agreement with MATS.

Accordingly, pursuant to sections 204 (a) and 416(b) of the Federal Aviation Act of 1958,

It is ordered, that:

The petition for reconsideration by Trans International Airlines, Inc. in this docket be, and it hereby is, denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–10566; Filed, Oct. 4, 1965; 8:47 a.m.]

[Docket No. 15366, etc.]

SIOUX CITY-DENVER SERVICE CASE

Notice of Hearing

Notice hereby is given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on

[1] Pending resolution of the Reopened Transatlantic Charter Case (Docket 11908) and the Supplemental Air Service Proceeding (Docket 13795).

[2] Amendment No. 1 to Part 207, adopted October 9, 1964. Part 207 (Regulation No. ER–419, 29 F.R. 13246) was reissued September 18, 1964, and relates to the Board's regulation of charter services.

[3] Footnote [1], supra.

[4] In fiscal 1965, Continental and Trans Caribbean were authorized to operate in the Pacific area.

March 7, 1966, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. before the undersigned Examiner.

For further information regarding the issues involved herein, interested persons may refer to the various orders of the Board, the prehearing conference report, and other documents in this matter, which are on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in this proceeding must file with the Board on or before February 21, 1966, a statement setting forth the propositions of fact or law that he desires to advance.

Dated at Washington, D.C., September 28, 1965.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 65-10567; Filed, Oct. 4, 1965; 8:47 a.m.]

TARIFF COMMISSION

[337-20]

IN-THE-EAR HEARING AIDS

Notice of Investigation and Date of Hearing

A complaint was filed with the Tariff Commission June 15, 1965, and amended on September 3 and September 21, 1965, by Dahlberg Electronics, Inc., of Minneapolis, Minn., alleging unfair methods of competition and unfair acts in the importation of in-the-ear hearings aids into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Complainant alleges, inter alia, that Fidelity Electronics, Ltd., Inc., of Chicago, Ill.:

(a) Has willfully and deliberately requested and induced a foreign manufacturer to produce for importation into the United States a substantially identical copy of Dahlberg's Miracle Ear in-the-ear hearing aid, an article on which Dahlberg holds United States Letters Patent 3,197,576 and 3,197,577 and United States Letters Patent Design 200,858;

(b) Has contacted its various dealers and has attempted to induce them, in many instances successfully, to advertise for sale and sell this imported hearing aid; and

(c) Has copied Dahlberg's literature and sales promotional material in an effort to promote their imported hearing aid and has falsely represented as dealers in Fidelity products certain hearing aid dealers which it knows do not deal in Fidelity products and which in fact are dealers of the complainant.

Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the United States Tariff Commission, on the 28th of September, ordered:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the aforementioned alleged violations in the importation and sale in the United States of the said hearing aids

(2) A public hearing in connection with the said investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on the 7th of December, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

The Commission does not at this time recommend that a temporary order of exclusion be issued.

Public notice of the receipt of the aforesaid complaint was published in the FEDERAL REGISTER for July 9, 1965 (30 F.R. 8739), and in the Treasury Decisions for July 8, 1965, and the said amended complaint has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary located in the Tariff Commission Building, and also in the New York City Office of the Commission located in Room 437 of the Customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: September 30, 1965.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 65-10553; Filed, Oct. 4, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. 3]

TELEVISION WORKING ARRANGEMENT

Allocation of VHF Broadcast Stations

SEPTEMBER 30, 1965.

Amendment of Table A of the 1961 Working Arrangement for allocation of VHF television broadcast stations under the Canadian-U.S.A. Television Agreement of 1952; supplement No. 3.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-U.S.A. Television Agreement has been amended as follows:

City	Channel No.	
	Delete	Add
Crawford Bay, British Columbia.		5.
Kamloops, British Columbia.		6+ (limitation to protect CHEK-TV, Channel 6, Victoria, British Columbia).
Nelson, British Columbia.	9 (limited 1kw and 0').	9 (limited 1.37kw and 1400' to protect Channel 9, Kalispell, Mont.).
Do	5	3+ (limitation to protect Channel 3, Burmis, Alberta).
Dauphin, Manitoba.		12— (limited 200kw and 500' to protect Channel 12+ (L) at Wynyard, Saskatchewan).
Fisher Branch, Manitoba.		10+ (limited 200kw and 600' to protect CBWAT-5, Channel 10— at Red Lake, Ontario).
Manitouwadge, Ontario.		9.
Bancroft, Ontario		2+ (limitation to protect WGR-TV, Channel 2, Buffalo, N.Y.).
Geraldton, Ontario		13+.
Haliburton, Ontario.		5 (limited 310 watts maximum radiated power with submitted directional antenna pattern and 149' to protect WPTZ-TV, Channel 5, North Pole, N.Y., and WHEN-TV, Channel 5—, Syracuse, N.Y.).
Sarnia, Ontario	40	38.
Windsor, Ontario	38	26.
Huntsville, Ontario.		8+ (limitation to protect CKNX-TV, Channel 8—, Wingham, Ontario, and WROC-TV, Channel 8, Rochester, N.Y.).
Montreal, Quebec	15+	14.
Port Alberni, British Columbia.		3+ (limitation to protect Channel 3, Chilliwack, British Columbia).
Kelowna, British Columbia.		5— (limitation to protect CFCR-TV-6, Channel 5, Mount Timothy, British Columbia; and Channel 5, Crawford Bay, British Columbia).
Crawford Bay, British Columbia.	5	5 (limited to 1kw ERP and 100').
Claresholm, Alberta.		5— (limitation to protect Channel 5, Crawford Bay, British Columbia).

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

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

[F.R. Doc. 65-10571; Filed, Oct. 4, 1965; 8:48 a.m.]

[Docket Nos. 16209, 16210; FCC 65-857]

ELYRIA-LORAIN BROADCASTING CO. ET AL.

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

In re applications of Elyria-Lorain Broadcasting Co., Docket No. 16209, File

Nos. BR–2173, BRH–571, for renewal of licenses of stations WEOL AM and FM, Elyria, Ohio; and Loren M. Berry Foundation (Transferor), and the Lorain County Printing & Publishing Co., (Tranferee), Docket No. 16210, File No. BTC–4707, for transfer of control of Elyria-Lorain Broadcasting Co.

1. The Commission has before it (a) the above-captioned applications; (b) a petition to deny the application for transfer of control, filed on December 28, 1964, by the Lorain Journal Co.;[1] and (c) pleadings responsive thereto.[2]

2. The petitioner alleges that an unauthorized transfer of control of Elyria-Lorain Broadcasting occurred when 50 percent of the stock of the licensee's stock went to newcomers; that there has been an unauthorized transfer of de facto control of Elyria-Lorain Broadcasting to Lorain County Printing & Publishing Co.; that Lorain County Printing has been operating in violation of its corporate authorizations, and that the trustee who holds the majority of the stock of Lorain County Printing is operating in violation of governing laws, with resultant questions about legal and character qualifications; that the fiduciary duties of this trustee are inconsistent with the obligation to operate the station in the public interest; and that a grant of the renewal and transfer applications would be contrary to the public interest.

3. In its opposition to the petition, Elyria-Lorain Broadcasting maintains that Commission policy and precedent did not require prior consent before 50 percent of the licensee's stock passed to newcomers and that any failure of the licensee to seek any required consent was inadvertent and due to a reasonable misinterpretation of Commission regulations; and also denies all the other allegations of the petitioner.

4. As we stated when we set aside the previous grant of the transfer application, the petitioner, as publisher of the Lorain Journal is a party in interest in regard to this application for the acquisition of the Elyria stations by the Elyria newspaper, in view of the fact that both the stations and the newspaper compete directly with the Lorain Journal for advertising revenues.

