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Title 7—AGRICULTURE

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

[Lemon Reg. 216, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

Order, as mended. The provisions in paragraph (b)(1)(ii) of § 910.516 (Lemon Regulation 216, 31 F.R. 7673) are hereby amended to read as follows:

§ 910.516 Lemon Regulation 216.

* * * * *

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

(ii) District 2: 325,500 cartons.

* * * * *

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

Dated: June 3, 1966.

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

[F.R. Doc. 66–6273; Filed, June 7, 1966; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 214—NONIMMIGRANT CLASSES

PART 236—EXCLUSION OF ALIENS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The third sentence of paragraph (b) *Application* of § 212.6 *Nonresident alien border crossing cards* is amended to read as follows: "A citizen of Mexico shall apply on Form I–190 for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid unexpired passport or a valid Mexican Form 13, and one photograph, size 1½'' x 1½''."

2. The first sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "Any alien may apply for immediate and continuous transit through the United States, except a citizen of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), North Viet-Nam ("Democratic Republic of Viet-Nam"), and Outer Mongolia ("Mongolian People's Republic"), resident in one of the countries named."

3. The second sentence of paragraph (a) *Contents* of § 236.3 *Decision of the special inquiry officer; notice to the applicant* is amended to read as follows: "It shall include a discussion of the evidence and findings as to excludability; the formal enumeration of findings is not required."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure with the exception of the amendment to § 214.2(c)(1) which is clarifying in nature.

Dated: June 2, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66–6267; Filed, June 7, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7192; Amdt. 39–248]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming 0–540–B2B5 Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the crankshaft idler shafts and accessory housing on Lycoming 0–540–B2B5 engines was published in 31 F.R. 4520.

Interested persons have been afforded an opportunity to participate in the making of the amendment. There was a comment that the compliance time of paragraph (a) was confusing. The format of the AD has been revised to clarify the compliance times.

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

LYCOMING. Applies to Model 0–540–B2B5 engines, Serial Numbers 101–40 through 8267–40, installed in Piper PA–25 and Intermountain Manufacturing Company airplanes, except engines remanufactured at Lycoming after November 14, 1965.

Compliance required as indicated, unless already accomplished.

To prevent further failures of crankshaft idler shafts, accomplish the following:

(a) For engines with less than 300 hours' time in service on the effective date of this AD since overhaul, comply with paragraph (d) before the accumulation of 400 hours' time in service since overhaul.

(b) For engines with less than 300 hours' time in service on the effective date of this AD since new that have never been overhauled, comply with paragraph (d) before

the accumulation of 400 hours' time in service since new.

(c) For engines with 300 or more hours' time in service on the effective date of this AD since new or overhaul, comply with paragraph (d) within the next 100 hours' time in service.

(d) Replace crankshaft idler shaft, P/N 70390, and accessory housing, P/N 71648, with crankshaft idler shaft, P/N 73014, and accessory housing, P/N 75367 or 71648-85.

(Lycoming Service Bulletin No. 308 pertains to this subject.)

This amendment becomes effective July 9, 1966.

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

Issued in Washington, D.C., on June 2, 1966.

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

[F.R. Doc. 66-6280; Filed, June 7, 1966; 8:48 a.m.]

[Docket No. 1115; Amdt. 39-247]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Wasp Jr. and R-985 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations by superseding Amendment 436 (27 F.R. 4552), AD 62-11-5, with a new directive requiring replacement of 6-rivet and 12-rivet cam reduction drive gear assemblies with a one-piece cam reduction gear on Pratt & Whitney Aircraft Wasp Jr. and R-985 Series engines was published in 31 F.R. 5665.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

PRATT & WHITNEY. Applies to Pratt & Whitney Aircraft Wasp Jr. and R-985 Series engines.

Compliance required at the next engine overhaul after the effective date of this AD unless already accomplished.

To prevent failure of the cam reduction drive gear assembly and resultant loss of engine power, replace cam reduction drive gear assembly, P/N 3965, with cam reduction drive gear, P/N 331098.

(Pratt & Whitney Aircraft Service Bulletin No. 1671, Supplement No. 1, Revision A, revised November 24, 1959, pertains to this subject.)

This supersedes Amendment 436 (27 F.R. 4552), AD 62-11-5.

This amendment becomes effective July 9, 1966.

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

Issued in Washington, D.C., on June 2, 1966.

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

[F.R. Doc. 66-6281; Filed, June 7, 1966; 8:48 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-SO-5]

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

Designation of Transition Area

On March 23, 1966, F.R. Doc. No. 66-3047 was published in the FEDERAL REGISTER (31 F.R. 4839) amending Part 71 of the Federal Aviation Regulations. In the amendment the Winder, Ga., transition area extension was described as "* * * within 2 miles each side of the Athens, Ga., VORTAC 278° radial * * *." Subsequent to the publication of the rule, it was determined that the transition area extension should have been described as "* * * within 2 miles each side of the Athens, Ga., VORTAC 277° radial * * *."

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

In consideration of the foregoing, effective immediately, F.R. Doc. No. 66-3047 is amended as follows:

In the fourth line of the Winder, Ga., transition area description "* * * within 2 miles each side of the Athens, Ga., VORTAC 278° radial * * *" is deleted and "* * * within 2 miles each side of the Athens, Ga., VORTAC 277° radial * * *" is substituted therefor.

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

Issued in East Point, Ga., on May 31, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-6243; Filed, June 7, 1966; 8:45 a.m.]

[Airspace Docket No. 65-SO-91]

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

Alteration of Federal Airways

On March 5, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 3468) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of airway segments in the Memphis, Tenn., flight advisory area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all comments received.

The Air Transport Association of America objected to the loss of cardinal altitudes on some airway segments which would result from the actions proposed in the Notice. The Agency has agreed to preserve cardinal altitudes wherever possible. No other comments were received.

The descriptions of the alignments of V-7, V-54 and V-57 have been revised to reflect amendments promulgated in Airspace Docket No. 65-SO-28, which will be effective July 21, 1966.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 18, 1966, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 3230, 3231, 4839, 5055, 6484) is amended as follows:

1. In V-5 all between "Chattanooga 152° radials;" and "12 AGL Bowling Green, Ky.;" is deleted and "12 AGL Nashville, Tenn., including a 12 AGL E alternate via INT Chattanooga 332° and Nashville 117° radials;" is substituted therefor.

2. In V-7 "Muscle Shoals, Ala., including an E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a W alternate via INT Birmingham 313° and Muscle Shoals 178° radials; Graham, Tenn.; Nashville, Tenn.;" is deleted and "12 AGL Muscle Shoals, Ala., including a 12 AGL E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a 12 AGL W alternate via INT Birmingham 313° and Muscle Shoals 178° radials; 12 AGL Graham, Tenn.; 12 AGL Nashville, Tenn.;" is substituted therefor.

3. In V-9 all between "via Picayune, Miss.;" and "12 AGL Farmington, Mo.;" is deleted and "12 AGL Jackson, Miss., including a 12 AGL E alternate and also a 12 AGL W alternate via INT McComb 348° and Jackson 199° radials; 12 AGL Greenwood, Miss., including a 12 AGL E alternate and also a 12 AGL W alternate; 12 AGL Memphis, Tenn., including a 12 AGL E alternate and also a 12 AGL W alternate; 12 AGL Malden, Mo., including a 12 AGL W alternate;" is substituted therefor.

4. In V-11 all before "12 AGL INT Paducah 039°" is deleted and "From Mobile, Ala., 12 AGL Green County, Miss.; 12 AGL Laurel, Miss.; 12 AGL Jackson, Miss. From Memphis, Tenn., 12 AGL Dyersburg, Tenn., including a 12 AGL W alternate via INT Memphis 346° and Dyersburg 235° radials; 12 AGL Paducah, Ky., including a 12 AGL E alternate from Memphis to Paducah via INT Memphis 063° and Holly Springs, Miss., 028° radials and INT Holly Springs 028° and Paducah 179° radials;" is substituted therefor.

5. In V-16 all between "12 AGL Memphis, Tenn., including a 12 AGL S alternate;" and "Knoxville, Tenn.," is deleted and "12 AGL Jacks Creek, Tenn.; 12 AGL Graham, Tenn., including a 12 AGL S alternate from Memphis to Graham via INT Memphis 078° and Graham 238° radials; 12 AGL Nashville, Tenn., including a 12 AGL N alternate from Jacks Creek to Nashville via INT Jacks Creek 044° and Nashville 284° radials; 12 AGL Crossville, Tenn., including a 12 AGL S alternate and also a 12 AGL N alternate via INT Nashville 081° and Crossville 301° radials;" is substituted therefor.

6. In V-18 all between "12 AGL Jackson, Miss., including a 12 AGL N alternate and also a 12 AGL W alternate;" and "Birmingham, Ala.;" is deleted and "12 AGL Meridian, Miss., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Jackson 134° and Meridian 262° radials; 12 AGL Tuscaloosa, Ala.;" is substituted therefor.

7. In V-54 all between "12 AGL Memphis, Tenn., including a 12 AGL N alternate;" and "Harris, Ga.;" is deleted and "12 AGL Muscle Shoals, Ala., including a 12 AGL N alternate via INT Memphis 078° and Muscle Shoals 293° radials and also a 12 AGL S alternate via Holly Springs, Miss., and INT Holly Springs 099° and Muscle Shoals 255° radials; 12 AGL Huntsville, Ala., including a 12 AGL N alternate via INT Muscle Shoals 067° and Huntsville 282° radials; 12 AGL Chattanooga, Tenn., including a 12 AGL N alternate and also a 12 AGL S alternate via INT Huntsville 097° and Chattanooga 229° radials;" is substituted therefor.

8. In V-57 all before "From Lexington, Ky.," is deleted and "From Birmingham, Ala., 12 AGL Decatur, Ala., including a 12 AGL E alternate via INT Birmingham 013° and Decatur 130° radials; 12 AGL Graham, Tenn.; 12 AGL Bowling Green, Ky." is substituted therefor.

9. In V-154 all before "Selma, Ala.;" is deleted and "From Meridian, Miss., 12 AGL Kewanee, Miss.;" is substituted therefor.

10. V-176 is amended to read as follows:

V-176 From Memphis, Tenn., 12 AGL Holly Springs, Miss.; 12 AGL Hamilton, Ala., including a 12 AGL S alternate from Memphis to Hamilton via INT Memphis 136° and Hamilton 273° radials; 12 AGL INT Hamilton 122° and Birmingham, Ala., 298° radials; 12 AGL Birmingham, including a 12 AGL N alternate from Holly Springs to Birmingham via INT Holly Springs 099° and Birmingham 313° radials.

11. In V-191 all before "12 AGL Farmington, Mo.;" is deleted and "From Memphis, Tenn., 12 AGL Walnut Ridge, Ark.;" is substituted therefor.

12. In V-194 "to Meridian, Miss." is deleted and "12 AGL Meridian, Miss." is substituted therefor.

13. V-209 is amended to read as follows:

V-209 From Mobile, Ala., 12 AGL INT Mobile 356° and Hattiesburg, Miss., 080° radials; 10 mi. 12 AGL; 6 mi. wide 12 AGL Kewanee, Miss.; 7 mi. wide (4 mi. on N, 3 mi. on S and within 4.5° of centerline) 12 AGL Brookwood, Ala.; 12 AGL Birmingham, Ala.

14. In V-222 "Hattiesburg, Miss.;" is deleted and "12 AGL Hattiesburg, Miss.;" is substituted therefor.

15. In V-278 "Columbus, Miss.;" is deleted and "12 AGL Columbus, Miss.;" is substituted therefor.

16. In V-455 all after "Hattiesburg 221° radials;" is deleted and "6 mi. wide, 12 AGL Meridian, including a 12 AGL W alternate via INT Hattiesburg 010° and Meridian 230° radials." is substituted therefor.

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

Issued in Washington, D.C., on June 1, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-6244; Filed, June 7, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-8]

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

Alteration of Transition Area

On page 5498 of the FEDERAL REGISTER for April 7, 1966, the Federal Aviation Agency published proposed regulations which would alter the State College, Pa., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 21, 1966.

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

Issued in Jamaica, N.Y., on May 16, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of State College, Pa., transition area and insert in lieu thereof the following:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°51'05'' N., 77°51'00'' W., of University Park Airport, State College, Pa.; within a 5-mile radius of the center 40°46'15'' N., 77°52'50'' W., of State College Air Depot Airport, State College, Pa., and within 2 miles each side of the State College Air Depot Airport Runway 22 centerline extended from the State College Air Depot Airport 5-mile radius area to 10 miles southwest of the end of the runway, excluding that portion that coincides with the Philipsburg, Pa., transition area.

[F.R. Doc. 66-6245; Filed, June 7, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-43]

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

Alteration of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Youngstown, Ohio (31 F.R. 2275), 1,200-foot floor transition area.

Due to the decommissioning of the Fitzgerald VOR it will be necessary to substitute therefor geographic coordinates of the VOR site.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication.

In view of the foregoing, the amendment is hereby adopted effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Youngstown, Ohio, 1,200-foot floor transition area the phrase, "to the Fitzgerald, Pa. VOR" and insert in lieu thereof the coordinates "to Latitude 41°21'12'' N, Longitude 79°09'05'' W."

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

Issued in Jamaica, N.Y., on May 13, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-6246; Filed, June 7, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-11]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of High Altitude Reporting Points and Alteration of Jet Routes

On April 13, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 5710) stating that the Federal Aviation Agency (FAA) was considering realignment of Jet Routes Nos. 60, 84, and 94 and designation of Wilson Creek, Nev., Meeker, Colo., and Sidney, Nebr., as high altitude reporting points.

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, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., July 21, 1966, as hereinafter set forth.

1. Section 75.100 (31 F.R. 2346) is amended as follows:

a. In Jet Route No. 60 "Wolbach" is deleted and "Omaha" is substituted therefor.

b. In Jet Route No. 84 all before "Wolbach, Nebr.;" is deleted and "From Oakland, Calif.; via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Meeker, Colo.; Sidney, Nebr.;" is substituted therefor.

c. In Jet Route No. 94 "Sacramento" is deleted and "Stockton" is substituted therefor.

2. Section 71.207 (31 F.R. 2284) is amended by adding the following:

a. Wilson Creek, Nev.
b. Meeker, Colo.
c. Sidney, Nebr.

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

Issued in Washington, D.C., on June 1, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-6247; Filed, June 7, 1966; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7333; Amdt. 480]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, 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 view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn S side of crs, 298° Outbnd, 118° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 118°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing RBn, make left, 180° climbing turn to 2400′ and return to AID RBn.
NOTE: No weather available. Obtain Indianapolis altimeter setting.
Other change: Deletes transitions.
MSA within 25 miles of facility: 000°-360°—2500′.

City, Anderson; State, Ind.; Airport name, Anderson Municipal; Elev., 913′; Fac. Class., MHW; Ident., AID; Procedure No. 1, Amdt. 3; Eff. date, 4 June 66; Sup. Amdt. No. 2; Dated, 14 Mar. 66

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ANB VOR	Munford Int	Direct	2700	T-d	300-1	300-1	300-1
				T-n	500-1½	500-1½	500-1½
				C-d	1000-1½	1000-1½	1000-1½
				C-n	1000-2	1000-2	1000-2
				S-d-5#	800-1½	800-1½	800-1½
				S-n-5#	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 2700′ within 5 miles of Munford Int (nonstandard due obstruction).
Minimum altitude over Munford Int on final approach crs, 2000′.
Crs and distance, Munford Int to airport, 050°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Munford Int, or 0 mile after passing ANV RBn, climb immediately to 4000′ eastbound on R 082° of ANB VOR within 20 miles.
CAUTION: Circling approaches, avoid area N, NW, and SE of airport due high terrain.
NOTE: This procedure authorized only for aircraft having an operating VOR receiver in addition to an operating ADF receiver and Munford Int is identified.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3200′; 090°-180°—4000′; 180°-270°—4000′; 270°-360°—2800′.

City, Anniston; State, Ala.; Airport name, Anniston Municipal; Elev., 611′; Fac. Class., BMH; Ident., ANB; Procedure No. 1, Amdt. 3; Eff. date, 4 June 66; Sup. Amdt. No. 2; Dated, 8 May 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BHM VORTAC	LOM	Direct	2800	T-dn	300-1	300-1	*200-½
Chelsea Int	LOM	Direct	2800	C-dn	800-1	900-1	900-1½
Leeds Int	LOM	Direct	2800	S-dn-5#	600-1	600-1	600-1
Bessemer Int	LOM (final)	Direct	2000	A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn N side of crs, 232° Outbnd, 052° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 052°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000′ on crs of 052° within 15 miles, or when directed by ATC, turn left, climb to 3000′ and proceed to BHM VORTAC.
NOTE: VASI Runway 23.
*Runways 5 and 23 only.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-360°—2900′.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643′; Fac. Class., LOM; Ident., BH; Procedure No. 1, Amdt. 17; Eff. date, 4 June 66; Sup. Amdt. No. 16; Dated, 10 July 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
BHM VORTAC	ROE RBn	Direct	2800	T-dn	300-1	300-1	*200-½
Leeds Int	ROE RBn	Direct	2800	C-dn	900-1	900-1	900-1½
Chelsea Int	ROE RBn	Direct	2800	S-dn-23#	900-1	900-1	900-1
Helena Int	ROE RBn	Direct	2800	A-dn	1000-2	1000-2	1000-2
Bessemer Int	ROE RBn	Direct	2800	If aircraft is equipped with dual ADF and crs guidance is provided by receiving ROE RBn and LMM or LOM simultaneously, following minimums apply:			
Trussville Int	ROE RBn (final)	Direct	1900	S-dn-23#	700-1	700-1	700-1

Radar available.
Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 232°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing ROE RBn, climb to 3000′ on crs, 232° within 20 miles.
NOTE: VASI Runway 23.
CAUTION: Tower, 1375′—1.6 miles S of final approach crs.
*Runways 5 and 23 only.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-360°—2900′.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643′; Fac. Class., MHW; Ident., ROE; Procedure No. 2, Amdt. 4; Eff. date, 4 June 66; Sup. Amdt. No.3; Dated, 10 July 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HOU VOR	AAP	Direct	1800	T-dn	300-1	300-1	200-½
Fairbanks Int	AAP	Direct	1800	C-dn	600-1	600-1	600-1½
Arcola Int	AAP	Direct	2500	A-dn	NA	NA	NA
Rosenberg Int	AAP	Direct	1600				
Cypress Int	AAP	Direct	1700				

Radar available.
Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 165°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing AAP RBn, turn right, climb to 2000′ on crs of 270° from the AAP RBn within 10 miles.
NOTES: No weather service. Unicom 24 hours 122.8 and 122.1. Procedure not authorized for air carrier. Runways 50 feet wide. Private facility approved for public use.
Other change: Deletes transition from Houston RBn to AAP.
MSA within 25 miles of facility: 000°-090°—1800′; 090°-180°—2600′; 180°-270°—1500′; 270°-360°—1600′.

City, Houston; State, Tex.; Airport name, Andrau Airport; Elev., 80′; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt. 8; Eff. date, 4 June 66; Sup. Amdt. No. 7; Dated, 3 July 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HOU VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Fairbanks Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Arcola Int	LOM (final)	Direct	2000	S-dn-3	400-1	400-1	400-1
			*1300	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 216° Outbnd, 036° Inbnd, 2000′ within 10 miles.
Minimum altitude over LOM on final approach crs, 1300′.
Crs and distance, facility to airport, 036°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 1600′ on 036° bearing from LOM within 20 miles.
CAUTION: 1549′ tower, approximately 8.5 miles W of LOM; 1235′ tower, approximately 9 miles SE of LOM.
Other change: Deletes transition Houston RBn to LOM.
*Descent below 2000′ not authorized until established on final approach crs.
MSA within 25 miles of facility: 000°-090°—1600′: 090°-180°—2300′: 180°-270°—2600′; 270°-360°—1800′.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 24; Eff. date, 4 June 66; Sup. Amdt. No. 23; Dated, 17 Apr. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Monument Int	PDA RBn (final)	Direct	1100	T-dn	300-1	300-1	200-½
La Porte Int	PDA RBn	Direct	1600	C-dn	400-1	500-1	500-1½
Fairbanks Int	PDA RBn	Direct	1800	S-dn-21	400-1	400-1	400-1
Gulf Coast Int	PDA RBn	Direct	1600	A-dn	800-2	800-2	800-2
HOU VOR	PDA RBn	Direct	1600				

Radar available.
Procedure turn N side of crs, 036° Outbnd, 216° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 216°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing PDA RBn, climb to 1600′ on 216° bearing from PDA RBn within 15 miles, or when directed by ATC, turn right, climb to 1800′ on R 306° HOU VOR within 20 miles.
CAUTION: 1235′ TV tower, approximately 11 miles SSE of HOU VOR; 1549′ TV tower, approximately 13 miles SW of HOU VOR.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—2300′; 180°-270°—2600′; 270°-360°—1800′.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Fac. Class., MHW; Ident., PDA; Procedure No. 4, Amdt. 3; Eff. date, 4 June 66; Sup. Amdt. No. 2; Dated, 17 Apr. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Byers Int	PTT RBn	Direct	3500	T-dn	300-1	300-1	200-½
St. John Int	PTT RBn	Direct	3500	C-dn	600-1½	600-1½	600-1½
				S-d-17	600-1	600-1	600-1
				S-n-17	600-1½	600-1½	600-1½
				A-dn	NA	NA	NA

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2551′.
Facility on airport. Breakoff point to Runway 17, 171°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing PTT RBn, make right turn climbing to 3500′ on 342° bearing from PTT RBn within 10 miles, make left turn, and return to PTT RBn.
NOTES: (1) Runway lights on 17-35 only. (2) No weather available. Obtain Hutchinson altimeter setting.
CAUTION: Flood lighted cattle pens on W side of field may be confusing at night—use extreme caution.
Other change: Pratt Int name changed to Byers Int.
MSA within 25 miles of facility: 270°-180°—3300′; 180°-270°—3500′.

City, Pratt; State, Kans.; Airport name, Pratt Municipal; Elev., 1951′; Fac. Class., MH; Ident., PTT; Procedure No· 1, Amdt. I; Eff. date, 4 June 66; Sup. Amdt. No. Orig.; Dated, 27 Apr. 63

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HUA VOR	ITS RBn	Direct	2600	T-dn	300-1	300-1	200-½
DCU VOR	ITS RBn	Direct	2600	C-d	1000-1	1000-1	1000-1½
HSV VOR	ITS RBn	Direct	2600	C-n	1000-2	1000-2	1000-2
Folsom Int	ITS RBn	Direct	2600	S-d-35*	700-1	700-1	700-1
				S-n-35*	700-2	700-2	700-2
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 350°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing ITS RBn, climb to 2600′ on crs of 350° from ITS RBn within 20 miles, or when directed by ATC, climb to 2600′, proceed direct to HUA RBn and enter holding pattern.
NOTE: Authorized for military use only, except by prior arrangements.
CAUTION: High terrain, 1.7 miles E of airport with tower, elevation, 1371′.
*Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2600′; 180°-270°—2300′; 270°-360°—2600′.

City, Redstone Arsenal; State, Ala.; Airport name, Redstone AAF; Elev., 682′; Fac. Class., MHW; Ident., ITS; Procedure No. 1, Amdt. 6; Eff. date, 4 June 66; Sup. Amdt. No. 5; Dated, 28 Nov. 64

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HSV VOR	Harvest Int	Direct	2600	T-dn	300-1	300-1	200-½
ITS RBn	Harvest Int	Direct	2600	C-d	1000-1	1000-1	1000-1½
HUA VOR	Harvest Int	Direct	2600	C-n	1000-2	1000-2	1000-2
DCU VOR	Harvest Int	Direct	2600	S-d-17*	500-1	500-1	500-1
				S-n-17#	600-1	600-1	600-1
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn E side of crs, 354° Outbnd, 174° Inbnd, 2600′ within 10 miles of Harvest Int/Radar Fix.
Minimum altitude over Harvest Int/Radar Fix on final approach crs, 2100′; over HUA RBn, 1700′.
Crs and distance, Harvest Int/Radar Fix to HUA RBn, 174°—2.7 miles, crs and distance, HUA RBn to airport, 174°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing HUA RBn, climb to 2600′ on crs of 174° from HUA RBn within 20 miles, or when directed by ATC, climb to 2600′, proceed direct to ITS RBn and enter holding pattern.
NOTE: Authorized for military use only, except by prior arrangements.
CAUTION: High terrain, 1.7 miles E of airport with tower, elevation, 1371′.
*Reduction below ¾ mile not authorized.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—3000′; 180°-270°—2200′; 270°-360°—2600′.

City, Redstone Arsenal; State, Ala.; Airport name, Redstone AAF; Elev., 682′; Fac. Class., HW; Ident., HUA; Procedure No. 2, Amdt. 1; Eff. date, 4 June 66; Sup. Amdt. No. Orig.; Dated, 28 Nov. 64

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Brighton Int	IRS RBn	Direct	2500	T-dn	300-1	300-1	200-½
Sherwood Int	IRS RBn	Direct	2500	C-dn	800-1	800-1	800-1½
Centerville Int	IRS RBn	Direct	2500	S-dn-20	800-1	800-1	800-1
				A-dn	NA	NA	NA
				VOR/ADF minimums, VOR and ADF receivers required:			
				C-dn	600-1	600-1	600-1½
				S-dn-20	600-1	600-1	600-1

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2500′ within 10 miles.
Minimum altitude over Oak Int on final approach crs, 1724′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IRS RBn, make right turn, climb to 2500′ on crs, 060° and return to RBn.
NOTE: No weather available. Obtain Battle Creek altimeter setting.
MSA within 25 miles of facility: 000°-360°—2400′.

City, Sturgis; State, Mich.; Airport name, Kirsch Municipal; Elev., 924′; Fac. Class., MHW; Ident., IRS; Procedure No. 1, Amdt. Orig.; Eff. date, 4 June 66

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TVC VOR	TVC RBn	Direct	2100	T-dn*	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 139° Outbnd, 319° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 319°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles after passing RBn, make climbing right turn to 2100′ and return to TVC RBn, or when directed by ATC, make right turn, climb to 3000′ on 360° crs and return to RBn.
CAUTION: *Several antennas from 1132′ to 1546′ between 3 to 4.5 miles W and NW of airport. Plan departure to avoid this area.
MSA within 25 miles of facility: 000°-090°—2300′; 090°-180°—2900′; 180°-270°—3300′; 270°-360°—2600′.

City, Traverse City; State, Mich.; Airport name, Traverse City Municipal; Elev., 623′; Fac. Class., SABH; Ident., TVC; Procedure No. 1, Amdt. 3; Eff. date, 4 June 66; Sup. Amdt. No. 2; Dated, 23 Apr. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-15 L and R*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′ over JA LOM, 6.4-miles DME/Radar Fix, or Ruth Int, 1300′.
Crs and distance, facility to Runway 15L, 152°—11.7 miles; JA LOM, 6.4-mile DME/Radar Fix, or Ruth Int to Runway 15L, 152°—5.3 miles.
Crs and distance, facility to Runway 15R, 155°—12.2 miles; JA LOM, 6.4-mile DME/Radar Fix, or Ruth Int to Runway 15R, 155°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 15L: Within 11.7 miles after passing JAN VORTAC, turn right, climb to 2000′ on JAN VORTAC, R 164° within 20 miles. Runway 15R: Within 12.2 miles after passing JAN VORTAC, turn right, climb to 2000′ on JAN VORTAC, R 164° within 20 miles.
NOTE: When authorized by ATC, DME may be used within 30 miles at 3000′ to position aircraft for a straight-in approach with the elimination of a procedure turn
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. Runways 15 L and R, 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS, Runway 15L.
MSA within 25 miles of facility: 000°-090°—1700′; 090°-180°—1700′; 180°-270°—3000′; 270°-360°—1800′.

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345′; Fac. Class., H-BVORTAC; Ident., JAN; Procedure No. 1, Amdt. 5; Eff. date, 4 June 66; Sup. Amdt. No. 4; Dated, 27 Nov. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
				T-dn%	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-29	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 146° Outbnd, 326° Inbnd, 7300′ within 10 miles.
Final approach from holding pattern at VOR not authorized. Procedure turn required.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport, 314°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing VOR, make left-climbing turn to VOR, continue climb on R 146° within 10 miles in order to cross VOR on 326° Inbnd at 7300′, hold in 1-minute pattern SE of VOR, 326° Inbnd with left turns.
CAUTION: Runways 7-25 and 11-29 unlighted.
%Takeoff all runways: Aircraft departing SE on V-536, climb directly to VOR, continue climb on R 146° within 10 miles to cross VOR on Inbnd heading of 326° at 7300 or above. Continue climb to 9000′ in 1-minute left turn holding pattern SE of VOR on R 146° Inbnd heading 326° before departing VOR on crs. Aircraft departing SW on V-536, cross VOR at 5000′ or above. Aircraft departing S on V-231, climb directly to VOR, then continue climb directly on crs to assigned altitude.
MSA's within 25 miles of facility: 000°-090°—10,300′; 090°-180°—8700′; 180°-270°—7800′; 270°-360°—7800′.

City, Kalispell; State, Mont.; Airport name, Flathead County; Elev., 2972′; Fac. Class., BVOR; Ident., FCA; Procedure No. 1, Amdt. 2; Eff. date, 4 June 66; Sup. Amdt. No. 1; Dated, 30 Apr. 66

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
Evans Creek FM, V23	MFR VOR (final)	Direct	4300	T-dn%	300-1	300-1	200-½
Evans Creek FM, V23W	MFR VOR (final)	Direct	4300	C-d*	1200-1	1200-1	1200-1½
				C-n*	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2
				*If Table Int is positively identified, the following minimums apply:			
				C-dn	700-1	700-1	700-1½

Procedure turn E side of crs, 342° Outbnd, 162° Inbnd, 6300′ within 10 miles of MFR VOR.
Minimum altitude over MFR VOR on final approach crs, 4300′; over Table Int, 3400′.
Crs and distance, MFR VOR to airport, 146°—6.3 miles; Table Int to airport, 146°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR or 4.5 miles after passing Table Int, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6300′ in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 216°, MFR VOR, clockwise to R 342°, MFR VOR at 15 miles at 6300′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain in all quadrants.
Other change: Deletes transition MFR VOR to Evans Creek FM.
*ADF equipment required to execute this procedure to the reduced minimums.
%All IFR departures must comply with published Medford SID's.
MSA within 25 miles of facility: 000°-090°—9900′: 090°-180°—8600′: 180°-270°—7400′; 270°-360°—6300′.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. 1, Amdt. 8; Eff. date, 4 June 66; Sup. Amdt. No. 7; Dated, 30 Oct. 65

PROCEDURE CANCELED, EFFECTIVE 4 JUNE 1966.

City, Phoenix; State, Ariz.; Airport name, Sky Harbor Municipal; Elev., 1122′; Fac. Class., BVORTAC; Ident., PHX; Procedure No. 2, Amdt. 4; Eff. date, 27 July 63; Sup. Amdt. No. 3; Dated, 28 Oct. 61

From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	More than 2-engine, more than 65 knots
HSV VOR	Monrovia Int	Direct	2600	T-dn	300-1	300-1	200-½
DCU VOR	Monrovia Int	Direct	2600	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 2600′ within 10 miles, Monrovia Int/Radar Fix.
Minimum altitude over Monrovia Int/Radar Fix on final approach crs, 2300′; Rainbow Int, 1800′; facility, 1400′.
Crs and distance, Monrovia Int/Radar Fix to Rainbow Int, 158°—3.4 miles; Rainbow Int to VOR, 158°—2.5 miles; VOR to airport, 158°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing HUA VOR, turn right, climb to 2600′ on R 170° of HUA VOR within 20 miles, or when directed by ATC, turn right, climb to 2600′; proceed direct to ITS RBn and enter holding pattern.
NOTES: (1) Authorized for military use only except by prior arrangements. (2) This procedure authorized only for aircraft equipped with two operating VOR receivers.
CAUTION: High terrain, 1.7 miles E of airport with tower, elevation, 1371′. All circling is to be made to the W of the centerline of Runways 17/35.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2600′; 180°-270°—2100′; 270°-360°—2600′.

City, Redstone; State, Ala.; Airport name, Redstone AAF; Elev., 682′; Fac. Class., TerVOR; Ident., HUA; Procedure No. TerVOR-17, Amdt. Orig.; Eff. date, 4 June 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSV VOR	Bunker Int	Direct	2600	T-dn	300-1	300-1	200-½
DCU VOR	Bunker Int	Direct	2600	C-d	1000-1	1000-1	1000-1½
ITS RBn	Bunker Int	Direct	2600	C-n	1000-2	1000-2	1000-2
				S-d-35*	700-1	700-1	700-1
				S-n-35*	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn E side of crs, 165° Outbnd, 345° Inbnd, 2600′ within 10 miles of Bunker Int/Radar Fix.
Minimum altitude over Bunker Int/Radar Fix on final approach crs, 2100′; Wheeler Int/Radar Fix, 1500′.
Crs and distance, Bunker Int/Radar Fix to airport, 345°—4.8 miles; Wheeler Int/Radar Fix to airport, 345°—2.7 miles; Bunker Int/Radar Fix to VOR, 345°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HUA VOR, climb to 2600′ on R 345° of HUA VOR within 20 miles, or when directed by ATC, climb to 2600′ on R 338° of HUA VOR, proceed to Monrovia Int and enter holding pattern.
NOTE: Authorized for military use only except by prior arrangements.
CAUTION: High terrain, 1.7 miles E of airport with tower, elevation, 1371′.
* Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-180°—2600′; 180°-270°—2100′; 270°-360°—2600′.

City, Redstone; State, Ala.; Airport name, Redstone AAF; Elev., 682′; Fac. Class., TerVOR; Ident., HUA; Procedure No. TerVOR-35, Amdt. Orig.; Eff. date, 4 June 66

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TVC RBn	TVC VOR	Direct	2100	T-dn**	301-1	800-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2
				VOR/ADF minimums, VOR and ADF receivers required:#			
				C-dn#	400-1	500-1	500-1½

Radar available.
Procedur turn E side of crs, 160° Outbnd, 340° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Hill Int, 1423′.
Crs and distance, facility to airport, 340°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing TVC VOR, make climbing right turn to 2100′ and return to VOR, or when directed by ATC, make right turn, climbing to 3000′ on 360° crs and return to TVC VOR.
CAUTION: **Several antennas from 1132′ to 1546′ between 3 to 4.5 miles W and NW of airport. Plan departure to avoid this area.
MSA within 25 miles of facility: 000°-090°—2300′; 090°-180°—2900′; 180°-270°—3600′; 270°-360°—2600′.

City, Traverse City; State, Mich.; Airport name, Traverse City Municipal; Elev., 623′; Fac. Class., BVOR; Ident., TVC; Procedure No. 1, Amdt. 6; Eff. date, 4 June 66; Sup. Amdt. No. 5; Dated, 23 Apr. 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GVN RBn	ANN VOR	122°—9.2 miles	4000	T-dn*	300-1	300-1	200-½
AT LFR	ANN VOR	Direct	4000	C-dn*	500-1½	500-1½	500-1½
205° magnetic bearing from GIA RBn**	205° magnetic bearing from GVN RBn (final).	104°—16.5 miles	4000	S-dn-12#	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2
				With elimination of procedure turn, minimums become:**			
				C-d	700-1½	700-1½	700-1½
				C-n	700-2	700-2	700-2
				S-d-12	700-1½	700-1½	700-1½
				S-n-12	700-2	700-2	700-2

Procedure turn W side of crs, 284° Outbnd, 104° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 619′.#
Facility on airport, breakoff point to end of Runway 12, 123°—1.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ANN VOR, turn right, climb to 4200′ on R 138° within 15 miles.
CAUTION: Terrain, 1000′ within 1.9 miles N through E, 2882′—2.9 miles; E, 3591′—5.1 miles ENE of airport.
NOTE: All maneuvering for circling to be conducted W of airport.
* Runways 2-20: Night operation not authorized. Runway 2: T-d restricted to 600-1 due to high terrain, N through E, 1000′ within 2 miles. Make immediate left turn after takeoff.
#Descent below 3300′ not authorized until intercepting 180° bearing from GVN RBn. If 180° bearing from GVN RBn not received, execute missed approach.
**Procedure turn not required when approaching ANN VOR southbound on V-307 if 205° bearing from GIA RBn and 205° bearing from GVN RBn are received.
MSA within 25 miles of facility: 000°-090°—6400′; 090°-180°—4600′; 180°-270°—6000′; 270°-360°—5500′.

City, Annette Island; State, Alaska; Airport name, Annette FAA Airport; Elev., 119′; Fac. Class., H-BVOR; Ident., ANN; Procedure No. TerVOR-12, Amdt. 1; Eff. date, 4 June 66; Sup. Amdt. No. Orig.; Dated, 29 Aug. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	NA
				C-dn	600-1	600-1	NA
				S-dn-24	600-1	600-1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 053° Outbnd, 233° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1292'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of DKK VOR, make right-climbing turn, intercept R 053° of DKK VOR, climb to 2800' within 10 miles, return to DKK VOR. Hold NE, 1-minute right turns.
MSA within 25 miles of facility: 070°-250°—3200'; 250°-340°—1700'; 340°-070°—2400'.

City, Dunkirk; State, N.Y.; Airport name, Dunkirk Municipal; Elev., 692'; Fac. Class., L-BVOR; Ident., DKK; Procedure No. Ter VOR-24, Amdt. Orig.; Eff. date, 4 June 66

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
IDA RBn	VOR	Direct	6500	T-dn%	300-1	300-1	200-½
Rigby Int	VOR	Direct	6200	C-dn	500-1	500-1	500-1½
Shelley Radar Fix (R 206°/10 miles)	VOR (final)	Direct	5200	S-dn-2*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side crs, 206° Outbnd, 026° Inbnd, 6200' within 10 miles. Nonstandard due to high terrain, E.
Minimum altitude over facility on final approach crs, 5200'.
Crs and distance, breakoff point to Runway 2, 021°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing IDA VOR, climb to 7000' on R 013° within 10 miles, or when directed by ATC, within 0 mile after passing IDA VOR, turn left climbing to 7000' on R 196° of IDA VOR within 10 miles.
*500-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoff all runways: Shuttle climb on R 196° of IDA VOR within 20 miles to minimum altitude required for direction of flight.