5. Elyria-Lorain Broadcasting concedes that by December 12, 1960, over 50 percent of its stock had been transferred to newcomers upon whose qualifications the Commission had not passed. These newcomers had acquired their stock through a series of relatively small transfers, over the period from 1947 to 1960. Throughout this period the licensee never had more than 100 stockholders, and in the compilation of data for its ownership reports (FCC Forms 323) the licensee should have realized that 50 percent of its stock was passing to newcomers, and that in accordance with the instructions on the ownership reports the licensee should have sought prior Commission consent before more than 50 percent of the stock passed to newcomers. Although we cannot condone this violation of section 310(b) of the Communications Act, particularly since the licensee filed no application for transfer of control until over 3 years had elapsed since 50 percent of the stock had gone to newcomers, we possibly could give our consent, without further action, to this unauthorized transfer of 50 percent of the licensee to newcomers (cf. Pacifica Foundation, 1 RR 2d 747 (1963)) unless we found that there were questions of deliberate concealment of the transfer or that accompanying this unauthorized transfer of control there was also a shift of control (de jure or de facto) to or from some group in privity, because of family, business, or other relationships, or that some of the newcomers had some characteristics that had an important bearing on the qualifications of the licensee.

6. We find that the failure to file an application for a transfer of 50 percent of the stock of the WEOL licensee to newcomers was an important omission in the case of WEOL, because (1) the ownership interest of the only local newspaper in the only local stations was a characteristic which could have had a bearing on the qualifications of the licensee; and (2) for the reasons given below, we believe that a question of a possible de facto transfer of control has been raised.

7. The petitioner alleges that there was a shift of de facto control to Lorain County Printing when that company first acquired 25.3 percent of Elyria-Lorain Broadcasting on April 1, 1958.[3] To substantiate this conclusion, the petitioner alleges that shortly after Lorain County Printing's purchase of 25.3 percent of the licensee in 1958, Otto B. Schoepfle, the president of Lorain County Printing was named as a director and the president of Elyria-Lorain Broadcasting, with resultant powers derived from those offices; that Robert H. Rice, a director and the secretary of Lorain County Printing, was once an attorney for Elyria-Lorain Broadcasting; that Lorain County Printing was in a position to influence Elyria-Lorain Broadcasting through interlocking links with the Elyria Savings and Trust Co. (ES & T);[4] and that Mr. Schoepfle allegedly made an announcement at the Elyria Country Club in 1958 that Lorain County Printing was the new owner of WEOL.

8. We find that some of the petitioner's allegations, which are based on hearsay, are insufficient to require a hearing, but we find that on the basis of certain allegations and the information filed by the applicants that there are such substantial factual questions remaining about a possible unauthorized de facto transfer of control that a hearing is necessary. In view of the facts that Lorain County Printing now owns 46.9 percent of WEOL;[5] that Otto Schoepfle, the president of Lorain County printing, has been president of the WEOL licensee since April 1958, with concomitant executive powers over finances, employment, and programing; that none of the other stockholders appear to have taken an active role in the management of WEOL in recent years;[6] that 4 of 10 present directors and 4 of 6 present officers of WEOL appear to have some links with Lorain County Printing;[7] and that the Code of Regulations of the WEOL licensee appears to provide that a majority of the stockholders[8] or a majority of directors[9] can constitute a quorum for those respective groups, we believe that a substantial question of de facto control by Lorain County Printing now exists, and that a hearing is necessary to determine whether such de facto control does exist, and, if so, whether any such control was the result of a deliberate design to assume unauthorized control or was accompanied by misrepresentations or attempts to deceive this Commission so as to warrant sanctions such as those imposed in WWIZ, Inc., 2 R.R. 2d 169.

9. We recognize that the facts developed in a hearing may show a violation

---

[1] On July 27, 1964, the petitioner had filed a petition to deny the renewal application and to reconsider a previous grant of the transfer application. On Oct. 14, 1964, the Commission set aside the grant of the transfer application, Elyria-Lorain Broadcasting Co., 3 RR 2d 717. All the issues raised in the previous petition are raised in the present petition to deny the transfer application and are considered in this Memorandum Opinion and Order.

[2] Also pending is a "pre-sunrise" petition against the WEOL renewal application filed by WBEN, Inc., the licensee of Station WBEN, Buffalo, N.Y.

[3] At the present time Loraine County Printing owns 46.9 percent of the stock of Elyria-Lorain Broadcasting and its president, Otto B. Schoepfle, owns an additional 0.328 percent.

[4] Petitioner alleges that Lorain County Printing is linked with ES & T through the facts that Mr. Schoepfle is a director and "reportedly" the largest stockholder of ES & T; that Mr. Rice is a director of ES & T; and that Lorain County Printing reported in the application that it owed $375,000 to ES & T. It claims that ES & T is linked to Elyria-Lorain Broadcasting because the licensee owns stock in ES & T; R. F. Fitch, a director, the treasurer, and 0.98 percent stockholder of Elyria-Lorain Broadcasting is president, and a director of ES & T; and Elyria-Lorain Broadcasting's studios are in a building owned by ES & T.

[5] Otto Schoepfle, the president of Lorain County Printing, owns an additional 0.328 percent. Two other individuals who appear to have some links with Lorain County Printing own an additional 1.181 percent (R. J. Fitch, the president of the bank which is the transferee's largest creditor and in which Schoepfle and Elyria-Lorain Broadcasting own stock, owns 0.984 percent and Bartlett Tyler an employee of WEOL, responsible to Schoepfle, owns 0.197 percent).

[6] The Loren M. Berry Foundation, the present transferor, is the second largest stockholder with 13.1 percent. The next largest of the 37 stockholders respectively own 5.25 percent, 4.33 percent, and 3.66 percent. All but 2 of the 10 officers and directors of the licensee are minority stockholders, but we now have no evidence of any active group or individual who has recently challenged Lorain County Printing's dominant position.

[7] These 4 are in both cases Schoepfle, Fitch, Tyler, and Paul Nakel (who is an employee of WEOL).

[8] Article II, section 6.

[9] Article IV, section 4.

of section 310(b) of the Communications Act for which a forfeiture, imposed under section 503(b) of the Communications Act, would be a more appropriate sanction than denial of the renewal applications, and, consequently, we are advising the licensee that this order will serve as a notice of apparent liability issued pursuant to section 503(b)(2) of the act.

10. The remaining allegations of the Lorain Journal concern the propriety of the operation of Lorain County Printing in view of alleged violations of that company's corporate authorization and of the trust agreement under which 99 percent of the stock of Lorain County Printing is held in trust. The petitioner alleges that Lorain County Printing has used an unauthorized name; that it issued a different number of shares with different par values from that authorized by the corporate charter; and that a board of managers for which the corporate bylaws provide has not been appointed. In regard to the trust, the petitioner alleges that certain distributions of the corpus were not made when the beneficiaries attained a specified age and certain conditions were met; and that the trustee had not made certain required accountings. Also, the petitioner alleges that the fiduciary duties of the trustee to operate for the best interests of those beneficially interested "* * * is in direct conflict with the statutory requirement that WEOL and WEOL–FM be operated in the public interest."

11. In view of the facts that Lorain County Printing has shown that changes in the corporate authorizations allow the corporate procedures to which the petitioner objected; that Lorain County Printing has submitted an opinion from Ohio counsel which states that the conduct of the trustee was proper under the Ohio law which governed the trust; [10] and that the fiduciary duties of the trustee are no more inconsistent with the public interest than the fiduciary duties of any director of a corporation, we find that it is not necessary to examine in a hearing whether Lorain County Printing is operating within its corporate powers, whether the trustee is operating in accordance with the law of Ohio or whether the trustee's fiduciary duties are inconsistent with the public interest.