Direction of flight	MCA
E, V-330	6400

MSA within 25 miles of facility: 000°-090°—9400'; 090°-180°—8600'; 180°-270°—7900'; 270°-360°—7000'.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4730'; Fac. Class., BVOR; Ident., IDA; Procedure No. VOR-2, Amdt. 8; Eff. date, 28 May 66; Sup. Amdt. No. 7; Dated, 17 July 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	NA
				C-dn	400-1	500-1	NA
				S-dn-9	400-1	400-1	NA
				A-dn	NA	NA	NA

Radar available.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2600' within 10 miles.
Minimum altitude over Royalton Int on final approach crs, 1600'.
Facility on airport. Breakoff point to runway, 091°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of Strongsville VOR, make left-climbing turn to 3000', intercept R 346° of Strongsville VOR, proceed to Crib Int. Hold SE, 1-minute, right turns.
CAUTION: Several towers approximately 6 miles E of airport, highest, 1971'.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-180°—2800'; 180°-270°—2300'; 270°-360°—2100'.

City, Strongsville; State, Ohio; Airport name, Strongsville Airpark; Elev., 840'; Fac. Class., LBVOR; Ident., STG; Procedure No. Ter VOR-9, Amdt. Orig.; Eff. date, 4 June 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fairbanks Int	16-mile DME Fix, R 298°	16-mile DME Arc.	1800	T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
16-mile DME Fix, R 298°	10-mile DME Fix, R 298°	Direct	1800	S-dn-12*	400-1	400-1	400-1
10-mile DME Fix, R 298°	5-mile DME Fix, R 298° (final)	Direct	1300	A-dn*	800-2	800-2	800-2

Radar available.
Radar Fixes may be used in lieu of DME Fixes.
Procedure turn SW side of crs, 298° Outbnd, 118° Inbnd, 1800' within 10 miles.
Minimum altitude over 5-mile DME Fix on final approach crs, 1300'.
Crs and distance, 5-mile DME Fix to airport, 118°—4.1 miles; breakoff point to runway, 126°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HOU VOR, climb to 2200' on HOU VOR, R 171° within 15 miles.
CAUTION: 1235' tower, approximately 11 miles SSE of HOU VOR; 1549' TV tower, approximately 13 miles SW of HOU VOR.
*If neither 5-mile DME Fix or Radar Fix received, descent below 1300' not authorized.
MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2300'; 180°-270°—2600'; 270°-360°—1800'.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME-1, Amdt. 5; Eff. date, 4 June 66; Sup. Amdt. No. 4; Dated, 21 Aug. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix, R 017°	5-mile DME Fix, R 017° (final)	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Radar Fix may be used in lieu of DME Fix.
Procedure turn W side of crs, 017° Outbnd, 197° Inbnd, 1800′ within 10 miles.
Minimum altitude over 5-mile Fix on final approach crs, 1500′.
Crs and distance, breakoff point to approach end Runway 21, 216°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HOU VOR, climb to 2500′ on R 218° within 20 miles.
CAUTION: 1549′ tower, approximately 13 miles SW of HOU VOR; 1235′ tower, approximately 11 miles SSE of HOU VOR.
Other change: Deletes transition from 5-mile DME Fix, R 017° to HOU VOR (final) and deletes altitude over VOR.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—2300′; 180°-270°—2600′; 270°-360°—1800′.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME No. 2, Amdt. 8; Eff. date, 4 June 66; Sup. Amdt. No. 7; Dated, 21 Aug. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix, R 231°	5-mile DME Fix, R 231° (final)	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-3**	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Radar Fix may be used in lieu of DME Fix.
Procedure turn S side of crs, 231° Outbnd, 051° Inbnd, 2500′ within 10 miles.
Minimum altitude over 5-mile DME Fix on final approach crs, 1500′.
Crs and distance, breakoff point to approach end Runway 3, 036°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HOU VOR, climb to 1600′ on R 036° within 20 miles.
CAUTION: 1549′ tower, approximately 13 miles SW of HOU VOR; 1235′ tower, approximately 11 miles SSE of HOU VOR.
Other change: Deletes transition from 5-mile DME Fix, R 231° to Houston VOR (final).
*Descent below 2000′ not authorized until aircraft is Inbnd on final approach within 10 miles and descent below 1500′ not authorized until passing 5-mile DME Fix on final.
**400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—2300′; 180°-270°—2600′; 270°-360°—1800′.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Fac. Class., H-BVORTAC; Ident., HOU: Procedure No. VOR/DME-3, Amdt. 6; Eff. date, 4 June 66; Sup. Amdt. No. 5; Dated, 21 Aug. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
GLS VOR	10-mile DME Fix, R 134°	Direct	1700	T-dn	300-1	300-1	200-½
10-mile DME Fix, R 134°	1.8-mile DME Fix, R 134° (final)	Direct	600	C-dn*	400-1	500-1	500-1½
				S-dn-30*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 134° Outbnd, 314° Inbnd, 1700′ within 10 miles.
Minimum altitude over 1.8-mile DME Fix on final approach crs 600′.
Facility on airport.
Crs and distance, breakoff point to runway, 306°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing HOU VOR, turn left, climb to 1800′ on HOU VOR, R 306°, or, when directed by ATC, turn left, climb to 1800′ on HOU VOR R 282°.
CAUTION: 1232′ tower, 11 miles SSE of HOU VOR; 753′ tower, 6 miles NW of HOU VOR.
NOTE: HOU RBn or Radar Fix may be used in lieu of 1.8-mile DME Fix.
*If 1.8-mile DME Fix, HOU RBn passage or Radar Fix not received, descent below 600′ not authorized.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—2300′; 180°-270°—2600′; 270°-360°—1800′.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME-4, Amdt. 2; Eff. date, 4 June 66; Sup. Amdt. No. 1; Dated, 17 Apr. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33R#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs 152° Outbnd, 332° Inbnd, 2000′ between 19 miles and 29 miles of VORTAC, or between 19-mile and 29-mile Radar Fixes.
Minimum altitude over 19-mile DME Fix or 19-mile Radar Fix on final approach crs, 2000′.
Crs and distance, 19-mile DME Fix or 19-mile Radar Fix to airport, 332°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 14-mile DME Fix or 14-mile Radar Fix, turn right, climb to 2000′ on JAN VORTAC, R 129°, proceed to Rankin Int, hold SE, 1-minute, right turns, 309° Inbnd.
NOTE: When authorized by ATC, DME may be used within 30 miles at 3000′, to position aircraft for straight-in approach with the elimination of procedure turn.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—1700′; 090°-180°—1700′; 180°-270°—3000′; 270°-360°—1800′.

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345′; Fac. Class., H-BVORTAC; Ident., JAN; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 4 June 66; Sup. Amdt. No. 2; Dated, 2 Oct. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME Fix, R 333°	7.8-mile DME Fix, R 333°	Direct	6000	T-dn%	300-1	300-1	200-½
7.8-mile DME Fix, R 333°	3.5-mile DME Fix, R 333°	Direct	3900	C-dn	700-1	700-1	700-1½
3.5-mile DME Fix, R 333°	0-mile DME Fix, R 333°	Direct	3300	S-dn-14#	500-1	500-1	500-1
10-mile DME Fix, R 136°	MFR VOR	Direct	6000	A-dn	1000-2	1000-2	1000-2
10-mile DME Fix, R 157°	MFR VOR	Direct	6000				

Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 5700′ within 12 miles.
Minimum altitude over 3.5-mile DME Fix, R 333° on final approach crs, 3900′; over MFR VOR, 3300′; over 2.4-mile DME Fix, R 146°, 2500′.
Crs and distance, facility to airport, 146°—6.3 miles; 2.4-mile DME Fix, R 146° to airport, 146°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR, or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000′ in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
CAUTION: High terrain all quadrants.
NOTE: When authorized by ATC, DME may be used between R 216°, MFR VOR clockwise to R 333°, MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
%All IFR departures must comply with published Medford SID's.
Sliding scale not authorized. Visibility reduction not authorized.
MSA within 25 miles of facility: 000°-090°—9900′; 090°-180°—8600′; 180°-270°—7400′; 270°-360°—6300′.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 4 June 66; Sup. Amdt. No. 2; Dated, 30 Oct. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
15-mile DME Fix, R 316°	8.7-mile DME Fix, R 316°	Direct	6000	T-dn%	300-1	300-1	200-½
8.7-mile DME Fix, R 316°	3.5-mile DME Fix, R 316°	Direct	3900	C-dn	700-1	700-1	700-1½
3.5-mile DME Fix, R 316°	0-mile DME Fix, R 316°	Direct	3300	S-dn-14#	500-1	500-1	500-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn not authorized.
Minimum altitude over 8.7-mile DME Fix, R 316° on final approach crs, 6000′; over 3.5-mile DME Fix, R 316°—3900′; over MFR VORTAC, 3300′; over 2.4-mile DME Fix, R 146°—2500′.
Crs and distance, facility to airport, 146°—6.3 miles; 2.4-mile DME Fix, R 146° to airport, 146°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MFR VOR, or at the 6.3-mile DME Fix, R 146°, make immediate right turn, climb direct to MFR VOR, thence continue climb to 6000′ in a 1-minute right turn holding pattern S of MFR VOR on R 157°.
NOTE: When authorized by ATC, DME may be used between R 216°, MFR VOR clockwise to R 333°, MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach.
CAUTION: High terrain all quadrants.
%All IFR departures must comply with published Medford SID's.
#Sliding scale not authorized. Visibility reduction not authorized.
MSA within 25 miles of facility: 000°-090°—9900′; 090°-180°—8600′; 180°-270°—7400′; 270°-360°—6300′.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330′; Fac. Class., H-BVORTAC; Ident., MFR; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. date, 4 June 66; Sup. Amdt. No. Orig.; Dated, 30 Oct. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less, 65 knots or less	2-engine or less, more than 65 knots	More than 2-engine, more than 65 knots
YK LFR	YAK VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 118° Outbnd, 298° Inbnd, 1200′ within 10 miles.
Descend to 700′ after 8-mile DME Fix. Descend to 400′ after 4-mile DME Fix.
Crs and distance, breakoff point to approach end of Runway 29, 286°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of YAK VOR, climb to 1700′ on YAK VOR, R 268° within 15 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 1200′ between radials 110° clockwise to 268° within 10 miles with the elimination of procedure turn. Within 30 miles of YAK VOR when on airways, descent to 1200′ authorized.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—6700′; 090°-180°—2000′; 180°-270°—2000′; 270°-360°—6000′.

City, Yakutat; State, Alaska; Airport name, Yakutat; Elev., 37′; Fac. Class., BVORTAC; Ident., YAK; Procedure No. VOR/DME No. 3, Amdt. 2; Eff. date, 4 June 66; Sup. Amdt. No. 1; Dated, 28 Aug. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BHM VORTAC	LOM	Direct	2800	T-dn%	300-1	300-1	*200-½
Chelsea Int	LOM	Direct	2800	C-dn	800-1	900-1	900-1½
Leeds Int	LOM	Direct	2800	S-dn-5#**	200-½	200-½	200-½
Bessemer Int	LOM (final)	Direct	2000	A-dn	900-1	900-2	900-2

Radar available.
Procedure turn N side of SW crs, 232° Outbnd, 052° Inbnd 2500′ within 10 miles (nonstandard to avoid obstructions).
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—4.5 miles; at MM, 815′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on crs of 052° via ROE RBn to Trussville Int. Hold NE, 1-minute right turns, or when directed by ATC, turn left, climb to 3000′ and proceed to BHM VORTAC.
NOTE: VASI, runway 23.
%RVR 2400′ authorized runway 5.
#RVR 2400′. Descent below 843′ not authorized unless approach lights are visible.
**400-¾ (RVR 4000′) required when glide slope not utilized. 400-½ (RVR 2400′) authorized with operative ALS, except for 4-engine turbojets.
*Runways 5/23 only.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643′; Fac. Class., ILS; Ident., I-BHM; Procedure No. ILS-5, Amdt. 20; Eff. date, 4 June 66; Sup. Amdt. No. 19; Dated, 10 July 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Houston VOR	LOM	Direct	2000	T-dn##	300-1	300-1	200-½
Fairbanks Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Arcola Int	LOM (final)	Via LOC	*1300	S-dn-3#%	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn S side SW crs, 216° Outbnd, 036° Inbnd, 2000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1300′.
Altitude of glide slope and distance to approach end of runway at OM, 1260′—4.2 miles; at MM, 250′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 1600′ on NE crs, ILS within 20 miles, or when directed by ATC, turn left, climb to 1800′ on HOU VOR, R 306°.
CAUTION: 1549′ tower, approximately 8.5 miles W of LOM; 1235′ tower, approximately 9 miles SE of LOM.
%400-¾ required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft with operative ALS.
*Descent below 2000′ not authorized until established on localizer.
##RVR 2400′ authorized for takeoff runway 3.
#RVR 2400′, descent below 248′ not authorized.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Fac. Class., ILS; Ident., I-HOU; Procedure No. ILS-3, Amdt. 26; Eff. date, 4 June 66; Sup. Amdt. No. 25; Dated, 17 Apr. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Houston VOR	Monument Int	Direct	1600	T-dn	300-1	300-1	200-½
Monument Int	Pasadena RBn or Fix (final)#	Direct	1100	C-dn	400-1	500-1	500-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side NE crs, 036° Outbnd, 216° Inbnd, 1600′ within 10 miles of Pasadena RBn or Fix.#
No glide slope. Minimum altitude over Pasadena RBn or Fix,# 1100′.
Crs and distance, Pasadena RBn or Fix# to Runway 21, 216°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles of Pasadena RBn or Fix,# climb to 1600′ on SW crs, HOU ILS within 15 miles, or when directed by ATC, turn right, climb to 1800′ on R 306°, HOU VOR within 20 miles.
CAUTION: 1235′ TV tower, approximately 11 miles SSE, HOU VOR; 1549′ TV tower, approximately 13 miles SW, HOU VOR.
Other change: Deletes radar transition and final approach notes.
#Pasadena Fix is a Houston Radar (ASR) Fix coinciding with location of Pasadena RBn.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 48′; Fac. Class., ILS; Ident., I-HOU; Procedure No. ILS-21 (back crs), Amdt. 12; Eff. date, 4 June 66; Sup. Amdt. No. 11; Dated, 17 Apr. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Florence Int	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Branch Int	LOM	Direct	1900	C-dn	400-1	500-1	500-1½
Byram Int	LOM	Direct	2000	S-dn-15L*	200-½	200-½	200-½
Trace Int	LOM	Direct	1900	A-dn	600-2	600-2	600-2
Rankin Int	LOM	Direct	1900				
JAN VORTAC	LOM (final)	Direct	1900				

Radar available.
Procedure turn W side of crs, 333° Outbnd, 153° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM, 1778′—5.3 miles; at MM, 489′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, turn right, climb to 2000′ on JAN VORTAC, R 164° within 20 miles.
*400-¾ required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft with operative ALS.

City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345′; Fac. Class., ILS; Ident., I-JAN; Procedure No. ILS-15L, Amdt. 3; Eff. date, 4 June 66; Sup Amdt. No. 2; Dated, 2 Oct. 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
000°	300°	15 miles	2500	T-dn	300-1	300-1	*200-½
000°	360°	15 to 25 miles	3500	C-dn-5/18/36	800-1	900-1	900-1½
				C-dn-23	900-1	900-1	900-1½
				S-dn-5#	600-1	600-1	600-1
				S-dn-18#	700-1	700-1	700-1
				S-dn-23**#	900-1	900-1	900-1
				S-dn-36#	800-1	800-1	800-1
				A-dn	1000-2	1000-2	1000-2

Radar control must provide 3 miles separation from radio tower, 1809′ located 4 miles SW of airport or maintain 2800′. All bearings and distances are from radar antenna with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 5: Climb to 3000′ on crs of 052° from LOM within 15 miles. Runway 23: Climb to 3000′, turn right and proceed to BHM VORTAC, or when directed by ATC, climb to 3000′ and proceed to BHM LOM. Runways 36 and 18: Climb to 3000′, turn left and proceed to BHM VORTAC.

NOTE: VASI, Runway 23.
*Runways 5-23 only.
**Maintain at least 1900′ until 4 miles from runway on final approach to Runway 23.
#Reduction not authorized.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643′; Fac. Class., and Ident., Birmingham Radar; Procedure No. 1, Amdt. 7; Eff. date, 4 June 66; Sup. Amdt. No. 6; Dated, 17 Apr. 65

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Precision approach			
030	150	10	4000											T-dn	300-1	300-1	200-½
150	030	20	2700											C-d	1000-1	1000-1	1000-1½
														C-n	1000-2	1000-2	1000-2
														S-dn-17	200-½	200-½	200-½
														S-dn-35	300-¾	300-¾	300-¾
														A-dn	1000-2	1000-2	1000-2
														Surveillance approach			
														S-d-17	800-1	800-1	800-1
														S-n-17	800-2	800-2	800-2
														S-d-35	700-1	700-1	700-1
														S-n-35	700-2	700-2	700-2

Radar terminal transition altitudes: All bearings are from radar site within sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 17: Climb to 2600′, proceed direct to Whitesburg RBn and enter holding pattern. Runway 35: Turn left, climb to 2600′, proceed direct to ITS RBn and enter holding pattern.

NOTES: Authorized for military use only, except by prior arrangement.

CAUTION: High terrain, 1.7 miles E of airport with tower elevation, 1371′; due terrain and towers in maneuvering areas, radar guidance will not be discontinued until the aircraft has either landed or climbed to designated altitude and crs on missed approach.

City, Redstone Arsenal; State, Ala.; Airport name, Redstone AAF; Elev., 682′; Fac. Class. and Ident., Redstone Radar; Procedure No. 1, Amdt. 5; Eff. date, 4 June 66; Sup. Amdt. No. 4; Dated, 6 Mar. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 29, 1966.

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

[F.R. Doc. 66-6338; Filed, June 7, 1966; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8673]

PART 13—PROHIBITED TRADE PRACTICES

Philip T. Berkley and Berkley Associates

Subpart—Advertising falsely or misleadingly: § 13.60 *Earnings and profits.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Berkley Associates, San Diego, Calif., Docket 8673, May 5, 1966]

Consent order requiring a San Diego, Calif., commodity futures analyst, to cease making false claims regarding his advisory and managed accounts services or exaggerating the profits derived from their use.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Philip T. Berkley, an individual trading as Berkley Associates, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of publications on "Methods" or rules for dealing in commodity futures, or of advisory and managed accounts services for dealing in commodity futures, or of any similar or related publications or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Representing, directly or indirectly, that respondent's "Methods" or rules have been in existence for as long as 15 years; or misrepresenting the extent, if any, to which past experience suggests or demonstrates the validity of respondent's "Methods" or rules.

b. Representing, directly or indirectly, that any stated profits or earnings resulted from actual trades based on respondent's "Methods" or rules, or that they could have been predicted on the basis of said "Methods" or rules, or were typical or could be expected generally by persons employing said "Methods," rules or services in the future.

c. Representing, directly or indirectly, that the application of respondent's "Methods" or rules in the managed accounts service results in higher profits for customers than would be ordinarily realized.

d. Misrepresenting in any manner, or by any means, the profits or earnings derived by persons making use of respondent's "Methods" or rules for dealing in commodity futures or of respondent's advisory service or managed accounts service.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: May 5, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-6257; Filed, June 7, 1966; 8:46 a.m.]

[Docket No. C-1064]

PART 13—PROHIBITED TRADE PRACTICES

Heavy Construction Schools of Illinois, Inc., and Mary A. Neiman

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employployment service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1670 *Jobs and employment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Heavy Construction Schools of Illinois, Inc., et al., Chicago, Ill., Docket No. C-1064, May 5, 1966]

Consent order requiring the operators of a Chicago, Ill., correspondence school, to cease making false employment, earnings and other claims for its course for heavy construction equipment operators.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Heavy Construction Schools of Illinois, Inc., a corporation, and its officers, and Mary A. Neiman, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of courses of study and instruction in heavy equipment operation or any other subject, trade or vocation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Upon completion of respondents' courses, persons will be competent or fully-trained operators of the types of heavy equipment they have selected to be trained on; or misrepresenting in any other manner the training afforded by respondents' courses.

(2) Persons completing respondents' courses in heavy equipment operation will have immediate or unlimited opportunities for employment as a heavy equipment operator; or misrepresenting in any other manner the opportunities for employment available to persons completing respondents' courses.

(3) Persons completing respondents' courses in heavy equipment operation and obtaining employment as a heavy equipment operator will thus be able to earn $7,000 to $15,000 a year; or misrepresenting in any manner the earnings of persons completing respondents' courses.

(4) Respondents have an effective placement service, maintain contact with employers of heavy equipment operators, receive requests for heavy equipment operators or will actively assist persons completing respondents' courses in obtaining employment as heavy equipment operators; or misrepresenting in any other manner the assistance furnished to persons completing their courses in obtaining employment.

(5) Persons completing respondents' courses in heavy equipment operation will not be required to undergo apprenticeship training before becoming qualified for employment as a heavy equipment operator.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 5, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-6258; Filed, June 7, 1966; 8:46 a.m.]

[Docket No. C-1067]

PART 13—PROHIBITED TRADE PRACTICES

LeRoy Knitted Sportswear, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, LeRoy Knitted Sportswear, Inc., et al., Los Angeles, Calif., Docket No. C-1067, May 17, 1966]

In the Matter of LeRoy Knitted Sportswear, Inc., a Corporation, and Samuel Scharf, Leon Scharf, and Roy Scharf, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., manufacturer, importer, and jobber of wool products to cease misbranding wool sweaters and other wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents LeRoy Knitted Sportswear, Inc., a corporation, and its officers, and Samuel Scharf, Leon Scharf, and Roy Scharf, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing or delivering for

shipment in commerce, wool sweaters or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely or deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless each of such products has securely affixed thereto, or placed thereon, a stamp, tag, label or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. To which is affixed a label wherein the term "mohair" is used in lieu of the word "wool" in setting forth the required information on labels affixed to such wool products unless the fibers described as "mohair" are entitled to such designation and are present in at least the amount stated.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 17, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 66-6259; Filed, June 7, 1966; 8:47 a.m.]

[Docket No. C-1065]

PART 13—PROHIBITED TRADE PRACTICES

Louis Leeds and Leeds Manufacturing

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Leeds Manufacturing, Bronx, N.Y., Docket C-1065, May 12, 1966]

Consent order requiring a Bronx, N.Y., importer and manufacturer of sweaters to cease importing, manufacturing or selling wearing apparel made from dangerously flammable fabrics.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Louis Leeds, an individual trading as Leeds Manufacturing, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which under section 4 of the Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: May 12, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 66-6260; Filed, June 7, 1966; 8:47 a.m.]

[Docket No. C-1068]

PART 13—PROHIBITED TRADE PRACTICES

Peck & Peck

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Peck & Peck, New York, N.Y., Docket C-1068, May 19, 1966]

Consent order requiring a New York City wearing apparel chainstore to cease knowingly inducing or receiving discriminatory promotional allowances from its suppliers, in violation of section 5 of the Federal Trade Commission Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Peck & Peck a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with any purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale, do forthwith cease and desist from:

Inducing and receiving, receiving, or contracting for the receipt of, anything of value from any supplier as compensation or in consideration for advertising services or facilities furnished by or through respondent in magazines, newspapers, catalogs, brochures, enclosures, or mailing pieces in connection with the handling, sale or offering for sale of products purchased from such supplier, when respondent knows or should know that such compensation or consideration is not made available by such supplier on proportionally equal terms to all of its other customers competing with respondent in the sale and distribution of such supplier's products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 19, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 66-6261; Filed, June 7, 1966; 8:47 a.m.]

[Docket No. 8599 o.]

PART 13—PROHIBITED TRADE PRACTICES

William H. Rorer, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, William H. Rorer, Inc., Fort Washington, Pa., Docket 8599, May 9, 1966]

Order requiring a Fort Washington, Pa., drug manufacturer, to cease giving a discriminatory discount of 5 percent to customers classified as "chain drugstores" over the discount granted to independent drugstores in violation of section 2(a) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent William H. Rorer, Inc., a corporation, and its officers, representatives, agents and employees, directly, indirectly, or through any corporate or other device, in or in connection with the sale of prescription and nonprescription pharmaceutical products in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality by selling to some purchasers at prices higher than the price charged to any other purchaser who, in fact, competes in the resale and distribution of respondent's products with the purchaser paying the higher prices.

It is further ordered, That, in addition to and apart from the provisions of the preceding paragraph, if respondent at any time after the effective date of this order institutes a price schedule whereby it charges a different price for its products to any person, group or class of its competing customers on the basis or in the belief that such difference in price is justified by savings to the respondent in the cost of manufacture, sale or delivery to the members of such customer group or class, respondent shall—

(a) Promptly notify the Federal Trade Commission of the institution of such price schedules and submit to the Commission a written statement with necessary underlying data in support of the cost justification of such price discrimination; and

(b) Adequately and regularly publicize to all customers that prices to some are higher than to others, together with reasons and details of the price differences or discounts.

It is further ordered, That the hearing examiner's initial decision, as above modified and as modified by the accompanying opinion be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondent William H. Rorer, Inc., shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 9, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 66-6262; Filed, June 7, 1966; 8:47 a.m.]

[Docket No. C-1066]

PART 13—PROHIBITED TRADE PRACTICES

Universal Publishing & Distributing Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Universal Publishing & Distributing Corporation, New York, N.Y., Docket C-1066, May 13, 1966]

Consent order requiring a New York City publisher of paperback books and magazines, to cease discriminating among its competing customers in payment of promotional allowances, in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Universal Publishing & Distributing Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of publications, including magazines and paperback books, in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Paying or contracting for the payment of an allowance or anything of value directly or indirectly to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of publications, including magazines and paperback books, published, distributed, sold or offered for sale by respondent unless such payment or consideration is affirmatively offered and otherwise made available on proportionally equal terms to all of respondent's other customers competing with such favored customer in the distribution of such publications, including magazines and paperback books.

The word "customer" as used above shall be deemed to mean anyone who purchases from respondent, acting either as principal or agent, or from a distributor, where such transaction with such purchaser is essentially a sale by respondent, acting either as principal or agent.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 13, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 66-6263; Filed, June 7, 1966; 8:47 a.m.]

Title 12—BANKS AND BANKING

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

PART 1—INVESTMENT SECURITIES REGULATION

Federal National Mortgage Association Participation Certificates

§ 1.172 Federal National Mortgage Association Participation Certificates.

(a) *Request.* The Comptroller of the Currency has been requested to rule that Participation Certificates in the Small Business Obligations Trust, issued by the Federal National Mortgage Association, as trustee, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks pursuant to paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Paragraph Seventh of 12 U.S.C. 24 provides that a National Bank may, without limitations or restrictions, deal in, underwrite, and purchase for its own account participations of, or issued by, the Federal National Mortgage Association.

(2) Pursuant to the Participation Sales Act of 1966, which amended the Federal National Mortgage Association Charter Act, the Administrator of the Small Business Administration, as trustor, and the Federal National Mortgage Association, as trustee, have created the Small Business Obligations Trust. The Federal National Mortgage Association is authorized to act in a fiduciary and representative capacity with respect to the trust and, in accordance with the trust indenture, to issue Participation Certificates to the public. The Association has guaranteed, in its corporate capacity, payment of principal and interest of Participation Certificates issued under the Small Business Obligations Trust.

(c) *Ruling.* It is our conclusion that Participation Certificates in the Small Business Obligations Trust issued by Federal National Mortgage Association, as Trustee, are participations of, or issued by, the Federal National Mortgage Association within the meaning of paragraph Seventh of 12 U.S.C. 24 and are, therefore, eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks.

Dated: June 3, 1966.

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

[F.R. Doc. 66-6277; Filed, June 7, 1966; 8:48 a.m.]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserves Against Funds Received by Member Banks in Connection With Instalment Loans

§ 204.111 Reserves against funds received by member banks in connection with instalment loans.

(a) The Board of Governors has been asked to re-examine its 1928 ruling that member banks must maintain reserves, in accordance with Federal Reserve Regulation D (this Part 204), against hypothecated "deposits" created by payments on instalment loans.

(b) It appears that in some States the books of commercial banks show as "deposits" the funds that are paid by a borrower on an instalment loan, until the loan is paid in full. The amounts received are not immediately used to reduce the unpaid balance du on the note, but are held by the bank until the sum of the payments equals the entire amount of principal and interest. It is understood that under the terms of the agreement between the banks and their customers the funds so received are assigned to the bank and cannot be reached by the borrower or his creditors.

(c) In 1928, the Board first ruled that member banks must maintain reserves against such hypothecated deposits. An interpretation to that effect was published in 1931 (1931 Fed. Res. Bulletin 538), and the Board has continued to adhere to that position.

(d) The Board has reconsidered its earlier rulings and has decided that where the agreement between the bank and borrower is such that instalment payments on loans are irrevocably assigned to the bank and cannot be reached by the borrower or his creditors, such payments are not "deposits" regardless of the terms used in relevant State statutes or in the bank's books and records and, therefore, are not subject to the reserve requirements of this part.

(e) The Board's earlier rulings on this subject are superseded to the extent that they conflict with the conclusion expressed herein.

(Interprets or applies 12 U.S.C. 462)

Dated at Washington, D.C., this 25th day of May 1966.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-6254; Filed, June 7, 1966; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XII—Defense Supply Agency

[DSA Reg. 5515.2]

PART 1250—INVESTIGATING AND PROCESSING CERTAIN NONCONTRACTUAL CLAIMS AND REPORTING RELATED LITIGATION

MARCH 17, 1966.

Part 1250 is added to Title 32 of the Code of Federal Regulations, reading as follows:

Sec.
1250.1 References.
1250.2 Purpose.
1250.3 Scope.
1250.4 General.
1250.5 Responsibilities.
1250.6 Procedures.

AUTHORITY: The provisions of this Part 1250 issued under 5 U.S.C. 22; 10 U.S.C. 125; DoD Directive 5105.22, Dec. 9, 1965.

§ 1250.1 References.[1]

(a) AR 25-20, 1 Oct 59, Subj: Investigating and Processing of Claims.

(b) AR 25-30, 1 Oct 59, Subj: Claims Arising from Negligence of Military Personnel or Civilian Employees under the Federal Tort Claims Act.

(c) AR 25-100, 1 Oct 59, Subj: Claims of Military Personnel and Civilian Employees for Property Lost or Damaged Incident to Service.

(d) AR 27-1, 18 Mar 65, Subj: Litigation—General Provisions.

(e) AR 25-35, 13 May 63, Subj: Claims Incident to Use of Government Vehicles and Other Property of the United States Not Cognizable Under Other Law.

(f) AR 27-17, 9 Jul 65, Subj: Claims in Favor of the United States for Damage to or Loss or Destruction of Army Property.

(g) AR 230-8, 27 Aug 58, Subj: Protecting, Insuring and Investing Assets of Nonappropriated Funds and Related Activities.

(h) Manual of the Judge Advocate General, Department of the Navy, Chapter XXI.

§ 1250.2 Purpose.

To provide policy and procedures for investigating and processing of claims and related litigation:

(a) By civilian and military personnel of the Defense Supply Agency under 31 U.S.C. 240-242.

(b) Arising under 10 U.S.C. 2736 (P.L. 87-769).

(c) Arising under the Federal Tort Claims Act, 28 U.S.C. 1346(b), 2671-2680.

(d) In favor of the United States, other than contractual, for loss, damage, or destruction of real or personal property in the possession, custody, or control of the Defense Supply Agency.

(e) Arising out of the operation of nonappropriated funds and related activities established pursuant to DSAR 1330.2 and DSAR 1330.4.

(f) By industrial employees for monetary restitution under the provisions of Department of Defense Directive 5220.6.

§ 1250.3 Scope.

This Part 1250 is applicable to HQ DSA and DSA field activities.

§ 1250.4 General.

(a) *Policy.* All claims within the purview of this DSAR, and all related litigation will be processed and reported in accordance with these procedures and referenced Departmental regulations.

(b) *Definitions*—(1) *Claims Investigating Officer.* A military officer or civilian employee of DSA, appointed in accordance with this Part 1250, to investigate and process claims within the purview of this Part 1250.

(2) *Member of the Army, Member of the Navy, Member of the Marine Corps, Member of the Air Force.* Officers and enlisted personnel of these Military Services.

§ 1250.5 Responsibilities.

(a) *DSA field activities.* (1) Heads of DSA primary level field activities are responsible for:

(i) Designating a qualified individual under their command, preferably one experienced in the conduct of investigations, as the Claims Investigating Officer for the activity.

(ii) Authorizing Heads of subordinate activities to appoint Claims Investigating Officers where necessary.

(2) The Commander, DSA Administrative Support Center, is responsible for designating a qualified individual, preferably one experienced in the conduct of investigations, as the Claims Investigating Officer for DSASC and HQ DSA.

(3) Claims Investigating Officers are responsible for the expeditious conduct of all investigations and the processing of reports in accordance with appropriate Departmental regulations as prescribed by this Part 1250. To insure prompt investigation of every incident while witnesses are available, and before damage has been repaired, the duties of personnel as Claims Investigating Officers will ordinarily have priority over any other assignments they may have.

(4) The Counsel, DSA field activities, is responsible for:

(i) Receiving claims reports and information about related litigation, and processing these reports and information in accordance with this Part 1250 and the appropriate Departmental regulations.

(ii) Providing directions and guidance to Claims Investigating Officers in the investigation and processing of claims.

(b) The Counsel, DSA (DSAH-G) is responsible for:

(1) Providing guidance to Counsel at DSA field activities on all claims and litigation matters within the purview of this Part 1250.

(2) Receiving claims reports and information on related litigation forwarded to HQ DSA, Attention: DSAH-G, and processing these in accordance with this DSAR and appropriate Departmental regulations.

(3) Maintaining this Part 1250 in a current status and reviewing it annually.

§ 1250.6 Procedures.

(a) Claims by military and civilian personnel of DSA for property lost or damaged incident to service.

(1) The Claims Investigating Officer will conduct his investigation and prepare all necessary forms and reports in accordance with the appropriate portions of AR 25-50[1] and AR 25-100, except where the claimant is a member of the Navy or Marine Corps in which event the provisions of § 1250.1(h) will be followed.

(2) The completed report will be forwarded by the Claims Investigating Officer to one of the following activities for settlement:

(i) Where the claimant is a DSA civilian employee or a member of the Army; The Staff Judge Advocate for the Army Area in which the Claims Investigating Officer is located.

(ii) Where the claimant is a member of the Navy or Marine Corps; the cognizant adjudicating authority as listed in § 1250.1(h) (paragraphs 2124 and 2125).

(iii) Where the claimant is a member of the Air Force; the nearest Air Force Staff Judge Advocate.

(b) Claims incident to the use of Government property not cognizable under any other law (10 U.S.C. 2736; P.L. 87-769).

(1) The Claims Investigating Officer will conduct his investigation and prepare all necessary forms and reports in accordance with the appropriate portions of AR 25-20 and AR 25-35.

(2) The completed report will be forwarded by the Claims Investigating Officer to the Counsel for his activity or if the activity has no counsel to the next higher echelon having such a position.

(3) The activity Counsel receiving the Claims Investigating Officer's report will review the report, and take all necessary action to assure that it is complete and in accordance with AR 25-20 and AR 25-35. He will forward the report together with his comments and recommendations to one of the following activities for settlement. Where the incident giving rise to the claim was occasioned by an act or omission of:

(i) *DSA civilian personnel.* Counsel, HQ, DSA.

(ii) *A member of the Army.* The Staff Judge Advocate of the Army Area in which the incident giving rise to claim occurred.

[1] May be obtained from Departments of the Army and Navy.

(iii) *A member of the Navy or Marine Corps.* The District legal officer of the Naval District in which the incident giving rise to the claim occurred.

(iv) *A member of the Air Force.* The Air Force Staff Judge Advocate nearest the place where the incident giving rise to the claim occurred.

(c) Claims under the Federal Tort Claims Act arising from negligence of DSA military or civilian personnel.

(1) The Claims Investigating Officer will conduct his investigation and prepare all necessary forms and reports in accordance with the appropriate portions of AR 25-20 and AR 25-30.

(2) The completed report will be forwarded by the Claims Investigating Officer to Counsel for his activity, or if his activity has no Counsel to the next higher echelon having such a position.

(3) The activity Counsel receiving the Claims Investigating Officer's report will review the report and take all necessary action to assure that it is complete and in accordance with AR 25-20 and AR 25-30. He will forward the report together with his comments and recommendations to one of the following activities for settlement. Where the incident giving rise to the claim was occasioned by an act or omission of:

(i) *DSA civilian personnel or a member of the Army.* The Staff Judge Advocate of the Army Area in which the incident giving rise to the claim occurred.

(ii) *A member of the Navy or Marine Corps.* The District legal officer of the Naval District in which the incident giving rise to the claim occurred.

(iii) *A member of the Air Force.* The Air Force Staff Judge Advocate nearest the place where the incident giving rise to the claim occurred.

(d) Tort Claims in favor of the United States for damage to or loss or destruction of DSA property.

(1) These claims will be investigated and processed in accordance with the provisions of AR 27-17 except:

(i) The duties of the claims officer will be performed by the Claims Investigating Officer.

(ii) The duties of the staff judge advocate will be performed by Counsel.

(iii) The reports of the Claims Investigating Officer will be furnished direct to Counsel for his activity, or if his activity has no Counsel to the next higher echelon having such a position.

(iv) With respect to reports referred to them, Counsel are authorized to give receipts for any payments received and to execute releases where payment in full is received.