12. We have also determined that a hearing is necessary to examine another crucial public interest question, viz. the control of Elyria's only two local stations by the publisher of that city's only daily newspaper, the Elyria Chronicle Telegram, and of the Medina Leader Post, published in Medina, Ohio.[11] Elyria, a city of approximately 43,700, appears to have substantial political, social, and economic interests distinct from those of neighboring communities. The applicants have made a showing which indicates that Elyria receives circulation from the only other daily paper in its county (Lorain County) and from Cleveland papers, and receives broadcast signals from WWIZ, Lorain, the only other broadcast station in the county,[12] and from Cleveland stations, but it has not shown that these media pay significant attention to the affairs of Elyria.

13. With regard to the question of concentration of control, it will be important to consider, among other things, the advertising practices of the stations and newspapers, with particular regard to any joint rates of discounts; the present and proposed staffs of the stations and newspapers, with particular regard to any employees, officers, or directors of the stations who are employees, officers, or directors of the newspapers; the extent to which the stations and newspapers rely on the same sources for material for broadcast or publication; the national, state, and local political districts served by the stations and newspapers; the market areas served respectively by the stations and newspapers; the other broadcast and media services available to the areas in question, with particular regard to (a) the amount of coverage these other services devote to local affairs of the communities primarily served by the applicant's stations and newspapers and (b) the extent to which these other services compete with the applicant's stations and newspapers for advertising revenues; and such other facts as will tend to demonstrate that the operation of WEOL AM and FM by Lorain County Printing will or will not result in concentration of control over local media contrary to the public interest.

14. If, after the hearing, we should find that Lorain County Printing has de facto control of the licensee, and that this common ownership of the community's only newspaper and stations constitutes concentration of control over mass media contrary to the public interest, we may find that a grant of the renewal applications will be warranted only on the condition that the newspaper divest itself of its interest in the licensee.

15. The "pre-sunrise" petition filed by WBEN, Inc., against the renewal of the license of WEOL, alleges that the operation of WEOL between the hours of 4 a.m. and local sunrise will raise the nighttime RSS interference level of Station WBEN from approximately 1.87 mv/m to approximately 3 mv/m contour. The licensee has not disputed these allegations, nor has it made an effort to resolve the problems by any of the methods suggested in the Commission's public notice adopted March 4, 1964 (FCC 64–201).

16. Accordingly we are granting WBEN's petition. Should we adopt new rules concerning presunrise operation pursuant to Docket No. 14419 prior to the conclusion of this WEOL hearing, which would permit presunrise operation by Station WEOL on some qualified basis, the licensee may, of course, request whatever rights that might be given it by these new rules.

17. Since the first issue listed below may involve serious misconduct, and since it is being raised upon a petition to deny, the petitioner will be expected to proceed with the initial introduction of evidence on this issue. See D and E Broadcasters, Inc., 5 RR 2d 475 (1965). However, in view of the facts that the principal information concerning control of the licensee is peculiarly within the knowledge of the applicants and that the question concerns their use of broadcast facilities, they will have the burden of proof on this issue. In view of the fact that the applicants must demonstrate that a grant of any of the applications would not result in concentration of control of mass media contrary to the public interest, the applicants will have the burden of proof in regard to the second issue listed below.

Accordingly, it is ordered, That, pursuant to sections 309(e) and 503(b)(2) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the Lorain County Printing and Publishing Co. assumed control of the licensee of Stations WEOL AM and FM, Elyria, Ohio, in violation of section 310(b) of the Communications Act of 1934, as amended.

2. To determine whether a grant of an application for consent to the acquisition of control of the licensee of WEOL AM and FM by the Lorain County Printing and Publishing Co. would create a concentration of control of the media of mass communications in the vicinity of Elyria, Ohio, contrary to the public interest.

3. To determine, in light of the evidence adduced pursuant to the first issue listed above, whether a forfeiture in the amount of $10,000 or some lesser sum should be ordered; and whether a cease and desist order should be issued.

4. To determine, in light of the evidence adduced pursuant to the first and second issues listed above, whether any grant of the renewal applications should be subject to the condition that the Lorain County Printing & Publishing Co. divest itself of any or all its interest in the licensee.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-

[10] On July 13, 1965, Elyria-Lorain Broadcasting filed a request for permission to file supplement to opposition, and a supplement to opposition to which were attached copies of journal entries and a memorandum, certified on July 7, 1965, by Harold S. Ewing, the judge of the Probate Court of Lorain County which indicated that the court found that trusts were not defective. We need not pass on the timeliness of the filings because we find that this additional information is not of decisional importance.

[11] The Medina Leader Post is the only daily paper published in Medina County which is directly south of Lorain County. The only broadcast station in Medina County is WDBN(FM), Medina. Medina is within the 2 mv/m contour of WEOL.

[12] On Sept. 8, 1965, the U.S. Court of Appeals for the District of Columbia affirmed (Case Nos. 18955, 18957) the Commission's denial of the renewal of the license of WWIZ, WWIZ, Inc., 3 RR2d 316. An application for a new UHF station in Lorain is now in a hearing (Docket No. 15626).

captioned applications would serve the public interest, convenience, and necessity.

It is further ordered, That, pending final decision in docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to WEOL, and such operation is precluded.

It is further ordered, That the petition of WBEN, Inc. is granted.

It is further ordered, That the petition of the Lorain Journal Co. is granted to the extent specified above, and denied in all other respects.

It is further ordered, That the Lorain Journal Co. is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Elyria-Lorain Broadcasting Co, the Lorain County Printing and Publishing Co., the Loren Berry Foundation, and the Lorain Journal Co., pursuant to §1.221(c) of the Commission's rules, shall, in person or by attorney, within twenty (20) days of the mailing of the order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually, or, if feasible, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That this document shall constitute notice of apparent liability for forfeiture in the amount of $10,000 or some lesser amount under the provisions of section 503(b)(2) of the Communications Act of 1934, as amended, with respect to any violations of section 310(b) of the Communications Act of 1934, as amended, which, on the basis of evidence developed in the hearing, are found to have occurred not more than 1 year prior to the date of the issuance of this notice.

Adopted: September 22, 1965.

Released: September 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-10572; Filed, Oct. 4, 1965; 8:48 a.m.]

[12] Commissioners Henry (Chairman) and Loevinger concurring in part but dissenting to inclusion of the issue regarding unauthorized transfer of control; Commissioners Lee and Wadsworth concurring in part but dissenting to inclusion of the issue regarding concentration of control of mass media; Commissioner Hyde absent.

[Docket Nos. 16209, 16210; FCC 65M-1266]

ELYRIA-LORAIN BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Elyria-Lorain Broadcasting Co., Docket No. 16209, File Nos. BR-2173, BRH-571, for renewal of licenses of stations WEOL AM and FM, Elyria, Ohio; and Loren M. Berry Foundation (Transferor), and the Lorain County Printing and Publishing Co. (Transferee), Docket No. 16210, File No. BTC-4707, for transfer of control of Elyria-Lorain Broadcasting Co.:

It is ordered, This 29th day of September 1965, that Jay A. Kyle shall serve as presiding officer in the above-entitled proceeding; that the hearings therein shall be convened on November 15, 1965, at 10 a.m.; and that a prehearing conference shall be held on October 22, 1965, commencing at 10 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 29, 1965.

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

[F.R. Doc. 65-10573; Filed, Oct. 4, 1965; 8:48 a.m.]

[Docket No. 16214; FCC 65-878]

McLENDON PACIFIC CORP.

Memorandum Opinion and Order and Notice of Apparent Liability

In the matter of liability of McLendon Pacific Corp., licensee of Station KABL, Oakland, Calif., for forfeiture; Docket No. 16214.

1. Since February 8, 1965, the Commission has received written and oral complaints from the mayor, the city manager and the city attorney of Oakland, Calif., all to the general effect that although Station KABL is licensed primarily to serve the city of Oakland, most of its programs have in fact been designed to publicize and promote the civic activities and interests of San Francisco rather than of Oakland and that its public service programs are predominantly directed toward the interests of San Francisco. Further, it was stated that the station consistently identifies itself with San Francisco rather than with Oakland and that, at the time the complaints were made, the station had neither studios nor transmitter in Oakland and listed itself with a San Francisco address in the telephone book and on its own stationery.[1] In his complaint, the city attorney of Oakland stated that 1 week's monitoring of KABL indicated that San Francisco had received 59 percent of broadcast publicity contrasted to only 15 percent for Oakland.

2. In response to the Commission's request for its comment upon this complaint the licensee replied in part that in its 1962 license renewal application it stated that it intended to "program a good music service for the entire Bay Area"; that the cities of Oakland, San Francisco, and Berkeley are an integral part of each other and constitute a civic and economic unit; that during January and February 1965, KABL broadcast 1,065 public service announcements on behalf of Oakland organizations or persons, and 1,042 such announcements on behalf of San Francisco persons or organizations; that during January 1965, KABL broadcast almost twice as many hours of public service programs on behalf of Oakland as on behalf of San Francisco; that the licensee has made a considerable effort to ascertain the programing needs of Oakland by interviewing educational or civic leaders, and that "at no time have we directly or indirectly implied or hinted that we are licensed as a San Francisco station."

3. The city attorney of Oakland, when asked to comment upon the licensee's response, repeated the assertion that KABL was attempting to identify itself with San Francisco, denied that the cities of Oakland and San Francisco are an integral part of each other and asserted that Oakland is separate and distinct from San Francisco, "with its own cultural, civic and economic interests, which need and deserve radio programing to promote and advance said cultural, civic and economic interests." He further stated that even accepting KABL's statement as to the number of public service announcements broadcast for Oakland organizations on February 17 and 18, 1965, the percentage allocated to Oakland was 24, "whereas the percentage of public service announcements concerning areas other than Oakland, and including San Francisco, was 76 percent." Finally, he stated:

> The city of Oakland, as a municipal corporation, takes the position that KABL's programing should promote the tastes, needs and desires of the city of Oakland, as is required by the Commission's programing policy. It is the consensus, not only among the governmental officials in the city of Oakland but among the citizens of the city of Oakland, that KABL is serving the needs, interests, tastes, and desires of the city of San Francisco • • • The officials of the city of Oakland would be very happy to discuss the programing of Radio Station KABL with its owners or the management staff so that an equitable and fair result can be obtained.

[1] The Commission has informed the complainants that, as of the time of the filing of the complaints, the KABL transmitter was located in San Francisco and all programs were originating from that city, by authority of the Commission, but that an application had been granted to move both the transmitter and main studio to Krow Island, which is within the political boundaries of Oakland. Since that time counsel for licensee has notified the Commission that KABL's transmitter and main studios are now operating on Krow Island.

4. Monitoring of Station KABL from 7 a.m. to 7 p.m. on February 17 and 18, 1965, by the Commission's staff revealed that at the station identification times specified in § 73.117 of the rules, KABL was identifying itself as follows:

This is Cable—K–A–B–L, Oakland, 960 on your dial, in the air everywhere in San Francisco. (Clang-clang of cable-car bell)

Numerous other announcements were heard on KABL at other than the times specified for mandatory station identification which were in the nature of station identifications. Among such announcements were the following:

This is Cable—K–A–B–L music on aisle 96 from San Francisco.

Serenade in the morning from aisle 96 on your San Francisco dial.

This is KABL in the air everywhere over the great Bay area constantly in fashion with beautiful San Francisco.

This is KABL, 960 on your San Francisco dial, with enchanting melody for San Francisco, the world's most enchanting city.

This is KABL music, the voice of San Francisco from aisle 96 on your radio dial.

A symphony of sound on KABL designed for San Francisco.

5. Subsequent monitoring of KABL from 7 a.m. to 7 p.m. on August 19, 1965, revealed numerous station identifications at the times specified by § 73.117 of the rules substantially similar to those listed above as well as a number of announcements at nonrequired times which also are similar to those above.

6. In our memorandum opinion and order imposing a forfeiture upon the licensee of KISN, Vancouver (FCC 63–63), we stated among other things, that "the evidence indicates that licensee has willfully attempted to mislead the listening public into believing that KISN is licensed solely to Portland * * * anyone listening to KISN for as little as one hour could not help but gain the impression that KISN is licensed to Portland with perhaps some sort of 'radar weather control' in Vancouver. This impression is one which licensee obviously intends to convey through its numerous station promotions * * * the mere mention of Vancouver as part of a phrase or sentence would not of itself satisfy the identification requirements, particularly when a concerted effort is made preceding or following the phrase or sentence, to lead the listener to believe that the station is licensed elsewhere."

7. It should be noted that in response to Commission inquiry regarding the identification announcements at nonrequired times, the licensee alleged that "at no time have we directly or indirectly implied or hinted that we are licensed as a San Francisco station."

8. It appears to us that the broadcast of the numerous announcements on February 17, 18 and August 19, 1965, identifying KABL with San Francisco or implying that San Francisco is its licensed location prior to and following identification of the licensed location at the required times seems intended to mislead the listeners as to the city in which KABL is located and may well negate any mention of the licensed location at the required times, thus defeating the intent and purpose of § 73.117 of the Commission's rules. Therefore the numerous station identifications of KABL broadcast on February 17 and 18, and August 19, 1965, apparently constitute willful or repeated failure to observe the provisions of § 73.117 of the rules, as well as willful or repeated failure to operate Station KABL substantially as set forth in the station license, which document specifies the particular community which the licensee must primarily serve in accordance with § 73.30 of the rules.

9. In addition to the above, during the monitoring of February 17 and 18, 1965, the Commission observed certain commercial announcements which did not appear to appropriately identify the sponsor. Subsequently, the KABL general manager acknowledged that between February 1 and 19, 1965, 57 announcements were broadcast by KABL which were sponsored by the United States Steel Corp. but which carried no sponsorship identification.

10. In broadcasting such announcements without sponsorship identification, the licensee of KABL appears to have willfully or repeatedly violated section 317 of the Communications Act of 1934, as amended, and § 73.119 of the rules.

11. In view of the facts recited in preceding paragraphs we have determined that the licensee of Station KABL is subject to a forfeiture pursuant to sections 503(b)(1)(A) and (B) of the Communications Act for its apparent willful or repeated failure to observe the provisions of section 317 of the Communications Act and §§ 73.117 and 73.119 of the Commission's rules. Accordingly, this memorandum opinion and order shall constitute a notice of apparent liability for forfeiture, pursuant to section 503(b)(2) of the Communications Act.

12. Because of the unusual nature of the complaints and the licensee's responses to preliminary correspondence, we have determined to hold a hearing in Oakland, Calif. Such a hearing, during which the licensee will have full opportunity to address itself to all matters referred to in this notice of apparent liability, will better enable the Commission to determine whether there have, in fact, been willful or repeated violations of the act, the rules, and whether, if the licensee is found liable, an order of forfeiture in the amount of $10,000 or some lesser amount should be issued. The presiding officer shall therefore, be authorized to admit evidence pertinent to licensee's liability as well as in mitigation of the forfeiture. In this regard the presiding officer may receive evidence and make findings and conclusions on whether the licensee has made a continuing effort to determine the needs and interests of Oakland and to provide programing to meet those needs and interests; or whether the licensee, as charged in the complaints, has designed its programs to serve primarily the needs and interests of San Francisco. This evidence may be considered, if appropriate, in mitigation of a forfeiture amount, or as a basis for further proceedings by the Commission.