(v) Where payment in full is not received after reasonable efforts have been made to collect the claim administratively, Counsel will refer the case directly to the U.S. Attorney unless:

(*a*) The amount of the claim exceeds $5,000 in which event the case will be referred to Counsel, HQ DSA.

(*b*) The amount of the debt is less than $75; or the record clearly shows that the debtor is unable to pay; or the debtor cannot be located; in which event the file may be closed and the debt treated as an uncollectable which does not have to be referred to the General Accounting Office.

(2) If, at any stage of the processing of a claim under paragraph (d) of this section, a claim is filed against the Government arising out of the same incident, or it becomes apparent that one will be filed, the claim under paragraph (d) of this section will be treated as a counter-claim, and included under the report filed in accordance with the applicable section of this Part 1250.

(e) Reporting legal proceedings:

(1) All process and pleadings served on any personnel or activity of the Defense Supply Agency, and related to a claim covered by this Part 1250 or involving an incident which may give rise to a claim covered by this Part 1250, together with other immediately available data concerning the commencement of legal proceedings, will be promptly referred to Counsel for the activity involved, or, if the activity has no Counsel, to the next higher echelon having such a position.

(2) Any Military Service member or civilian employee of DSA (or his personal representative) against whom a domestic civil action or proceeding is brought for damage to property, or for personal injury or death, on account of his operation or a motor vehicle (Government or privately owned) in the scope of his employment (28 U.S.C. 2679) will:

(i) Upon receipt of process and pleadings or any other information regarding the commencement of such action or proceeding, immediately inform his commander and Counsel as specified in this paragraph (e).

(ii) Promptly deliver all process and pleadings served upon him, or an attested true copy thereof, to Counsel.

(3) Upon receipt of information or process and pleadings pursuant to subparagraph (1) or (2) of this paragraph, Counsel will promptly prepare the process reports in acordance with the appropriate portions of AR 27-1, except that:

(i) If the incident giving rise to the litigation was occasioned by an act or omission of a member of the Navy or Marine Corps, or a member of the Air Force, information and reports required to be furnished The Judge Advocate General of the Army will be furnished instead to The Judge Advocates General of the Navy and Air Force respectively.

(ii) If the incident giving rise to the litigation would be processed as a claim under subdivision (i) of this subparagraph, the information and reports required to be furnished The Judge Advocate of the Army will be furnished instead to Counsel, DSA.

(f) All claims and related litigation arising out of the operation of nonappropriated funds and related activities.

(1) Claims and related litigation arising from acts of omissions of employees of nonappropriated funds will be processed in the same manner as claims under paragraph (c) of this section involving an act or omission of a member of the Army.

(2) Claims of civilian employees of nonappropriated funds for property loss or damaged incident to employment will be processed in the same manner as claims under paragraph (a) of this section by civilian personnel of DSA.

(3) Tort claims in favor of nonappropriated fund activities and related litigation will be processed in accordance with AR 230-8, section VI, and paragraph 14.3.

(4) Appeals to the Armed Services Board of Contract Appeals from decisions of the contracting officer on nonappropriated fund contracts will be processed in the same manner as appeals under DSA appropriated fund contract.

(g) Industrial security claims: Claims for monetary restitution determined to be payable under DoD Directive 5220.6,[1] paragraph Vc, will be forwarded by the board making the final favorable determination through HQ DSA, Attention: DSAH-FI, to the U.S. Army Claims Service, Fort Holabird, Md., 21219, for payment. A copy of the board's favorable determination including a determination of the amount of restitution considered to be just and equitable will accompany the claim.

By order of the Director.

WILLIAM PAULE,
Colonel, U.S. Air Force,
Staff Director, Administration.

[F.R. Doc. 66-6256; Filed, June 7, 1966; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

The amendments contained herein are of a miscellaneous nature and apply to Subpart A—Regulations and Subpart B—Rules, of 33 CFR Part 401. The St. Lawrence Seaway Development Corporation is acting jointly with The St. Lawrence Seaway Authority of Canada in issuing these regulations, pursuant to provisions of the Corporation's enabling act (33 U.S.C. 981 et seq.). The present amendments were first published in the FEDERAL REGISTER on March 26, 1966, in a notice of proposed rule making (31 F.R. 5018-5020).

Interested parties were permitted to submit written comments, suggestions or objections with respect to the proposed changes and no objections having been received, they are hereby adopted by the Corporation.

Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401, as revised by 28 F.R. 3754-62 and amended by 29 F.R. 5034-35 and 30 F.R. 6580-81, are further amended as follows:

I. The regulations of Subpart A concerning transit of the Seaway in § 401.3 and dangerous cargo in § 401.9 are amended by revising § 401.3(c) to provide for a single maximum limitation rather than alternate maximums for the

[1] May be obtained from Departments of the Army and Navy.

extreme breadth of vessels transiting the Seaway; and by revising § 401.9(a) to remove the necessity of obtaining the "written permission of the Authority" for nonhazardous quantities of dangerous goods; as follows:

§ 401.3 **Transit of the Seaway.**

* * * * *

(c) Subject to the regulations of this part, vessels exceeding 715 feet in overall length and 72 feet in beam, but not exceeding 730 feet in overall length and 75 feet 6 inches in extreme breadth including fenders may, with special instructions from the Authority, transit during the navigation season.

* * * * *

§ 401.9 **Dangerous cargo.**

(a) No vessel, carrying dangerous cargo to which regulations made under the Canada Shipping Act or regulations issued pursuant to the Dangerous Cargo Act of the United States of America apply, shall transit except in accordance with the requirements of such regulations and in accordance with all directions given by the Authority.

* * * * *

II. The rules of Subpart B respecting Condition of Vessels, §§ 401.102–1 to 401.102–20, are amended by revising § 401.102–1 (on vessel diminsions) to specify inclusion of permanent fenders in the extreme breadth limitation of vessels; by revising § 401.102–13 (on requirements for mooring lines and winches) in order to add Table 2—Location of Fairleads following Table 1—Mooring Lines and Winches, Minimum Requirements, and to make a consistent change in paragraph (b) of this section; and by adding §§ 401.102–21 (rudder angle indicators), 401.102–22 (engine R.P.M. indicators), 401.102–23 (gyro compasses), and 401.102–24 (radar equipment) as equipment being recommended for vessels using the Seaway in the interest of safe navigation in restricted channels, and § 401.102–25 (on midship draft markings on vessels) to assist judging the stability of vessels, as follows:

§ 401.102–1 **Dimensions.**

Vessels in excess of 730 feet in overall length or 75 feet 6 inches in extreme breadth including permanent fenders, if any, shall not transit under any circumstances.

§ 401.102–13 **Requirements for mooring lines and winches.**

Minimum requirements with respect to mooring lines and winches and with respect to the location of fairleads on vessels in excess of 200 feet in overall length are tabulated hereunder and are as follows:

* * * * *

(b) All vessels in excess of 90 feet in overall length shall be provided with four mooring lines so positioned that two shall lead aft and two shall lead ahead. On vessels in excess of 90 feet and up to 200 feet in overall length, two of the lines, one leading forward and one leading aft, must lead from the break of the bow and two, one leading forward and one leading aft, from the stern quarter. Lines shall not lead from the extreme bow or stern. Fairlead locations on vessels in excess of 200 feet in overall length shall be in accordance with Table 2—Location of Fairleads, of this section.

* * * * *

TABLE 2—LOCATION OF FAIRLEADS

Overall length of vessel in feet	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 feet from the stem.	Between 30 and 80 feet from the stern.
Over 300 to 400	Between 40 and 100 feet from the stem.	Between 50 and 110 feet from the stern.
Over 400 to 500	Between 40 and 110 feet from the stem.	Between 50 and 130 feet from the stern.
Over 500 to 600	Between 50 and 130 feet from the stem.	Between 60 and 150 feet from the stern.
Over 600 to 730	Between 60 and 160 feet from the stem.	Between 70 and 170 feet from the stern.

§ 401.102–21 **Rudder angle indicators.**

It is strongly recommended that vessels be equipped with rudder angle indicators located near the helm.

§ 401.102–22 **Engine R.P.M. indicators.**

It is strongly recommended that vessels be equipped with engine R.P.M. indicators located on the bridge.

§ 401.102–23 **Gyro compasses.**

It is recommended that vessels be equipped with gyro compasses.

§ 401.102–24 **Radar equipment.**

It is recommended that vessels be equipped with radar.

§ 401.102–25 **Midship draft markings.**

It is strongly recommended that vessels be marked on both sides with midship draft markings.

III. The rules of Subpart B respecting Radio Communications, §§ 401.103–1 to 401.103–8, are amended by revising §§ 401.103–4 (calling-in) and 401.103–5 (calling-in on entering at Montreal) to reduce radio reports by vessels to essential information, as follows:

§ 401.103–4 **Calling-in.**

Vessels intending to or in transit must report on the assigned frequency to the designated station when opposite Calling-In Points 2, 7, and 15, when upbound, and 16, 14, and 10, when downbound, and except as provided hereunder, the following information will be given:

Name of vessel.
Position.
Destination.
Sailing draft fore and aft.
Cargo.

At all other Calling-In Points, vessels must report the name of the vessel and its position, and it shall report its destination, sailing draft and cargo only in the event that these have changed since the last report.

§ 401.103–5 **Calling-in on entering at Montreal.**

Vessels intending to enter the Seaway at Montreal shall report the name of the vessel, its position and its sailing draft, fore and aft, to the Montreal Harbor Dispatch Station.

IV. The rules of Subpart B respecting Transit Instructions, §§ 401.104–1 to 401.104–48, are amended by revising § 401.104–1 (navigation season) to change the closing date for main canals of the St. Lawrence River Section; by adding § 401.104–16 (on cargo booms) in the interest of safe navigation; and by revising § 401.104–17 (on preparing mooring lines for passing through) for clarification, as follows:

§ 401.104–1 **Navigation season.**

Unless in the opinion of the Authority weather and ice conditions do not allow, navigation on the Seaway will open and will close on the following dates in each year:

	Open	Close
Welland and Third Welland Canals	Apr. 1	Dec. 15
Sault Ste. Marie Canal (Canada)	Apr. 4	Dec. 12
South Shore, Beauharnois, Wiley-Dondero, and Iroquois Canals	Apr. 15	Dec. 3
Lachine and Cornwall Canals	do	Nov. 30

§ 401.104–16 **Cargo booms.**

Vessels shall have cargo booms secured in their housings during transit.

§ 401.104–17 **Preparing mooring lines for passing through.**

Before a vessel enters a lock, sufficient lengths of mooring lines to reach the mooring posts on the lock walls, shall be drawn off the winch drums and laid out on the deck. The eye of the mooring line shall be passed outward through the fairleads at the side to be ready for service.

V. The rules of Subpart B respecting Dangerous Cargo, §§ 401.105–1 to 401.105–8, are amended by revising § 401.105–1 (general conditions) for clarification; and by revising § 401.105–7 (on calling-in) to reflect the change in § 401.103–4, as follows:

§ 401.105–1 **General conditions.**

Vessels carrying fuel oil, gasoline, crude oil, or other flammable goods in bulk, including empty tankers which are not gas free, and vessels carrying dangerous goods to which regulations made under the Canada Shipping Act, or to which the Dangerous Cargo Act of the United States of America or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous

cargo, and they may transit only if all requirements of the statutes and regulations cited and of §§ 401.105-2 to 401.105-8 have been fulfilled.

§ 401.105-7 Calling-in.

Vessels carrying any dangerous cargo shall report the nature of the dangerous cargo and the Seaway Explosives Permit number, if applicable, in addition to the other required information, when calling-in as provided by § 401.103-4.

VI. The rules of Subpart B respecting Toll Assessment and Collection, §§ 401.106-1 to 401.106-10, are amended by revising § 401.106-9 (on in-transit cargo) to remove ambiguous words, as follows:

§ 401.106-9 In-transit cargo.

Cargo which is carried both upbound and downbound in the course of the same voyage shall be reported in the transit declaration, but this cargo may be deemed to be ballast and not subject to toll assessment.

(68 Stat. 93-97, 33 U.S.C. 981-990, as amended)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 66-6240; Filed, June 7, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Interment in Veterans Administration Cemeteries

Section 17.200 is revised to read as follows:

§ 17.200 Interment in Veterans Administration cemeteries.

Burial is authorized in Veterans Administration cemeteries of the remains of the following:

(a) Any veteran (as defined in § 17.30 (a)) who:

(1) Dies while receiving hospital, domiciliary, or nursing home care in a Veterans Administration field station, or

(2) Dies in the immediate vicinity of a Veterans Administration field station having a cemetery, whose body is unclaimed, whose relatives cannot be located, and for whom burial expenses are payable under § 3.1600 of this chapter.

(3) Dies while receiving hospital care at Veterans Administration expense in a non-Veterans Administration hospital.

(4) Dies while receiving nursing home care at Veterans Administration expense in a public or private institution.

(b) Any interred veteran's unremarried widow, unremarried widower, minor child or unmarried adult child who was physically or mentally disabled and incapable of self-support, in the same grave with the veteran.

(c) Such other persons or classes of persons as may be designated by the Administrator.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: June 2, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-6275; Filed, June 7, 1966; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. No. 985]

PART 95—CAR SERVICE

Distribution of Boxcars

As a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 3d day of June, A.D., 1966.

It appearing that there is presently a shortage of boxcars to meet current requirements on the railroads named in section (a) herein; that forthcoming grain harvests will further greatly deplete an inadequate supply of boxcars; that prompt and uninterrupted movement of grains from farms to terminals is essential to prevent spoilage and consequent great economic loss; that continued movement of grains from terminals to markets and to ports is essential for the national economy and to enable the nation to meet its foreign aid commitments; that these railroads must also continue to furnish boxcars to shippers of other commodities in order to prevent the closing of industries and unemployment of their personnel; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.985 Revised Service Order No. 985.

(a) Distribution of boxcars; application. (1) This order shall apply to boxcars owned by the railroads listed below:

Atchison, Topeka, and Santa Fe Railway Co., The;
Chicago, Burlington & Quincy Railroad Co.;
Chicago, Rock Island & Pacific Railroad Co.;
Colorado & Southern Railway Co., The;
Fort Worth & Denver Railway Co.;
Missouri-Illinois Railroad Co.;
Missouri-Kansas-Texas Railroad Co.;
Missouri Pacific Railroad Co.;
St. Louis-San Francisco Railway Co.;
Texas & Pacific Railway Co., The.

(2) The term "boxcars" as used in this order means plain unequipped boxcars of 50 feet 6 inches or less inside length.

(3) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(b) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw all boxcars described in paragraph (a) of this section from distribution and return to owners empty except as otherwise provided in subparagraphs (2), (3), (4), and (5) of this paragraph.

(2) Boxcars defined in paragraph (a) of this section available empty at a station other than a junction with the owner may be loaded to stations on or via the owner, or to any station which is closer to the owner than the point where loaded.

(3) Boxcars defined in paragraph (a) of this section available empty at a junction with the owner must be delivered to the owner at that junction, either loaded or empty.

(4) Boxcars defined in paragraph (a) of this section may not be backhauled, or held empty more than 24 hours awaiting placement for loading for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph.

(5) A carrier named in paragraph (a) of this section will handle boxcars of other carriers named in that section under the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph and of paragraph (c) of this section.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any boxcar defined in paragraph (a) of this section for movement contrary to the provisions of paragraph (b) of this section.

(d) Effective date: This order shall become effective at 12:01 a.m., June 6, 1966.

(e) Expiration date: This order shall expire at 11:59 p.m., July 3, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and 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 it with

the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

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

[F.R. Doc. 66-6296; Filed, June 7, 1966; 8:49 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

San Andres National Wildlife Refuge, N. Mex.

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.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, N. Mex., is permitted from December 3 through December 4, 1966, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada road. The check station will be open to allow hunters to start checking in during the late afternoon of December 2, 1966. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m., December 4, 1966.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(3) The conservation officer in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

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 4, 1966.

CECIL A. KENNEDY,
Refuge Manager San Andres National Wildlife Refuge, Las Cruces, N. Mex.

MAY 26, 1966.

[F.R. Doc. 66-6264; Filed, June 7, 1966; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

PART 202—PROCEDURES RELATING TO REVIEW BY UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION OF ACTIONS BY MARITIME SUBSIDY BOARD

Part 202 is revised to read as follows:

Sec.
202.1 Purpose.
202.2 Time and place for filings.
202.3 Form of petitions, requests and replies.
202.4 Petitions and requests for review—content.
202.5 Replies and requests that review not be exercised—content.
202.6 Grant or denial of review.
202.7 Supplemental briefs.
202.8 Oral argument.
202.9 Decisions by the Under Secretary of Commerce for Transportation.
202.10 Petitions for reconsideration.
202.11 Ex parte communications.

AUTHORITY: The provisions of this Part 202 issued under sec. 204, 49 Stat. 1987, as amended; sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Reorganization Plan No. 7 of 1961 (26 F.R. 7315).

§ 202.1 Purpose.

The rules of this part prescribe procedures relating to Secretarial review of any decision, report, order or action of the Maritime Subsidy Board (Board) pursuant to Department Order 117-A.[1] Section 6 of Department Order 117-A is reprinted here for the convenience of the public.

SEC. 6. *Review and finality of actions by Maritime Subsidy Board.* .01 The Under Secretary of Commerce for Transportation (hereinafter referred to as "Under Secretary") may, on his own motion or on the basis of a petition filed as hereinafter provided, review any decision, report and/or order of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirements or (b) Board order, by entering a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record (which phrase includes the Board). Petitions for review under this paragraph may be filed by parties of record, shall be in writing, and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Under Secretary within fifteen (15) days after the date of the service of the Board's decision, report or order. Parties of record may file replies in writing thereto. Ten (10) copies of such replies, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Under Secretary within ten (10) days after the date the petition for review is timely filed. Petitions for review and replies thereto shall be limited to the record before the Board. If a petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Under Secretary, prior to expiration of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final twenty (20) days after the date of service of the decision unless the Under Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. If upon any review the decision of the Under Secretary rests on official notice of a material fact not appearing in the evidence in the record, any party of record shall, if request is made within ten (10) days after the date of service of the Under Secretary's decision on said party, be afforded an opportunity to show the contrary. The said ten (10) days shall constitute the period for a "timely request" within the meaning of section 7(d) of the Administrative Procedure Act.

.02 The Under Secretary may on his own motion review all actions of the Maritime Subsidy Board other than those referred to in paragraph .01 of this section by entering a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this paragraph shall have the privilege of submitting to the Under Secretary within ten (10) days after the date of such Board action, a request that the Under Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Under Secretary. Any other person having an interest in such matter shall have the privilege of submitting within fifteen (15) days after the date of the Board's action, a written request that the Under Secretary not exercise such review. Copies of request that the Under Secretary undertake or not exercise review will be open for public inspection at the office of the Secretary of the Board. If either a request that the Under Secretary undertake review or a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in ten (10) days after expiration of the time prescribed for submission of a request that review not be exercised unless the Under Secretary, prior to the expiration of the ten (10) days, enters a written order stating that he elects to review the action of the Board. If neither a request that the Under Secretary undertake review nor a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in twenty (20) days after the date of such action unless the Under Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served upon the Board, and upon all persons filing requests as herein described.