Accordingly, in light of the above: *It is ordered,* That the chief hearing examiner shall preside over this proceeding,[1] receive evidence, make a record thereof, receive proposed findings and conclusions, and prepare an initial decision. The parties may, thereafter, file exceptions and briefs which shall be directed to the Commission en banc. A final decision will be issued by the Commission.

It is further ordered, That the presiding officer shall not accept evidence on the programing of the station occurring subsequent to the issuance of this memorandum opinion and order; and

It is further ordered, That the McLendon Pacific Corp. is directed to appear and give evidence with respect to the matters recited above at the proceeding to be held at Oakland, Calif., at a time and place to be specified by subsequent order; and

It is further ordered, That the McLendon Pacific Corp., and the chief, Broadcast Bureau are made parties to this proceeding; and officials of the city of Oakland, including the mayor, the city manager and city attorney, will be afforded the opportunity to participate as parties in this proceeding if they so desire; and

It is further ordered, That the Secretary of the Commission shall send a copy of this memorandum opinion and order and notice of apparent liability by certified mail—return receipt requested to the McLendon Pacific Corp.; and

It is further ordered, That, the parties, pursuant to § 1.221(c) of the Commission's rules, shall, in person or by attorney, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the matters set forth, supra; and

It is further ordered, That the hearing shall commence with the chief, Broadcast Bureau, proceeding with the introduction of evidence developed as a result of the monitoring of station KABL by the Commission's staff on February 17, 18 and August 19, 1965; that McLendon Pacific Corp. may then offer evidence relevant and material to the matters referred to, supra, and that the other parties to the proceeding, including the chief, Broadcast Bureau, may then offer any rebuttal evidence.

Adopted: September 29, 1965.

Released: September 30, 1965.

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

[F.R. Doc. 65–10574; Filed, Oct. 4, 1965; 8:48 a.m.]

[1] The Commission's rules on practice and procedure, § 1.201, et seq., shall apply.

[Docket No. 16214; FCC 65M-1273]

McLENDON PACIFIC CORP.

Order Scheduling Hearing

In the matter of liability of McLendon Pacific Corp., licensee of Station KABL, Oakland, Calif., for forfeiture; Docket No. 16214:

It is ordered, This 30th day of September 1965, that the hearing in the above-entitled proceeding will be convened in Oakland, Calif., on November 2, 1965.

Released: September 30, 1965.

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

[F.R. Doc. 65-10575; Filed, Oct. 4, 1965; 8:48 a.m.]

[Docket No. 14611; FCC 65M-1271]

PROGRESS BROADCASTING CORP. (WHOM)

Order Continuing Hearing

In re application of Progress Broadcasting Corp. (WHOM), New York, N.Y., Docket No. 14611, File No. BP-13915; for construction permit.

The Hearing Examiner having under consideration motion filed September 22, 1965, requesting a rescheduling of the date for the exchange of exhibits and the date for the evidentiary hearing;

It appearing, that the date for the exchange of exhibits now is October 4, 1965, and the evidentiary hearing is scheduled for November 1, 1965;

It further appearing, that good cause exists why said motion should be granted and there is no opposition thereto:

Accordingly, it is ordered, This 30th day of September 1965, that the motion is granted and the date for the exchange of exhibits shall be October 18, 1965 in lieu of October 4, 1965, and the evidentiary hearing now scheduled for November 1, 1965, be and the same is hereby rescheduled for November 16, 1965, 10 a.m., in the Commission's offices, Washington, D.C.

Released: September 30, 1965.

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

[F.R. Doc. 65-10577; Filed, Oct. 4, 1965; 8:48 a.m.]

[Docket No. 14611; FCC 65M-1264]

PROGRESS BROADCASTING CORP. (WHOM)

Order Scheduling Prehearing Conference

In re application of Progress Broadcasting Corp. (WHOM), New York, N.Y., Docket No. 14611, File No. BP-13915; for construction permit.

The Hearing Examiner having under consideration motion filed September 22, 1965, on behalf of Quality Radio Corp., requesting further prehearing conference in this proceeding;

It appearing, that good cause exists why said motion should be granted and there is no objection thereto:

Accordingly, it is ordered, This 29th day of September 1965, that the motion is granted and that a prehearing conference will be held on October 6, 1965, 9 a.m., in the Commission's offices, Washington, D.C.

Released: September 29, 1965.

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

[F.R. Doc. 65-10576; Filed, Oct. 4, 1965; 8:48 a.m.]

[Docket Nos. 16150-16152; FCC 65M-1270]

RADIO DISPATCH, INC.

Order Continuing Hearing

In re applications of Radio Dispatch, Inc.: For renewal of the license for station KOA268 in the Domestic Public Land Mobile Radio Service at Seattle, Wash., Docket No. 16150, File No. 163-C2-R-63; for renewal of the license for station KOA270 in the Domestic Public Land Mobile Radio Service at Tacoma, Wash., Docket No. 16151, File No. 48-C2-R-63; for renewal of the license for station KOA606 in the Domestic Public Land Mobile Radio Service at Everett, Wash., Docket No. 16152, File No. 343-C2-R-63.

Due to a change in the Hearing Examiner's hearing schedule: *It is ordered,* This 30th day of September 1965, that the hearing herein now scheduled for October 19, 1965, be and the same is hereby rescheduled for November 2, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: September 30, 1965.

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

[F.R. Doc. 65-10578; Filed, Oct. 4, 1965; 8:48 a.m.]

[Docket No. 15769 etc.; FCC 65M-1269]

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

Order Regarding Procedural Dates

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

To formalize the agreements and rulings made on the record at a prehearing conference held on September 28, 1965 in the above-entitled matter concerning the future conduct of this proceeding:

It is ordered, This 29th day of September 1965, that:

Exchange of exhibits is scheduled for October 29, 1965;

Exchange of reply exhibits is scheduled for November 5, 1965;

Notification of witnesses is scheduled for November 9, 1965; and

Hearing is scheduled for November 16, 1965, at 10 a.m. in Barbourville, Ky.

Released: September 29, 1965.

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

[F.R. Doc. 65-10579; Filed, Oct. 4, 1965; 8:48 a.m.]

[Docket No. 16128; FCC 65M-1265]

ULTRONIC SYSTEMS CORP. AND WESTERN UNION TELEGRAPH CO.

Order Continuing Prehearing Conference

Ultronic Systems Corp., Complainant, vs. The Western Union Telegraph Co., Defendant; Docket No. 16128.

The Hearing Examiner having for consideration the informal request of Ultronic Systems Corp. for a continuance of the prehearing conference now scheduled for September 30, 1965, together with the statement of Ultronic's counsel that counsel for all other parties have consented to a grant of the requested relief;

It appearing, that a brief continuance may, by affording the parties an opportunity to narrow or resolve the matters to be heard, result in a more expeditious disposition of this proceeding:

It is ordered, This 29th day of September 1965, that the prehearing conference now scheduled for September 30, 1965, is continued to October 11, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: September 29, 1965.

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

[F.R. Doc. 65-10580; Filed, Oct. 4, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 550]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Terrell County in the State of Texas;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from a tornado, and accompanying conditions occurring on September 21, 1965.

OFFICE

Small Business Administration, Regional Office, 1616 19th Street, Lubbock, Tex., 79401.

2. The temporary office established in Sanderson, Tex.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1966.

Dated: September 23, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-10539; Filed, Oct. 4, 1965; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF CHINA

Announcement of ITAC Actions and Restraint Levels

SEPTEMBER 30, 1965.

On October 19, 1963 the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a bilateral agreement with the Republic of China concerning exports of cotton textiles from the Republic of China to the United States over a four-year period (TIAS 5482). Under this agreement the Republic of China has undertaken to limit its exports to the United States of certain cotton textiles and cotton textile products to specified annual amounts. The third year of the agreement will commence on October 1, 1965, and extend through September 30, 1966. The categories which are subject to specific export limitation under the agreement are as follows: 1, 2, 5, 6, 9, 15, 18, 19, 22, 23, 25, 26, 28, 30, 41–42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 57, 59, 60, 62 and 63.