.03 If a timely petition for reconsideration is filed under the rules prescribed by the Board, the time for filing a petition or request for review by the Under Secretary under paragraph .01 or .02 of this section, respectively, or the entry of an order by the Under Secretary on his own motion electing

[1] See F.R. Doc. 66-6236, *infra*.

to review an action of the Board under paragraph .01 or .02 of this section, shall, in the case of actions under paragraph .01 of this section run from the date of service of the Board's action and, in the case of actions under paragraph .02 of this section, run from the date of the Board's action, finally disposing of the issues presented by the petition for reconsideration.

.04 In computing any period of time under this section, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. The prescribed time for action by the Under Secretary in a proceeding in which additional days have been added pursuant to the provisions of this paragraph shall be extended by the total of such additional days.

.05 Petitions and requests for review by the Under Secretary shall not be filed:

a. Unless the petitioner shall have first exhausted his administrative remedies (other than a petition for reconsideration) before the Maritime Subsidy Board; nor

b. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in paragraphs .01 and .02 of this section.

.06 The Under Secretary may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this section by written order.

§ 202.2 Time and place for filings.

All petitions, requests and replies relating to Secretarial review of Maritime Subsidy Board actions shall be filed with the Office of the Under Secretary of Commerce for Transportation, Room 5838, Department of Commerce. Such papers shall be filed in accordance with the provisions of and within the time periods prescribed by Department Order 117-A.

§ 202.3 Form of petitions, requests and replies.

(a) All papers presented to the Under Secretary, other than records, shall bear on the cover the name and post office address of the party, and the name and address of the principal attorney or authorized representative (of any) for the party concerned. Certification shall be made that service of the paper has been made upon all parties of record (if any) and upon the Secretary of the Maritime Subsidy Board. One copy of every paper filed with the Under Secretary must in addition bear at its close the hand written signature of the party or attorney.

(b) All papers presented to the Under Secretary, other than records, shall, unless they are fewer than 10 pages in length, be preceded by a subject index of the matter contained therein, with page references, and a table of the cases (alphabetically arranged), textbooks, statutes and other material cited, with references to the pages where they are cited.

(c) Whenever a reference is made to a transcript, exhibit or other part of the record, such reference must be accompanied by a specific citation identifying the document and indicating the relevant page number of the document concerned.

(d) Papers filed with the Under Secretary should be logically arranged, with proper headings, concise, and free from irrelevant and unduly repetitious matter.

(e) It will not be necessary to reproduce the opinion of the Board.

§ 202.4 Petitions and requests for review—content.

Petitions and requests for review shall contain in the order here indicated—

(a) A reference to the decision, report, order or action of the Board;

(b) A concise statement of the interest of the party submitting the paper;

(c) A concise summary statement of the case containing that which is material to the consideration of the questions presented;

(d) A listing of each of the grounds upon which the party seeking review relies, expressed in the terms and circumstances of the case, each ground set forth in a separate, numbered paragraph;

(e) The argument, generally amplifying the material in paragraph (d) of this section and exhibiting clearly the points of law, policy and fact being presented, citing the authorities, statutes and other material relied upon. The argument should separately identify and treat each of the grounds upon which review is sought. In cases where reversible legal error is contended, a full legal argument on the points concerned should be presented. In cases where policy error is contended, it should be pointed out what policy of the Board is alleged to be wrong, what is wrong with it and what policy the submitting party advocates as the correct one. In cases where reversible factual error is contended, the findings of fact alleged to be erroneous should be pointed out along with citations to the record where appropriate. The party should further indicate precisely what it contends to be the correct findings of fact, with supporting references;

(f) A conclusion, specifying with particularity the action which the submitting party believes the Under Secretary should take.

§ 202.5 Replies and requests that review not be exercised—content.

Replies and requests that review not be exercised shall contain in the order here indicated—

(a) A reference to the decision, report, order, or action of the Board;

(b) A concise statement of the interests of the party submitting the paper;

(c) Where deemed necessary by the submitting party, a concise summary statement of the case explicitly pointing out any inaccuracy or omission in the statement of the other side, with references to the record where appropriate;

(d) A listing of the reasons why review should not be exercised, each reason set forth in a separate, numbered paragraph;

(e) The argument generally amplifying the material in paragraph (d) of this section and, in addition, specifically replying to the points of law, policy and fact presented by the other side (each stated separately) citing the authorities, statutes, and other material relied upon by the submitting party;

(f) A conclusion, specifying with particularity the action which the submitting party believes the Under Secretary should take.

§ 202.6 Grant or denial of review.

(a) A petition or request for review by the Under Secretary of any decision, report, order or action of the Board will not be granted unless significant and important questions of over-all policy requiring the Secretary's attention are involved or there appears to be significant legal, policy, or factual error in the Board's action.

(b) The parties and the Secretary of the Board will be notified, by Order, of the Under Secretary's decision to review a case on his own motion, and of his decision to review or to deny review of a case where a petition or request concerning review has been filed.

(c) Promptly upon notice of a decision by the Under Secretary to review a case subject to review under section 6.01 of Department Order 117-A, the Secretary of the Board shall certify to the Under Secretary the complete record of the proceeding before the Board and shall serve upon all parties a copy of such certification which shall adequately identify the matter so certified. The Secretary of the Board shall further serve upon all parties a copy of any further communication from the Board or Maritime Administration on such a case.

§ 202.7 Supplemental briefs.

If an order taking review is entered by the Under Secretary, further briefs supplementing the arguments set forth in the petitions and replies may be requested in cases where the Under Secretary deems such to be appropriate and desirable.

§ 202.8 Oral argument.

Generally, oral argument will not be necessary. However, the Under Secretary reserves the right to schedule such when he deems it desirable.

§ 202.9 Decisions by the Under Secretary of Commerce for Transportation.

Decisions of the Under Secretary will be reached in accordance with applicable law and the evidence. Upon the determination of a case taken under review by the Under Secretary, a written decision and opinion which states the Under Secretary's conclusions and an explanation thereof will be issued.

§ 202.10 Petitions for reconsideration.

Petitions for reconsideration of decisions by the Under Secretary in any case taken under review will be considered, upon a showing of good cause, if filed within ten (10) days of service of the Under Secretary's decision.

§ 202.11 Ex parte communications.

Oral or written communications with the Department concerning a matter subject to Secretarial review under section 6.01 of Department Order 117-A, unless otherwise provided by law or by order, rule, or regulation of the Department, shall be deemed ex parte communications and shall not be part of the record and shall not be considered in

making any recommendation, decision or action; *Provided, however*, That this rule shall not apply to customary informal communications with Department counsel, including discussions directed toward the development of a stipulation or settlement between parties; communications of a nature deemed proper in proceedings in U.S. Federal courts; and communications with Department counsel which merely inquire as to procedures or the status of a proceeding without discussing issues or expressing points of view. Any written communication subject to the above stated rule received by the Department shall be placed in the correspondence file of the case, which is available for public inspection. If an oral communication subject to the above stated rule is received, a memorandum setting forth the substance of the conversation shall be made and placed in the correspondence file.

Dated: May 27, 1966.

ALAN S. BOYD,
Under Secretary of Commerce for Transportation.

[F.R. Doc. 66-6237; Filed, June 7, 1966; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16370; FCC 66-506]

PART 73—RADIO BROADCAST SERVICES

Minimum Power Authorized for Class IV Stations

1. The Commission has under consideration its notice of proposed rule making, FCC 65-1130, issued in this proceeding on December 17, 1965, and published in the FEDERAL REGISTER on December 22, 1965 (30 F.R. 15811), inviting comments on a proposal to raise the minimum permissible power for Class IV standard broadcast stations from 100 watts to 250 watts. The notice also pointed out that, in the event the proposal is adopted, we would urge existing 100-watt stations, which can do so in conformance with the rules, to apply for increased power day and night. Comments were filed by several Class IV station licensees, two applicants for 100 watt stations, two engineering consultants, and an association of regional AM licensees.[1]

PROPOSED RULE

2. The comments filed centered around three basic points; the merits of the proposal with regard to new Class IV stations, whether or not the proposed minimum power should apply to existing Class IV stations operating with 100 watts of power, and whether the proposed rules should apply to pending applications. With respect to the first point, both consulting engineers opposed raising the minimum power to 250 watts. They submit that the use of 100 watts may be the only means of providing stations in communities which need them, that it permits greater flexibility in allocations, that it would implement the desire of the Commission to halt the increase of new stations in suburban areas designed to serve the nearby metropolitan areas, and that more categories of stations are needed rather than less in view of the strict allocation rules recently adopted. They further challenge the basic assumption by the Commission that 100-watt AM stations are inefficient. The arguments advanced to show that the use of 100 watts is more efficient than the proposed 250-watt minimum include the following: More stations can be assigned on the basis of 100 watts, the ratio of service to interference radii for 100 watts compares favorably with that for 250 watts, in the FM broadcast service provision is made for 10-watt operation by noncommercial educational stations, and the service radius of a 100-watt station on 1230 kc/s, with an antenna radiation of 50 mv/m and a ground conductivity of 8 mmhos is about the same as that for a 250-watt Class II station on 1520 kc/s with an antenna radiation of 90 mv/m and the same ground conductivity.

EXISTING STATIONS

3. One party, the licensee of a Class IV station, opposes the proposed increases for existing stations or applications unless a showing is made that the technical criteria prohibiting overlap contained in § 73.37 is included. This party points out that in the event a pending application for a 100-watt station is granted it would create substantial interference to its service area which could impair its service and prove devastating to its survival. Another existing 100-watt station supports the proposal for existing stations and urges that it would provide a first nighttime service to many people and that similar increases would result for the 5 Class IV stations which operate with 100 watts in communities with no other broadcast station.[2] The Pasadena Presbyterian Church operates station KPPC during specified hours with 100 watts—6 a.m.-12 p.m. Sunday and 7 p.m.-11 p.m. Wednesday on 1240 kc/s in Pasadena, Calif. It agrees that 100-watt operation is inefficient and states that it hopes to be able to increase its power to 250 watts in the event the rule is adopted. In reply to this party, Tracy Broadcasting Co., licensee of KGFJ on 1230 kc/s, 250 w N and 1000 w D, states that it is required to reduce power to 100 watts when KPPC is on the air. Tracy does not oppose the proposed rule but urges that if the rule is adopted that it either does not apply to existing share-time stations operating with 100 watts or that if it is applied to share-time stations, authority for 250 watts operation must be on a simultaneous basis. In another reply to KPPC, Buckley-Jaeger, licensee of KGIL, San Fernando, Calif., on 1260 kc/s, 5 kw-DA-2, states that its station must operate with its nighttime directional antenna during the hours in which KPPC operates in order to avoid overlap of its 2 mv/m contour and the 25 mv/m contour of KPPC. It requests that in the event the proposed rule is adopted, existing stations will not be permitted to increase power unless the new operation is in full compliance with all applicable rules.

4. The Association on Broadcast Standards, Inc., is concerned that any action taken herein may have an adverse effect on stations on adjacent channels to the Class IV assignments and fears that the Commission may declare as a matter of public policy that existing 100-watt stations may increase their power across-the-board. It urges that the rules apply to new stations only and that applications from existing 100-watt stations be acted upon solely with regard to the individual merits.

PENDING APPLICATIONS

5. There are five pending applications which specify 100 watts power, two of which are for the community of Wilkesboro, N.C. (see order issued on November 26, 1965, FCC 65-1049), and one each for Thurmont, Md., Ajo, Ariz., and Monroe, N.C. Two parties urge that pending applications should be exempt from the new rule since they are so few that they will not decrease efficiency to the extent that the public interest would suffer, that they were filed in reliance on the present rules, and there may be selected situations where a 100-watt station would fill the need for a local station.

CONCLUSIONS

6. After careful consideration of all the comments and data submitted in this proceeding we are of the view that the proposed rule to raise the minimum power for a Class IV station from 100 watts to 250 watts, day and night, is in the public interest and should be adopted. We agree with the statement of some of the parties that the lower power may be the only way in which Class IV stations can be added in certain communities. However, we must evaluate this against the detriments which flow from the present rules which permit the assignment of new 100-watt facilities and subsequent power increases to 500 watts (daytime), notwithstanding the interference which is caused to existing facilities. The net result is that the interference caused usually outweighs any benefits which

[1] The parties who filed comments are as follows: Paul L. Cashion and J. B. Wilson, Jr., doing business as Wilkes County Radio, applicant for a 100-watt station at Wilkesboro, N.C.; Victor A. Leisner, applicant for a 100-watt station at Thurmont, Md.; Pasadena Presbyterian Church, licensee of KPPC, Pasadena, Calif.; Sea Island Broadcasting Corp., licensee of WSIB, Beaufort, S.C.; E. Harold Munn, Jr., consulting engineer; WBEJ, Inc., licensee of WBEJ, Elizabethton, Tenn.; Buckley-Jaeger Broadcasting Corp. of Calif., licensee of KGIL, San Fernando, Calif.; Association on Broadcasting Standards, Inc., and Nathan Williams, consulting engineer.

[2] There are a total of 9 Class IV stations operating with 100 watts, six of which are fulltime operations with this power and three of which operate with 100 watts on specified hours. Seven of these are the only AM stations in the community.

may be gained from the limited additional service provided. In addition, the allocation of new 100-watt Class IV stations may offer an impediment to existing 250-watt Class IV stations seeking a daytime power increase to 1 kilowatt or to new Class IV stations in other communities. The Commission concluded at the time the rules were amended to raise the daytime power ceiling for Class IV stations from 250 watts to 1 kilowatt that this relaxation would bring more effective radio service to sizable segments of the public and benefit Class IV stations to the maximum possible degree. It is evident, therefore, that the continuance of an allocation system which might hinder the accomplishment of this objective would not be desirable. Further, in most cases where a 100-watt station is proposed because a 250-watt assignment would not be feasible, there is no lack of local service

7. The arguments that the proposal is less efficient than the present rule are not supported by any facts or documentation. Adding more stations does not necessarily mean more service to more people. Our experience with TV and FM allocations has led us to the conclusion that there is a point in which the greatest service to the largest areas and populations is provided and increasing the number of stations (by shorter separations in TV or FM or by lower power in AM) soon results in "islands of service" and "oceans of interference." See discussion in report and order issued on July 7, 1964, in Docket 15084, in which the present AM technical rules were adopted. It is true that we permit noncommercial educational FM stations with only 10 watts of transmitter power. However, these stations are intended to serve only an educational institution and the surrounding campuses, not a community of any appreciable size. The example cited of the same service range for a 100-watt station and that for a Class II station is also not convincing. Much of the difference is made up by the difference in frequency. Further, since there is no ceiling to the nighttime limitation of a Class IV station and there is for a Class II station, the Class IV station's service area at night would be much smaller than that of the Class II. The fact that the ratio of the radii of the service to interference signals for the 100 and 250 watts is the same is also not significant. On balance, therefore, we are of the view that the new minimum power for Class IV stations should be 250 watts.

8. As to existing stations which operate with 100 watts, we stated in our notice that we would urge such stations which can do so in conformance with the rules to seek increased power day and night. We did not intend to infer that such stations would be granted such increases automatically but that those which could conform to the rules and Communications Act and if otherwise consistent with the public interest, would be considered favorably. We shall consider such requests upon the merits of the individual application. With respect to pending applications, we believe that the public interest would be served by making exceptions in their cases. There are only five such applications at the present time and we do not believe that the four stations which could be granted upon a finding that they would otherwise serve the public interest, would negate to a serious degree the objective we are seeking to obtain from the proposed rule changes. All of these were filed prior to our proposal.

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

10. In view of the foregoing: *It is ordered*, That effective July 11, 1966, Part 73 of the rules and regulations is amended insofar as minimum power authorized for Class IV AM stations is concerned as set forth below.

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

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

Part 73 is amended as follows:

1. In § 73.21 paragraph (c)(1) is amended to read as follows:

§ 73.21 Classes of standard broadcast channels and stations.

* * * * *

(c) *Local channel.* * * *

(1) *Class IV station.* A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.25 kilowatt, and not more than 0.25 kilowatt nighttime and 1 kilowatt daytime, and its service area is subject to interference in accordance with § 73.182. Stations which are licensed to operate with 100 watts day or might continue to do so.

* * * * *

2. In § 73.23 paragraphs (c) and (e) are amended so as to delete the expression "0.1 kw or" from each so as to read as follows:

§ 73.23 Time of operation of the several classes of stations.

* * * * *

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. Daytime stations operating on local channels with a power of 0.25 kw may, upon notification to the Commission and to the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

* * * * *

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in §73.71.) Specified hours stations operating on local channels with a power of 0.25 kw, except those sharing time with other stations may, upon notification to the Commission and the Engineer in Charge of the radio district in which they are located, operate at hours beyond those specified in their license.

3. Section 73.41 is amended to read as follows:

§ 73.41 Maximum rated carrier power; tolerances.

The maximum rated carrier power of a transmitter shall be an even power step as recognized by the Commission's plan of allocation (250 watts, 500 watts, 1 kw., 5 kw., 10 kw., 25 kw., 50 kw) and shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

Class of station	Maximum power authorized to station	Maximum rated carrier power permitted to be installed
Class IV	250, 500 or 1,000 watts	1,000
Class III	500 or 1,000 watts	1,000
	5,000 watts	5,000
Class II	250, 500, or 1,000 watts	1,000
	5,000 or 10,000 watts	10,000
	25,000 or 50,000 watts	50,000
Class I	10,000 watts	10,000
	25,000 or 50,000 watts	50,000

4. In § 73.52 paragraph (b) is amended to read as follows:

§ 73.52 Operating power; indirect measurement.

* * * * *

(b) * * *

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.25–1.0 kw	
.80	Plate	5 kw and over	
.35	Low Level	0.25 kw and over	B
.65	Low Level	0.25 kw and over	BC [1]
.35	Grid	0.25 kw and over	

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

* * * * *

5. In § 73.182 that portion of paragraph (a)(4) preceding the Note, and paragraph (f) are amended as set forth below. In paragraph (v) the Table is amended in Column 3 for Class of station IV to read: "0.25 kw (night), and 0.25 to 1 kw (day)".

§ 73.182 Engineering standards of allocation.

(a) * * *

(4) Class IV stations operate on local channels, normally rendering primary service only to a city or town and the suburban or rural areas contiguous thereto, with powers not less than 250 watts, nor more than 250 watts nighttime and 1 kilowatt daytime (for restrictions on daytime power of local stations located near the Mexican border or in an area within the State of Florida, see § 73.21 (c)). Such stations are normally protected to the 0.5 mv/m contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. Where directional antennas are employed

[2] Commissioner Hyde dissenting; Commissioner Cox concurring in part.

daytime by Class IV stations operating with more than 250 watts power, the separations required shall in no case be less than those necessary to afford protection, assuming nondirectional operation with 250 watts. In no case will 250 watts nighttime operation be authorized to a station unable to operate nondirectionally at 250 watts in the daytime. The actual nighttime limitation will be calculated.