There is published below a letter of September 29, 1965, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that the amounts of cotton textiles and cotton textile products in the aforementioned categories, produced or manufactured in the Republic of China which may be entered, or withdrawn from warehouse, for consumption in the United States from October 1, 1965 through September 30, 1966, be limited to certain designated levels. The levels set forth in this letter have been adjusted to take account of increases and deductions in certain categories as provided for in the agreement and subsequent arrangements between the United States and the Republic of China.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., September 29, 1965.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective October 1, 1965, and for the period extending through September 30, 1966, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1, 2, 5, 6, 15, 18, 19, 23, 25, 28, 30, 41–42, 43, 44, 45, 47, 49, 53, 54, 55, 57, 59, 60, 62, and 63, produced or manufactured in the Republic of China, in excess of the following corrected levels of restraint:

Category	12-month level of restraint	Corrected level of restraint
	Pounds	*Pounds*
1	551,250	551,250
2	86,822	86,822
	Square yards	*Square yards*
5	994,510	889,823
6	630,000	621,909
15	551,250	540,211
18	799,313	783,292
19	234,281	200,619
23	661,500	648,157
25	787,500	787,500
	Pieces	*Pieces*
28	937,125	937,125
30	1,653,750	1,653,750
	Dozen	*Dozen*
41–42	85,664	82,864
43	11,576	10,176
44	16,538	16,538
45	9,923	9,623
47	27,563	27,563
49	3,472	3,472
53	11,025	11,025
54	23,153	23,153
55	3,473	3,473
57	110,250	110,250
59	27,563	27,563
60	20,837	17,337
	Pounds	*Pounds*
62	17,365	13,465
63	137,813	125,913

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 5, 6, 9, 15, 18, 19, 22, 23, 25, 26, 28, 30, 41–42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 57, 60, 62 and 63, produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to October 1, 1965, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1964, through September 30, 1965. In the event that the level of restraint established for the period October 1, 1964, through September 30, 1965, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the aforementioned categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551), and amendments thereto on March 24, 1964 (29 F.R. 3679).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administra-

and you are directed to prohibit, effective October 1, 1965, and for the period extending through September 30, 1966, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 9, 22, 26, 46, 50, 51, and 52, produced or manufactured in the Republic of China, in excess of the following quarterly cumulative levels of restraint, as corrected:

CORRECTED LEVELS OF RESTRAINT

Category	Oct. 1, 1965–Dec. 31, 1965	Oct. 1, 1965–Mar. 31, 1966	Oct. 1, 1965–June 30, 1966	Oct. 1, 1965–Sept. 30, 1966
	Square yards	*Square yards*	*Square yards*	*Square yards*
9	6,060,748	12,121,497	17,080,291	18,365,904
22	294,106	588,216	828,850	891,237
26	1,090,935	2,181,871	3,074,454	3,305,865
*Duck sub-level in 26	654,885	1,309,770	1,845,585	1,984,500
	Dozen	*Dozen*	*Dozen*	*Dozen*
46	122,881	196,610	245,762	245,762
50	58,407	93,451	116,814	116,814
51	107,945	172,712	215,890	215,890
52	68,907	110,250	137,813	137,813

*T.S.U.S.A. Nos. covering duck are as follows: 320...01 through 04, 06, 08; 321...01 through 04, 06, 08; 322...01 through 04, 06, 08; 326...01 through 04, 06, 08; 327...01 through 04, 06, 08; 328...01 through 04, 06, and 08.

tive Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

/S/ JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 65-10555; Filed, Oct. 4, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4251]

GULF POWER CO.

Notice of Proposed Extension of Authorization To Issue Notes to Banks

SEPTEMBER 29, 1965.

In the matter of Alabama Power Co., Georgia Power Co., Gulf Power Co., Mississippi Power Co., the Southern Co., 3390 Peachtree Road NE., Atlanta, Ga., 30326; File No. 70-4251.

Notice is hereby given that Gulf Power Co. ("Gulf"), an electric utility subsidiary company of the Southern Co., a registered holding company, has filed with this Commission a post-effective amendment to the joint application-declaration in this matter pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the amended joint application-declaration, on file at the Office of the Commission, for a statement of the transactions therein proposed which are summarized as follows.

On March 11, 1965, the Commission entered an order which, among other things, authorized Gulf to issue, from time to time prior to November 1, 1965, unsecured promissory notes to a number of banks in an aggregate amount of up to $10,000,000. All of such notes were to be paid prior to the end of 1965 through the sale of long-term securities. At June 30, 1965, Gulf had issued and sold $6,300,000 of such notes.

Gulf, by amendment to the joint application-declaration, proposes that the time for issuing such notes be extended to July 1, 1966, and that all of the notes be paid prior to the end of 1966. All other terms and provisions of the joint application-declaration and of the Commission's order of March 11, 1965, are to remain in effect. Gulf states that the proposed extensions will enable it to consolidate its sale of first mortgage bonds originally planned for late 1965 with the sale of long-term securities to take place around mid-1966 and thus avoid certain duplicate costs associated with two offerings.

The notes will be dated on the date of issue, will bear interest at the prime rate (presently 4½ percent) in effect on said date, and will mature not more than 9 months thereafter. Included within the aggregate amount of $10,000,000 are notes which Gulf may issue pursuant to the 5 percent exemptive provision of section 6(b) of the Act.

Gulf has used and proposes to use the proceeds of the notes, to the extent not applied to the payment at maturity of such notes theretofore outstanding, toward the construction or acquisition of permanent improvements, extensions, and additions to its utility plant. The company contemplates expenditures of approximately $12,500,000 in 1965 and and $20,400,000 in 1966 for the construction or acquisition of property.

The extension of time for the issuance of the notes by Gulf has been authorized by supplemental order of the Florida Public Service Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Gulf estimates that, in connection with the proposed extension of time for the issuance of the notes, it will incur additional expenses of $500 for legal fees and approximately $500 for miscellaneous expenses.

Notice is further given that any interested person may, not later than October 27, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-10535; Filed, Oct. 4, 1965; 8:45 a.m.]

[File No. 1-3882]

BELOCK INSTRUMENT CORP.

Order Suspending Trading

SEPTEMBER 29, 1965.

The common stock, 50 cents par value, and the 6 percent convertible subordinated debentures, series A (due 1975), of Belock Instrument Corp., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock and the 6 percent convertible subordinated debentures, series B (due 1975), being traded over the counter; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange by summarily suspended, this order to be effective for the period September 30, 1965, through October 9, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-10536; Filed, Oct. 4, 1965; 8:45 a.m.]

[812-1829]

NATIONAL VARIABLE ANNUITY COMPANY OF FLORIDA SEPARATE ACCOUNT

Notice of Filing of Application for Order of Exemption

SEPTEMBER 29, 1965.

Notice is hereby given that National Variable Annuity Co. of Florida Separate Account ("applicant"), 734 Florida Bank Building, Jacksonville, Fla., an unincorporated fund created by National Variable Annuity Co. of Florida and a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the applicant from the provisions of section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. All interested persons are referred to the application as filed with the Commission for a statement of the representations therein which are summarized below.

Applicant was established on August 2, 1965, under the provisions of § 627.0976 of the Florida Insurance Code by the National Variable Annuity Co. of Florida ("Insurance Company"). Insurance Company, a stock life insurance company organized under the Florida Insurance Code, is licensed as a life insurance company in the State of Florida, and is a wholly owned subsidiary of the National Life Insurance Co. of Florida. Section 627.0976 of the Florida Code authorizes a Florida insurance company to establish a separate account to fund variable annuity contracts, which account is not chargeable with liabilities arising out of any other business the in-

surance company may conduct. Applicant is engaged solely in the sale of group retirement annuity contracts in connection with annuity purchase plans adopted by public school systems and tax exempt organizations enumerated in section 501(c) of the Internal Revenue Code ("Code") which satisfy the requirements of section 403(b) of the Code.