* * * * *

(f) The signals necessary to render primary service to different types of service areas are as follows:

Area	*Field intensity groundwave* [1]
City business or factory areas	10 to 50 mv/m.
City residential areas	2 to 10 mv/m.
Rural—all areas during winter or northern areas during summer	0.1 to 0.5 mv/m.
Rural—southern areas during summer	0.25 to 1.0 mv/m.

[1] See § 73.184 for curves showing distance to various groundwave field intensity contours for different frequency and ground conductivities and § 73.183.

All these values are based on an absence of objectionable fading, either in changing intensity or selective fading, the usual noise level in the area, and an absence of limiting interference from other broadcast stations. The values apply both day and night but generally fading or interference from other stations limits the primary service at night in all rural areas to higher values of field intensity than the values given. The Commission will authorize a directive antenna for a Class IV station for daytime operation only with power in excess of 250 watts. In computing the degrees of protection which such antenna will afford, the radiation produced by this antenna shall be assumed to be no less, in any direction, than that which would result from nondirectional operation, utilizing a single element of the directional array, with 250 watts.

NOTE: Standards have not been established for interference from atmospherics or man-made electric noise as no uniform method of measuring noise or static has been established. In any individual case objectionable interference from any source, except other broadcast signals, may be determined by comparing the actual noise interference reproduced during reception of a desired broadcast signal to the degree of interference that would be caused by another broadcast signal within 20 cycles of the desired signal and having a carrier ratio of 20 to 1 with both signals modulated 100 percent on peaks of usual programs. Standards of noise measurements and interference ratio for noise are now being studied.

6. In § 73.189 paragraph (b) (2) (i) is amended to read as follows:

§ 73.189 Minimum antenna heights or field intensity requirements.

* * * * *

(b) * * *

(2) * * *

(i) Class IV stations, 150 feet or a minimum effective field intensity of 150 mv/m for 1 kilowatt (75 mv/m for 250 watts). (This height applies to a Class IV station on a local channel only. In the case of a Class IV station assigned to a regional channel Curve A shall apply.)

* * * * *

(Secs. 4, 303, 307, 48 Stat. 1066 as amended 47 U.S.C. 154, 303, 307)

[F.R. Doc. 66-6285; Filed, June 7, 1966; 8:48 a.m.]

[Docket No. 16587, RM-896; FCC 66-504]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, Idaho Falls, Idaho

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued on April 15, 1966 (FCC 66-320) and published in the FEDERAL REGISTER on April 20, 1966 (31 F.R. 6065) inviting comments on a proposal to substitute Channel 256 for 223 at Idaho Falls, Idaho as follows:

City	Channel No.	
	Present	Proposed
Idaho Falls, Idaho	223, 241	241, 256

The Notice was issued in response to a petition filed by Eastern Idaho Broadcasting and Television Company (Eastern), the licensee of television Station KIFI-TV, Channel 8 at Idaho Falls. In addition to the subject petition (RM-896), Eastern also filed a Petition for Reconsideration of a construction permit granted to Golden Valley FM, Inc. (BPH-4908) for a new FM station in Idaho Falls on Channel 223, KGVM-FM. In view of an agreement signed by both Eastern and KGVM-FM requesting deferral of action by the Commission on the reconsideration request and other related pleadings, no action has been taken on the petition for reconsideration of the KGVM-FM grant.

2. The purpose of the subject petition is to remove the possibility of the interference petitioner feels is likely to occur to the reception of its TV station in the area of the FM transmitter due to the fact that the second harmonic of the FM signal (185.0 Mc/s) falls within the range of Channel 8 (180-186 Mc/s). See Information Bulletin FCC 65-130, dated February 19, 1965, and Public Notice, FCC 66-106, dated February 3, 1966. Eastern fears that this interference will be severe in this case since the TV station is far (30 miles) from the center of population while the FM station is situated much closer to the city (about 8 miles northeast) and near the populated area. It cites the example of the interference which was caused to reception of WILX-TV on Channel 10 at Lansing, Mich., around the transmitter of WKFR-FM on Channel 243 at Battle Creek, Mich. Eastern urges that the proposed substitution of Channel 256 for 223 at Idaho Falls will conform to the policy included in the February 3, 1966, Public Notice since there will not result any loss of potential FM service nor will it shift the problem to any other community or television station. Eastern submits that Channel 223, if deleted from Idaho Falls, would still be available in a large area to the east and south of that city and that there are 23 other FM channels which can be assigned to Idaho Falls for future use, 10 of which could be used simultaneously. Eastern further states that any resulting interference to TV reception in this area would have grave consequences to the people of Idaho Falls since they receive no other service than that provided by KIFI-TV and KID-TV, the second television station in the market, and that it would result in competitive imbalance in the television situation in this relatively small market. Finally, Eastern requests that the construction permit of KGVM-FM be modified to specify the proposed channel in lieu of Channel 223 with appropriate conditions.

3. KGVM-FM submits measurements purporting to show that its operation would not cause interference to reception of KIFI-TV and states that observations at homes nearest the transmitter indicate that no interference exists to the color and other portions of the KIFI-TV signals. Eastern questions both the equipment used and the results of the measurements as to their reliability and validity. It repeats its request that Channel 256 be substituted for Channel 223 at Idaho Falls and states that it is willing to reimburse KGVM-FM up to $1,000 and possibly more for reasonable costs stemming from the change in assignment. KGVM-FM states that it would like to proceed on Channel 223 at its own risk but that in the event it is considered that the operation on Channel 223 presents a problem, it is willing to shift to Channel 256.

4. After consideration of all the comments and data submitted in this proceeding we are of the view that the proposed substitution of Channel 256 for 223 at Idaho Falls would serve the public interest. The change would eliminate the possibility of future interference to the reception of one of the two TV signals in the community and would conform to our policy of making FM channel changes announced in our Public Notice of February 3, 1966.

5. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

6. In view of the foregoing; *It is ordered*, That effective July 11, 1966, § 73.202 of the Commission's Rules, the FM Table of Assignments, is amended to read, with respect to the community named below, as follows:

City	*Channel No.*
Idaho Falls, Idaho	241, 256

7. *It is further ordered*, That the outstanding construction permit held by Golden Valley FM, Inc., for Station KGVM-FM on Channel 223 at Idaho Falls, Idaho, is modified, to specify operation on Channel 256 subject to the following conditions:

(a) That the permittee shall submit to the Commission in writing by June 20, 1966, its consent to the above modification.

(b) The permittee shall submit to the Commission by June 20, 1966, all the technical information normally required

for the issuance of a construction permit for operation on Channel 256, including any changes in antenna and transmission line.

(c) The permittee shall cease any further tests on Channel 223 or any other operation on this channel until the station is ready to commence equipment tests on Channel 256.

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

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-6286; Filed, June 7, 1966; 8:49 a.m.]

[Docket No. 16185, RM-795; FCC 66-489]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Colby, Kans.

1. The Commission has before it for consideration its notice of proposed rule making released September 10, 1965 (FCC 65-782), in response to a petition of Colby Development, Inc.[1a] (Colby), requesting the assignment of Channel 4 to Colby, Kans. In addition to those of petitioner, comments in support of the request and the proposal herein have been filed by the American Broadcasting Co. (ABC); comments in opposition thereto by KAYS, Inc. (KLOE), licensee of Station KLOE-TV, Goodland, Kans. The Association of Maximum Service Telecasters, Inc. (MST), filed a statement concerning the transmitter site location of the proposed facility.

2. Colby, with a population of 4,210, is located in a rather sparsely populated area in the northwestern part of Kansas. It is the largest community and county seat of Thomas County, which has a population of 7,358.[2] Colby has no television service of its own and no channel assignment at the present time. However, it is within the Grade A contour of Station KLOE-TV (Channel 10), Goodland, Kans., and the Grade B contour of Station, KOMC-TV (Channel 8), McCook, Nebr. Station KLOE-TV is operated as a satellite of Station KAYS-TV, Hays, Kans., and is affiliated with the Columbia Broadcasting System. Station KOMC-TV is operated as a satellite of Station KARD-TV, Wichita, Kans., and is affiliated with the National Broadcasting Co.[3]

3. As pointed out by petitioner, the requested assignment of Channel 4 to Colby will meet the Commission's separation requirements only if the transmitter is located in an area approximately 17 miles west of the city.[4] MST takes note of this in its statement which it filed for this purpose, pointing out that it has consistently opposed proposals in derogation of the Commission's minimum mileage separation requirements and taking the position that the requested assignment should therefore be conditioned upon the aforesaid site location meeting all spacing requirements.

4. In support of its request for the assignment of Channel 4 to Colby petitioner states that on the basis of discussions with the licensee of Station KAKE-TV, Wichita (KAKE-TV & Radio, Inc.), the contemplated VHF station at Colby would be authorized to rebroadcast the programs presented by Station KAKE-TV—both the ABC network and also the nonnetwork programs of interest in the area. Petitioner states that the allocation of a VHF channel to provide wide area coverage in the Colby area is essential for this arrangement and "ultimately to make possible the presentation of programs designed to meet local needs * * *".

5. ABC, in its supporting comments, points out that Colby has no television station or channel allocation and that a third service for the area would provide essential competition; also, that it appears that there would be adequate economic support in the Colby area for the station assuming facilities comparable to the two existing stations serving Colby, a 60 percent sets-in-use factor and a 30 percent share of the audience.

6. In its comments opposing the proposed assignment, KLOE questions the economic feasibility of another television station in the sparsely populated Colby area, inasmuch as both stations—KLOE-TV and a Channel 4 facility—would be serving the same general area, stating that "* * * KLOE-TV could well be forced to curtail some of its efforts in providing and expanding its local live services * * *". KLOE also states that the allocation of an additional VHF channel in this area of flat terrain would be contrary to the Commission's policy of furthering UHF development and also observes that "* * * since this channel can be used in other communities in a very large area which do not have any AM or TV stations, the proposed assignment to Colby would preclude the use of needed future assignments in other communities."

7. The balance of KLOE's opposition argument is premised on the assumption the petitioner will be the applicant and ultimately the licensee of the requested Channel 4 facility. Thus KLOE observes that Station KAKE-TV, Wichita, whose signal will be rebroadcast by the proposed station, is the licensee of AM stations at Wichita and Garden City, Kans., and has television translators at Great Bend, Russell, Herington, and Hays, Kans., and further, is applicant for Station KUPK, Garden City, a satellite operation, on Channel 13. Therefore, contends KLOE, the operation of another TV satellite at Colby will enable a metropolitan area station to control media of mass communication over a distance of several hundred miles between Wichita and the Colorado border. Also, KLOE claims, since the satellite station at Colby must rely for most of its revenues on what KAKE-TV will pay it for carrying its programs, the new station will be virtually at the mercy of KAKE-TV, and further, no one else will be in a position to purchase the station without the consent of KAKE-TV to rebroadcast its programs and receive an adequate compensation therefor.

8. In reply comments Colby addresses itself to KLOE's objections to the proposed satellite arrangement with KAKE-TV, noting that KLOE-TV is itself a satellite (of KAYS-TV) and indeed (unlike petitioner) is a wholly owned satellite. Colby also points out the incongruity of KLOE's arguments against a new service in the Colby area in light of KLOE's own efforts to obtain ABC programs for the (Colby-Goodland) area. As to the economic arguments, Colby states that KLOE has not attempted to make an economic study or to determine the support which the area could provide a Colby facility, and further, that the Commission will review the financial feasibility when acting on an application for the facility.

CONCLUSION

9. It is of course true that the Commission does follow a policy designed to encourage the development of UHF. However, in this case there is no demonstrated or apparent demand or interest in a UHF channel in the Colby area at this time, and similarly, although it is obviously true that the requested channel could also be assigned in areas which have no stations, KLOE does not indicate any specific city in this general area where there is in fact a demand or potential demand for the channel. In any case, there is now a request and a case made for the VHF channel assignment for Colby. While it is of course impossible to finitely predict the financial success or viability of a new station, we believe the economic facts here provide a sufficient basis for making the channel available. Beyond this, the arguments of the opposition in this regard are speculative, and largely irrelevant in this

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[1] Commissioner Cox dissenting.

[1a] According to petitioner, it is a corporation formed by a group of local businessmen to stimulate the development of Colby and surrounding area.

[2] All population figures—1960 U.S. Census.

[3] Part of the area which would be served by the proposed facility on Channel 4 is also within the Grade B contour of Station KHPL-TV (Channel 6), Hays Center, Nebr. (which is a satellite of KHOL-TV, Kearney, Nebr., and is affiliated with the ABC network). However, this area does not extend to Colby.

[4] Petitioner states that there is a relatively large area at this location where it could operate and provide the required city grade service to Colby. (The standard reference point at Colby for a Channel 4 assignment is short spaced as to Station KHTL-TV, Channel (4) Superior, Nebr.

proceeding.[5] Similarly, all pertinent questions concerning specific programing plans and capabilities of the petitioner and any other party who might apply for a construction permit for the channel would be considered and decided in a licensing proceeding rather than in this rule making proceeding.

10. In view of the foregoing, we are of the view that the public interest, convenience and necessity would be served by the assignment of Channel 4 to Colby, Kans. In view of the foregoing: *It is ordered*, effective July 11, 1966, that the Table of Assignments contained in § 73.606 of the Commission's rules and regulations is amended insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Colby, Kans	4

11. This assignment is made on the basis that any applicant for this channel will utilize a transmitter site which will meet the Commission's mileage separation requirements and otherwise comply with the Commission's rules.

12. Authority for this action is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

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

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

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6287; Filed, June 7, 1966; 8:49 a.m.]

[Docket No. 16212; FCC 66-490]

PART 73—RADIO BROADCAST SERVICES

Certain FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations; Carrollton, Ky., Columbia, Tenn., San Clemente and Lancaster, Calif., Providence, R.I., Salt Lake City and Toole, Utah, Carroll, Cherokee, and Algona, Iowa, Nacogdoches and Lufkin, Tex., Charleroi and Uniontown, Pa., Clarksburg, Fairmont, Morgantown, and New Martinsville, W. Va., Denison, Iowa, Immokalee, Fla., New London, Neenah-Menasha, and Green Bay, Wis., Mason City, Iowa, and RM-808, RM-817, RM-837, RM-825, RM-838, RM-841, RM-844, RM-918.

1. The Commission has before it for consideration its Further Notice of Proposed Rule Making, FCC 66-191, issued Austin, Minn.; Docket No. 16212, RM-818, RM-819, RM-816, RM-830, RM-822, in this proceeding on February 28, 1966 (31 F.R. 3348) and all the comments and data filed in response thereto. The further notice was intended to dispose of the last remaining matter in the subject proceeding and invited comments on three conflicting proposals as follows:

City	Channel No.	
	Present	Proposed
Denison Broadcasting Co. (KDSN, Denison, Iowa): Denison, Iowa	296A	290
Northwest Broadcasting Co. (KVFD, Fort Dodge, Iowa): Fort Dodge, Iowa	221A, 233	221A, 233, 291
North Central Iowa Broadcasting Co. (KSMN, Mason City, Iowa):		
Mason City, Iowa	252A	252A, 260
Austin, Minnesota	260	291

2. In view of the spacings between these communities, Channel 290 and Channel 291 cannot be assigned to Denison and Fort Dodge, respectively, and Channel 291 cannot be assigned to both Fort Dodge and Austin, Minn. In order to meet the required minimum separations, Channel 291 at Austin would have to be located to the south of the city. Thus, either Channel 291 can be assigned to Fort Dodge alone or Channel 290 can be assigned to Denison and Channel 291 to Austin at a location out of town (with 260 for Mason City). The communities involved in the requests and the pertinent data concerning them are as follows:

City	Population		Present assignments		Proposed FM assignments
	City	County	AM	FM	
Denison	4,930	18,569	One daytime	296A	290(C)
Fort Dodge	28,399	47,810	One daytime One Class IV	221A, 233	221A, 233(C), 291(C)
Mason City	30,642	49,894	One unlimited One Class IV One daytime	252A	252A, 260(C)
Austin	27,908	48,498	Two unlimited	260	291(C)

All of the cities are the largest in their respective counties and are the county seats.

3. In support of its request for a Class C assignment (Channel 290) in lieu of its present Class A assignment (Channel 296A), Denison points out that it is located in the center of a rural area and that it is quite distant from any substantial centers of population. Denison is about equidistant (approximately 65 miles) from Fort Dodge, Sioux City, Iowa, and Omaha, Nebr., all of which have Class C assignments. There are in addition Class C assignments at Storm Lake (43 miles) and at Carroll (23 miles). A station operates at Storm Lake and an application has been filed for the Carroll assignment. Petitioner states that the area of the six adjoining counties are without any local broadcast or television stations. With respect to the Fort Dodge-Mason City conflict, Denison urges that the proposal to add a Class C to Mason City would equalize the FM assignments to these communities, with one Class A and one Class C to each. It therefore supports the Mason City request as well as its own.

4. Northwest opposes the assignment of Channel 290 to Denison and urges the assignment of Channel 291 to Fort Dodge. It submits that Fort Dodge is over five times larger than Denison and is growing at a greater rate, that it is the hub of a large trading area and focal point for medical, educational, cultural and religious interests in the surrounding area, and that it would provide competitive equality with the other Class C assignment in the city. Northwest further argues that Fort Dodge is also the center of a large rural area and is far removed from large cities and so is deserving of a second Class C assignment.

5. North Central points out that Mason City is the largest of those under consideration in this proceeding, and that the county is also the largest of the counties. It submits that Mason City is the commercial center of a rich farming, dairying, and stock-raising region, and has many industrial and commercial establishments. It urges that Channel 260 is the only available Class C assignment which can be made to Mason City without extensive changes in the FM Table and that it can be made with but the substitution of Channel 291 to Austin, and that the proposal would best fulfill the statutory mandate of equitable and efficient distribution of frequencies. Finally, it states that the transmitter for Channel 291 at Austin would have to be located about 2 to 3 miles south of the city but that one of the AM stations and

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[5] The leading cases on economic injury, Carroll Broadcasting Co. v. FCC (258 F. 2d 440) and Sanders Brothers Radio Stations v. FCC (309 U.S. 470) were both cases involving license applicants. In any case, the Commission has stated (Carroll Broadcasting) that "* * * the burden of proceeding with the introduction of evidence and the burden of proof as to this issue (i.e., whether a grant of the application would result in such economic injury as would impair the protestant's ability to continue serving the public) shall be on the protestant * * *". Furthermore, the courts stated in Carroll Broadcasting that "* * * private injury is by no means always, or even usually reflected in public detriment. Competitors may severely injure each other to the great benefit of the public * * *".

[6] Commissioner Lee absent.

the television station are located about 2.5 miles south of Austin.