The present group variable annuity contracts are to be offered at a price which is equal to the current value of the accumulation units plus a combined charge of 6 percent, exclusive of any applicable state premium taxes, for sales and administrative expenses and the minimum death benefit before retirement. Applicant represents that it is unable to state precisely the amount of the combined charge of 6 percent which is applicable to sales load. In addition, the group variable annuity contracts also contain provisions for experience rating credits, under which the actual sales and administrative expenses and the minimum death benefit before retirement costs applicable to that contract are determined annually and each participant receives a credit for his share of the excess, if any, of the amounts deducted for such expenses over such actual costs. No additional charge is made to the participant's account if the costs exceed the amounts deducted. Applicant has reserved the right to increase the combined charge to 9 percent, the maximum sales load which may be charged under section 27(a) of the Act by applicant on its periodic payment plan certificates.

Notice is further given that any interested person may, not later than October 21, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon National Variable Annuity Co. of Florida Separate Account, at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–10537; Filed, Oct. 4, 1965; 8:45 a.m.]

[File No. 70–4309]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Issue and Sale of Promissory Notes by Subsidiary Companies to Banks and/or to Holding Company

SEPTEMBER 29, 1965.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass., 02116, a registered holding company, and certain of its public-utility subsidiary companies ("the borrowing companies"), namely, Massachusetts Electric Co. ("Mass Electric"), Lawrence Gas Co. ("Lawrence"), North Shore Gas Co. ("North Shore"), and Norwood Gas Co. ("Norwood"). NEES and the borrowing companies have designated sections 6(a), 7, 9(a), 10, and 12 of the Act and Rules 42(b)(2), 45(b)(1), and 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration for a statement of the transactions therein proposed, which are summarized as follows:

By order dated February 15, 1965, the Commission, among other things, authorized the above-named borrowing companies to issue and sell to banks and/or to NEES, from time to time through December 31, 1965, an aggregate principal amount of promissory notes not to exceed $27,980,000 at any one time outstanding (Holding Company Act Release No. 15188). In order to pay for increased construction expenditures or to reimburse their treasuries therefor, the borrowing companies request that their borrowing authority be increased by an aggregate amount of $3,325,000 or to $31,305,000 maximum amount of notes at any one time outstanding.

Shown below for each of the borrowing companies is the maximum principal amount of notes to be outstanding at any one time, to the designated banks and/or to NEES, after giving effect to the authority sought herein:

Borrowing company	Banks	Banks or NEES
Mass Electric		[2] $20,250,000 [3] 1,000,000 [4] 400,000 [5] 400,000 [6] 450,000 [7] 500,000
Lawrence	[1] $3,675,000	
North Shore	[1] 3,150,000	
Norwood		[8] 1,480,000
Total	6,825,000	24,480,000

[1] First National City Bank, New York, N.Y.
[2] The First National Bank of Boston, Mass.
[3] Worcester County National Bank, Worcester, Mass.
[4] Guaranty Bank & Trust Co., Worcester, Mass.
[5] The Mechanics National Bank of Worcester, Mass.
[6] South Shore National Bank, Quincy, Mass.
[7] Middlesex County National Bank, Everett, Mass.
[8] NEES only.

The notes will be issued by the borrowing companies prior to December 31, 1965; will bear interest not exceeding the prime rate (presently 4½ percent per annum) in effect at the time of issuance; will mature on or prior to March 31, 1966; and will be prepayable at any time, in whole or in part, without premium.

Mass Electric may prepay its notes to banks, in whole or in part, with borrowings from NEES, or vice versa. Any note issued to NEES for such prepayment of a note to a bank will bear interest at the prime rate or the interest rate on the note being prepaid, whichever is lower, but at the prime rate after the maturity date of the note being prepaid. In the case of a note issued to a bank for such prepayment of a note to NEES, if the interest rate on the new note being issued exceeds that of the note being prepaid, NEES will credit Mass Electric with an amount equal to the difference between such interest payments for the period from the date of the issuance of such new note to the maturity date of the note being prepaid.

In the event of any permanent financing by any of the borrowing companies, the proceeds therefrom, in excess of amounts used for refunding other securities at par or the principal amount thereof, will be applied to payment of its short-term note indebtedness then outstanding, and the maximum of short-term note indebtedness to be outstanding at any one time proposed herein will be reduced by the amount of such payment.

Incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Co., an associate service company. The cost will not exceed an estimated $200 for each applicant-declarant.

The filing states that no action by any State commission or Federal commission, other than this Commission, is necessary to carry out the proposed transactions.

Notice is further given that any interested person may, not later than October 22, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take

such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-10538; Filed, Oct. 4, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 52; Amdt. 2]

FREIGHT FORWARDERS CONFERENCE

Amendments to Agreement

SEPTEMBER 30, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed September 27, 1965, by: S. S. Eisen, 140 Cedar Street, New York, N.Y., 10006.

Amendments involved: Change the agreement so as to clearly set forth the purposes and objectives thereunder, and specifically provide that consideration of matters with respect to section 22 are included.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

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

[F.R. Doc. 65-10548; Filed, Oct. 4, 1965; 8:46 a.m.]

[Notice 58]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 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 41098 (Sub-No. 17 TA), filed September 28, 1965. Applicant: GLOBAL VAN LINES, INC., No. 1 Global Way, Anaheim, Calif., 92803. Applicant's representative: Floyd L. Farano (same address as above). 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 Hawaii having a prior or subsequent movement by water or air, for 180 days. Supporting shippers: None. In lieu of shipper support, applicant submits a recapitulation of shipments handled in the 6 months preceding the application, which may be examined here at the Commission in Washington, D.C. 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 94265 (Sub-No. 160 TA), filed September 28, 1965. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Military Highway, Norfolk, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pumpernickel bread*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to Washington, D.C., and Baltimore, Md., for 150 days. Supporting shipper: Iverson Baking Co., 1753 North Tripp Avenue, Chicago, Ill. Send protests to: Robert Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va., 23240.

No. MC 99213 (Sub-No. 7 TA) (AMENDMENT), filed September 15, 1965, published FEDERAL REGISTER, issue of September 23, 1965, and republished as amended this issue. Applicant: VIRGINIA FREIGHT LINES, School Street, Kilmarnock, Va. Applicant's representative: J. R. Pittman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk from points in Baltimore County, Md., to points in Essex, Gloucester, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland Counties, Va., for 180 days. Supporting shipper: Kilmarnock Feed Supply, Kilmarnock, Va. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 10-502 Federal Building, Richmond, Va., 23340. (Note: The purpose of this republication is to show that applicant has amended the origin territory to show Baltimore County, Md., in lieu of Baltimore, Md., as shown in previous publication.)

No. MC 114091 (Sub-No. 72 TA), filed September 28, 1965. Applicant: HUFF TRANSPORT CO., INC., Post Office Box 13116, Fern Valley Road, Louisville, Ky., 40213. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags, from Montpelier, Iowa, to points in Arkansas, Mississippi, Kentucky, Tennessee, Ohio, Michigan, and that part of Pennsylvania on and west of U.S. Highway 219, for 180 days. Supporting shipper: Mr. Samuel W. Bard, Traffic Manager, Hooker Chemical Corp., Phosphorus Division, Jeffersonville, Ind., 47130. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 114194 (Sub-No. 115 TA), filed September 28, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, from Petrolia, Pa., to St. Louis, Mo., for 180 days. Supporting shipper: Witco Chemical Co., Inc., Sonneborn Avenue, New York, N.Y. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, Ill., 62704.

No. MC 127598 TA, filed September 28, 1965. Applicant: ROBERT L. BREWER, Bagdad, Ky., 40003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, and *dairy plant equipment, materials and supplies*, between the plantsite of Sugar Creek Foods, Division of National Dairy Products Corp., at Louisville, Ky., on the one hand, and, on the other, points in Indiana on the south of U.S. Highway 36, points in Kentucky, points in Ohio on the south of U.S. Highway 30, points in Tennessee, and points in West Virginia on and west of U.S. Highway 220, for 180 days. Supporting shipper: Mr. C. T. Cline, Manager, Sugar Creek Foods Division, National Dairy Products Corp., 2815 Magazine Street, Louisville, Ky., 40211. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 127572 (Sub-No. 1 TA), filed September 28, 1965. Applicant: A. E. SUENRAM, doing business as A. E. SUENRAM TRUCK SERVICE, 3335 South Edwards, Wichita, Kans. Applicant's representative: Erle W. Francis, Suite 719, Capital Federal Building, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* and *property* being transported incidental to transportation by aircraft (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to traffic having an immediately prior or subsequent movement by air, between Wichita Commercial Airport, on the one hand, and, on the other, points within 50 miles of Wichita, and all commercial airports in Kansas City, Mo.-Kans. air terminal area, including Mid-Continent Airport, for 180 days. Supporting shippers: Emery Air Freight, Municipal Airport, Wichita, Kans.; Gordon & Platt, Inc., Strother Field, Winfield, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

By the Commission.

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

[F.R. Doc. 65-10549; Filed, Oct. 4, 1965; 8:46 a.m.]

[Notice 1241]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 30, 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-68111. By order of September 28, 1965, the Transfer Board approved the transfer to Refrigerated Express Lines, Inc., Plant City, Fla., of that portion of the operating rights of Tompkins Motor Lines, Inc., Decatur, Ga., in certificate No. MC-20783, issued March 27, 1951, authorizing the transportation, of frozen foods, and fresh fruits and fresh vegetables, between Atlanta, Ga., on the one hand, and, on the other, Chattanooga, Tenn., and points in that part of Alabama on and east of U.S. Highway 31, except Montgomery, and those in Florida, North Carolina, and South Carolina. Floyd F. Shields, 5829 Outlook Avenue, Post Office Box 68, Shawnee Mission, Kans., 66201, attorney for applicants.

No. MC-FC-68143. By order of September 28, 1965, the Transfer Board approved the transfer to the Denver-North Platte Freight Service, Inc., Denver, Colo., of a portion of certificate No. MC-32107 issued April 9, 1959, to Archer and Archer, Inc., Julesburg, Colo., authorizing the transportation, over regular route, of general commodities, excluding household goods and commodities in bulk, between North Platte, Nebr., and Julesburg, Colo., serving all intermediate points; and over irregular routes, between Denver, Colo., and points in Sedgwick County, Colo., on the one hand, and, on the other, Chappell, Ogallala, and North Platte, Nebr. Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202, attorney for applicants.

No. MC-FC-68147. By order of September 28, 1965, the Transfer Board approved the transfer to William M. Ford, Stewartstown, Pa., of certificate No. MC-73429, issued March 16, 1942, to Harry M. Ford, Stewartstown, Pa., authorizing the transportation over irregular routes of feed, from Baltimore, Md., to New Park and Stewartstown, Pa.; fertilizer, from Baltimore, Md., to points in York County; coal, from Mt. Carmel and Six Mile Run, Pa., and points in Pennsylvania within 10 miles of Mt. Carmel and Six Mile Run, to Norrisville, Md., and points in Maryland and Pennsylvania within 20 miles of Norrisville; return, with no transportation for compensation except as otherwise authorized, to the above-specified origin points; and apples and peaches, between points in York County, Pa.; and between points in Hartford County, Md., on the one hand, and, on the other, those in York County, Pa. William J. Little, 1513 Fidelity Building, Baltimore, Md., 21201, representative for applicants.

No. MC-FC-68153. By order of September 17, 1965, the Transfer Board approved the transfer to Roy W. Zimmerman, Ephrata, Pa., of the certificate in No. MC-73796, issued June 19, 1941, to Jacob B. Wolgemuth, Elizabethtown, Pa., authorizing the transportation of: Fertilizer, from Baltimore, Md., to points in Lancaster, Lebanon, and Dauphin Counties, Pa. Thomas H. Wentz, 118 East Main Street, New Holland, Pa., attorney for applicants.

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

[F.R. Doc. 65-10550; Filed, Oct. 4, 1965; 8:46 a.m.]

[Notice 1241-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 30, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-67764. By order of September 28, 1965, Division 3, acting as an appellate division approved the transfer to Bell Transfer Co., Inc., Selma, Ala., of certificate in No. MC-97310 (Sub-No. 1) and certificate of registration in No. MC-97310 (Sub-No. 3), issued August 17, 1960 and December 31, 1963, respectively, to Marie Eiland Bell, doing business as Bell Transfer Co., Selma, Ala., authorizing the transportation of general commodities and a wide variety of specified commodities from to or between specified points in Alabama. W. McLean Pitts, the City National Bank Building, Selma, Ala., 36702, and Francis J. Ortman, 1366 National Press Building, Washington, D.C., 20004, attorneys for applicants.

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

[F.R. Doc. 65-10551; Filed, Oct. 4, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

Page

PROCLAMATIONS:
3674 ... 12623
3675 ... 12625

EXECUTIVE ORDERS:
April 17, 1926 (revoked in part by PLO 3832) ... 12641
7558 (revoked in part by PLO 3833) ... 12642

5 CFR

213 ... 12529, 12627
731 ... 12661
735 ... 12529

7 CFR

29 ... 12627
701 ... 12661
730 ... 12627
831 ... 12628
848 ... 12534
905 ... 12635, 12636
908 ... 12636
910 ... 12637
926 ... 12534
932 ... 12629
948 ... 12534, 12635
993 ... 12535

PROPOSED RULES:
730 ... 12684
948 ... 12644
982 ... 12539
989 ... 12686
1008 ... 12539
1009 ... 12539

9 CFR

PROPOSED RULES:
51 ... 12684
78 ... 12684
203 ... 12686

12 CFR

Page

8 ... 12535

13 CFR

121 ... 12640

14 CFR

71 ... 12535, 12661
95 ... 12662
298 ... 12666

PROPOSED RULES:
39 ... 12687
71 ... 12688

15 CFR

201 ... 12535
202 ... 12535

16 CFR

13 ... 12536

19 CFR

1 ... 12680

21 CFR

121 ... 12637, 12670
141a ... 12637
144 ... 12670
146a ... 12637
148e ... 12537
148x ... 12537

22 CFR

61 ... 12639

26 CFR

PROPOSED RULES:
1 ... 12564

32 CFR

43 ... 12673
58 ... 12639

32A CFR

NSA (Ch. XVIII):
AGE-1 ... 12640

33 CFR

Page

203 ... 12537

39 CFR

142 ... 12641
143 ... 12641

43 CFR

PUBLIC LAND ORDERS:
2248 (modified by PLO 3836) ... 12643
3832 ... 12641
3833 ... 12642
3834 ... 12642
3835 ... 12642
3836 ... 12643
3837 ... 12643

45 CFR

801 ... 12680

46 CFR

272 ... 12536
282 ... 12536
286 ... 12536
292 ... 12536
402 ... 12680
403 ... 12680
533 ... 12681

47 CFR

PROPOSED RULES:
1 ... 12688
17 ... 12688
73 ... 12688

49 CFR

6 ... 12669

PROPOSED RULES:
77 ... 12543

50 CFR

32 ... 12536, 12643, 12683