6. Minnesota-Iowa Television Co., licensee of Stations KAUS(AM) and KMMT(TV), Austin, Minn., opposes the substitution of Channel 291 at Austin for Channel 260. It points out that the assignment of Channel 291 to Austin would require the location of a site about 22 miles south of Austin, due to the assignment of Channel 292A at River Falls, Wis. (apparently overlooked by the proponent of Channel 260 for Mason City). Minnesota-Iowa submits that this assignment would not be suitable for Austin but since the location of a site would be closer to Mason City than to Austin, would be more appropriate for the latter. The engineering showing attached to these comments indicates that Channel 291 can be located in the city of Mason City itself as well as in Fort Dodge. Minnesota-Iowa further states that the comments of Denison and North Central are made on the basis that a substitute channel (291) can be assigned to Austin but urges that this is not so since the transmitter for its use would have to be about 22 miles south of Austin in view of the assignment of Channel 292A to River Falls, Wis., and the application which was recently filed for this assignment. It submits that in the event Channel 260 is retained in Austin, it will file an application for its use. In its reply comments North Central alters its request and supports the proposal to assign Channel 291 to Mason City. It urges that this assignment, while it would preclude the assignment of Channel 290 to Denison and 291 to Fort Dodge will lead to the most equitable and efficient distribution of frequencies. It contends that, because of the size and importance of Mason City to the natural market area around it, a Class C facility is necessary to serve the market, that it merits a first Class C assignment before the smaller city of Fort Dodge merits a second such assignment, and before Denison, a small, rural community, merits a first Class C channel.

7. In the Further Notice the Commission was presented with three conflicting requests for a first Class C assignment in Denison (Channel 290), a second Class C in Fort Dodge (Channel 291), and a first Class C in Mason City (Channel 260). The third proposal would require that Channel 291 be substituted for Channel 260 at Austin, Minn. The record discloses (and none of the parties refute this) that Channel 291 would not be a satisfactory substitute for Channel 260 at Austin in view of the need to place the site about 22 miles south of the city. In fact, this would place the site much closer to Mason City than to Austin and, for this reason, it is proposed that Channel 291 be assigned to Mason City, where it can be used in the city itself. We are of the view that the North Central proposal to assign Channel 260 to Mason City should be rejected. However, we are also of the view that Mason City merits the assignment of a first Class C assignment in preference to Denison and that it merits this assignment as against a second Class C assignment to Fort Dodge. It is the largest community of the three, is located in the county with the largest population, and is similarly situated with respect to large cities and metropolitan areas. The assignment of Channel 291 to Mason City would give that community one Class C and one Class A assignment, retain a Class C and Class A in Fort Dodge, and retain a Class A assignment in Denison. We believe that this arrangement would be the most equitable distribution of available frequencies in spite of the mixing of Class A and C assignments, which we believe to be warranted in this case. Finally, the changes adopted would retain a more suitable assignment for the city of Austin.

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

9. In view of the foregoing; *it is ordered*, That effective July 11, 1966, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the community named below, as follows:

City	*Channel No.*
Mason City, Iowa	252A, 291

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

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

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION [1]

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

[F.R. Doc. 66-6288; Filed, June 7, 1966; 8:49 a.m.]

[Docket No. 16467, RM-874; FCC 66-488]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Bemidji, Minn.

1. The Commission has before it for consideration the proposal to amend the Television Table of Assignments (§ 73.606 of the Commission's rules and regulations) to reserve Channel 9, already assigned to Bemidji, Minn., for noncommercial use.[1a]

2. As our notice pointed out, Bemidji is centrally located in the north central part of Minnesota in a rather sparsely populated area.[2] There is little direct television service with some service from translators and CATV. There is no educational television service, and an ETV station on Channel 9 with maximum power and 1,000-foot antenna height would be able to serve 125,000 persons. Both the petition and subsequent informal comments indicate that a UHF channel would not be used. The Bemidji City Council adopted a resolution opposing the rule making because it would seriously jeopardize the possibility of future commercial television broadcasts originating in the city of Bemidji. There is no indication, however, that anyone intends to apply for a commercial station on Channel 9.

3. Numerous letters and other communications have been received from educational and public-spirited organizations indicating that they are ready, willing, and able to proceed with the construction of an ETV station on Channel 9 and that programing will be available. The principal communication of this sort is from the Twin City Area ETV Corp. which states that it has formally been requested to act for the Bemidji area schools to apply for a construction permit and Department of Health, Education, and Welfare funds, while funds are already available to interconnect with the Minnesota ETV network and permit full programing immediately. The apparent intention is to take these steps promptly to activate a station on Channel 9. Twin City Area ETV Corp. also stated that it is organizing a staff for the station and making program plans.

4. Other comments indicate that many organizations will help develop, use, or financially support the station. Included are: Minnesota Education Association; Minnesota Adult Education Association; Clearbrook Public School; Beltrami County Schools; Independent School District No. 601; Laporte Public Schools; Bemidji Area Council on Children and Youth; Bi-County Community Action Program; Beltrami County Welfare Department; Indian Education Unit, State Department of Education; Lions American Legion, and other similar groups.

5. AMST is concerned with the mileage separation of a station on Bemidji's Channel 9 to Station KMSP-TV, Channel 9, Minneapolis, Minn. There is a slight short-spacing from the Bemidji reference point to KMSP-TV's present site and slightly more to the proposed transmitter site which is in hearing in part because of FAA's objections to the tall towers at the proposed Minneapolis antenna farm (see Docket Nos. 15841, 15842, and 15843). In the notice, we stated that we need not defer acting on the Bemidji proposal, since it would suffice to provide a condition that the Bemidji station's transmitter site comply with the mileage separation requirements to KMSP-TV's proposed site. AMST suggests that the Commission "explicitly declare that the transmitter of any station (on Channel 9 at Bemidji) be required, in particular, to meet mileage separation requirements to KMSP-TV's site, whether on the Foshay Tower (present location) or at another location that the Commission may ultimately authorize." AMST seems to suggest that action on the application for Bemidji's Channel 9 station be held in

[1] Commissioner Lee absent.

[1a] Channel *26, assigned by the Fifth Report and Order in Docket No. 14229, would become a commercial channel.

[2] Bemidji's population is 9,958 (1960 Census), and Beltrami County in which Bemidji is located has a population of 17,267.

abeyance pending resolution of problems as to KMSP-TV's proposed site at the Minneapolis antenna farm or any other location that may ultimately be authorized. We do not believe that such action is necessary or required. However, in the light of KMSP-TV's application to change transmitter site, which is also the location of the antenna farm, we would expect any application for the Bemidji channel to meet the separation requirements to the existing site or the proposed KMSP-TV site.[3]

6. We conclude that the public interest, convenience, and necessity would be served by reserving Channel 9 at Bemidji, Minn.

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

8. In view of the foregoing: *It is ordered*, That effective July 11, 1966, the Television Table of Assignments (§ 73.606 (b) of the Commission's rules and regulations) is amended as follows:

City	*Channel No.*
Bemidji, Minn	*9, 26

9. It is further ordered that this proceeding is terminated.

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

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE, *Secretary*.

[F.R. Doc. 66-6289; Filed, June 7, 1966; 8:49 a.m.]

[Docket No. 16158, RM-764; FCC 66-495]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments Television Broadcast Stations, Medford, Brookings, Oreg.

1. The Commission has before it for consideration its notice of proposed rule making released July 30, 1965 (FCC 65-731), in response to petitions filed by T & R Broadcasters, Inc. (T & R), and the State of Oregon acting by and through the State Board of Higher Education (Oregon Board). The notice invited comments on a proposal to reassign Channel 8 from Brookings to Medford, Oreg., and also on a counterproposal which would reserve the channel, if so reassigned, for noncommercial educational use. Comments and reply comments in support of T & R's request for the reassignment of Channel 8 to Medford for commercial use were filed by American Broadcasting Co. (ABC). Comments in support of the Oregon Board request for allocation of Channel 8 to Medford for noncommercial educational use were filed by National Association of Educational Broadcasters (NAEB). T & R filed comments and reply comments and Oregon Board filed comments in support of their requests. In addition to the foregoing, comments were filed by Everett A. Faber on alleged comments attributed to him by James L. Hutchens (T & R) regarding educational television and Oregon Broadcasting Company cable systems in southern Oregon, and supplemental reply comments in response thereto were filed by T & R.[1]

2. Medford, with a population of 24,425 (Jackson County, population 73,962)[2] is located in a rather sparsely populated and mountainous area in southwestern Oregon, approximately 75 miles inland from Brookings on the coast. Pointing out that Medford's population has increased 41 percent in the last ten year census period, T & R presents economic and trade data which reflects a significant growth for Medford and Jackson County since 1960. In addition to the foregoing, the thrust of this petitioner's (and also ABC's) argument for a third VHF assignment for Medford is that by reason of the shared affiliation (ABC) between the existing stations—KTVM-TV (Channel 5) and KMED-TV (Channel 10)—the full network program services of the national networks cannot be made available to the public in Medford or within the service area of the stations, and furthermore, since the Commission has not allocated any UHF channels to Medford the advent of a third VHF channel there would not thwart the future development of UHF.

3. Oregon Board, licensee of Stations KOAC-TV (Channel *7), Corvallis, Oreg., and KOAP-TV (Channel *10), Portland, Oreg., points out that both of these stations are located in the central northern section of the State and that no noncommercial educational television service is now available to the southern sections, where a substantial portion of the population is located. Petitioner describes its present educational service of both in-school instruction and over-the-air evening programs of an "educational, cultural and informative nature" for the public, and states that with the use of its present microwave system it could transmit its programs to the contemplated Medford educational facility. Oregon Board asserts that although the Commission's new table reserves a UHF channel for educational use at Medford, this is a VHF market and furthermore the terrain in the area is extremely rough and mountainous and thus a UHF facility cannot provide adequate coverage to the areas sought to be served in the southern section of the State. Petitioner also states that with Channel 8 it could utilize certain VHF equipment which it is now replacing, and that it would be in a position to make prompt utilization of the VHF channel there.[3]

4. In its reply comments, T & R states that "* * * the overwhelming majority of channel assignments projected in the Oregon Board's plan were UHF channels * * *," and points out that the plan suggested that allocation of Channels 8, 25, or 48 for noncommercial educational use at Medford; also, that the NAEB plan has proposed the assignment of UHF Channel 48 for education in Medford. T & R also observes that the Oregon Board's projected program schedule would tie up the channel during daytime hours for in-school instruction and that the Commission's "instructional fixed service" was adopted for this kind of televising. ABC in turn suggests that the educators could apply for Channel 8—even if it is allocated on a commercial basis, or the reserved UHF channel, or they could present programs on Channel 8 "* * * thereby increasing the number of educational programs already carried by the two existing stations in Medford."

5. The comments of Everett A. Faber and the supplemental reply comments of T & R are the result of a comment which was filed as an attachment to the T & R comments and described therein as "further evidence of the existence of CATV systems in the southern Oregon area, the extent (sic) of providing television signals including educational television programs."[4] T & R claims that based on Faber's statements as to his present and planned installations, "* * * southern Oregon, for the most part, already has complete service from the educational station in Corvallis" and that "* * * the present growth of the cable television systems in the Medford-Central Point-Ashland area is being accelerated by the lack of fully diversified coverage from all three networks." Faber, on the other hand, claims that he was misquoted, and misrepresented and that

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[3] The notice pointed out that the Bemidji reference point was 3 miles short to KMSP-TV's proposed site and about 1 mile to its present site.

[4] Commissioner Lee absent.

[1] In response to a telegram received Sept. 29, 1965, from Everett A. Faber, we requested a written statement from him, which was received Oct. 22, 1965. On Nov. 22, 1965, we granted a request of T & R for permission and time to review and respond to Mr. Faber's statement, and said response was received from T & R, in the form of "supplemental reply comments to notice of proposed rule making," on Nov. 26, 1965.

[2] 1960 U.S. Census.

[3] Oregon Board received grants of $315,415 from HEW and $105,138 from the State of Oregon, and Commission authority to increase its power and install a new transmitter, tower and antenna for KOAC-TV, and the old equipment could be used with a Channel 8 allocation (but not a UHF channel) at Medford.

[4] According to Television Factbook (1965 edition), Faber is manager of Jackson Antenna Cable TV, which is owned by Oregon Broadcasting Co. The system for Medford is described as a 12 channel system with 100 customers and a potential of 5,000, with Stations KTVM and KMED-TV, Medford, KVAL-TV, Eugene, KOAC-TV, Corvallis, and KPTV, Portland.

there is as a matter of fact very little interest in cable service in Medford.[5]

CONCLUSION

I. *Question of reassignment of Channel 8 from Brookings to Medford.* 6. Although none of the comments filed in this proceeding oppose the request to delete Channel 8 at Brookings and assign it at Medford, this will deprive Brookings of its only commercial assignment in order to give Medford a third VHF assignment. However, there has been no application for the channel at Brookings, and considering its size (population 2,637) and the fact that it is receiving some television service at the present time (Stations KIEM-TV and KVIQ-TV, Eureka, Calif.), the possibility of applicants for the channel would seem remote. Moreover, in the event that there is a need for a channel at some future date, consideration can be given to assigning a UHF channel to the area at that time.[6] Medford, on the other hand, while not a large metropolis, is a growing community which, according to T & R Broadcasters, can support another television service. And indeed both T & R and ABC have stated that the requested assignment (as an unreserved channel) will result in a third competitive service and a complete choice of network services for the Medford audience. With regard to any adverse impact such assignment would have on the growth of UHF we believe the effect would be negligible. There are no UHF stations in operation nor applications on file for such in this general area. In addition, the relatively small size of the market would make it very difficult for a UHF station to compete with 2 VHF stations.

II. *Question of commercial versus educational use.* 7. This question is a more difficult one insofar as it involves certain technical and economic considerations which would affect both petitioners and the public. On the basis of Oregon Board's comments (Exhibit E-5), it plans to serve, from a studio at Ashland (which is approximately 12 miles southeast of Medford), the Medford-Ashland (and presumably the Rogue River Valley) area. Indeed, both the topography and demography of this region would apparently limit the coverage outlined in the Board's plan to precisely the Rogue River Valley area. Under these circumstances, there should be no significant advantage as to signal coverage and reception quality (assuming comparable equipment), as between a VHF and a UHF facility. Furthermore, the "VHF market" argument—that receivers presently in use and installed in the Medford community are equipped for VHF reception only—would apply also to the commercial petitioner; in fact, any economic disadvantage inherent in a UHF facility in a VHF market would presumably have a greater impact on a commercial operation.

8. As the Commission has demonstrated many times in the past, we have adopted a policy of providing all possible encouragement and assistance for the development of educational television. However, in this case the educator's use of the existing Channel *18 assignment, while possibly entailing certain immediate disadvantages to the educators, should not present serious difficulties for a noncommercial operation. On the other hand, a reservation of the only possible VHF channel would doubtless preclude a third local commercial broadcast service at Medford at this time. In view of the foregoing: *It is ordered*, Effective July 11, 1966, that the table of assignments contained in § 73.606 of the Commission rules and regulations is amended insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
Brookings, Oreg	*14
Medford, Oreg	5, 8+, 10+, *18

9. This action is taken pursuant to authority found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

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

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

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[7]

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

[F.R. Doc. 66-6290; Filed, June 7, 1966; 8:49 a.m.]

[5] Although there is a large amount of comment material filed herein on this subject, we are not devoting more space or according it decisional significance. As we have stated in other proceedings, we consider CATV as a supplement to, rather than a replacement for, the regular broadcast services. And although there are serious implications and indications possibly giving rise to questions of candor and character qualifications, this has not been considered as a relevant factor or consideration in this—a rule making—proceeding.

[6] In view of the policy of the Commission as set forth in par. 14 of the Fourth Report and Order in Docket No. 14229—to avoid selecting specific communities of less than 25,000 population for commercial UHF assignments, we are not making a replacement assignment for Brookings at this time.

[7] Commissioner Lee absent; Commissioner Wadsworth dissenting.

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 21]

[Docket No. 7411; Notice No. 66-21]

CONFORMITY OF PRODUCTS TO THEIR TYPE DESIGNS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 21 of the Federal Aviation Regulations with respect to (1) showings of conformity to type design data that must be made before an aircraft may be presented by the applicant for FAA tests during type certification; (2) contents of certain statements of conformity; and (3) showings of conformity to type design data that must be made for the issue of a standard airworthiness certificate for a new aircraft not manufactured under a production certificate or under a type certificate.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 8, 1966, will be considered by the Administrator before taking action on the proposed rules. The proposals in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Proposal 1. Conformity to type design data as a prerequisite to FAA tests during aircraft type certification (*§ 21.33*). Section 21.33(a) would be amended by deleting the word "flight" between the words "any" and "tests", and by adding the following at the end thereof:

However, unless otherwise authorized by the Administrator—

(1) No aircraft or part thereof may be presented to the Administrator for tests unless compliance with paragraphs (b)(2) through (b)(4) of this section has been shown for that aircraft or part; and

(2) No change may be made to an aircraft between the time that compliance with paragraphs (b)(2) through (b)(4) of this section is shown for that aircraft or part thereof and the time that the aircraft or part is presented to the Administrator for tests.

Explanation. The word "flight" would be deleted since this proposal would require that each applicant allow the Administrator to make any tests, ground or flight, necessary to determine that an aircraft meets the applicable requirements. New subparagraphs (a)(1) and (a)(2) would be added to minimize the hazards involved in the testing of aircraft during type certification. During this period, the Agency's primary means of preventing unnecessary hazard is familiarity with submitted type design data plus an assurance that all materials, products, parts, manufacturing processes, construction methods, and assembly methods conform to submitted type design data. Since the purpose of the tests by the Administrator is to determine compliance with applicable airworthiness requirements, proposed new (a)(1) would not incorporate (b)(1) which requires compliance with those requirements.

Proposed new (a)(2) is necessary because proposed new (a)(1) gives the applicant flexibility concerning the time that compliance with (b)(2) through (b)(4) is shown. Where this showing is made in advance of presentation of the aircraft to the Administrator for test, proposed new (a)(2) would ensure that the aircraft, as accepted by the Administrator for tests, has not been changed since the time that compliance with proposed (a)(1) was shown. Finally, if the Administrator should find that certain tests are necessary before the applicant has complied with proposed new (a)(1) or (a)(2), the language "unless otherwise authorized by the Administrator," which precedes (a)(1) and (a)(2), would let the applicant comply with the requirement to allow the Administrator to make necessary tests (present § 21.33 (a)) without at the same time appearing to place himself in violation of proposed (a)(1) or (a)(2). The quoted language would also let the applicant make any changes to the aircraft that are authorized by the Administrator.

Proposal 2. Statement of conformity for aircraft presented to the Administrator for test during type certification (*§ 2153*). Section 21.53 would be amended by—

(1) Designating the present language as paragraph (a);

(2) Striking out the word "prototype" between the words "each" and "presented" and inserting the words "aircraft engine and propeller" in place thereof;

(3) Adding the following at the end of the present language: "This statement of conformity must include a statement that the aircraft engine or propeller conforms to the type design therefor;" and

(4) Adding the following paragraph (b): "(b) For aircraft, a statement of conformity must be submitted when the aircraft is presented to the Administrator for tests, and must include a statement that the applicant has complied with § 21.33(a) (unless otherwise authorized under that paragraph)."

Explanation. Present § 21.53 requires that a statement of conformity must be submitted for each prototype that is "presented for type certification" but is silent as to the required contents of the statement of conformity. For aircraft engines and propellers, the quoted language is adequate since it is not practical to specify the exact stage, during type certification, at which the statement of conformity will be required for every aircraft engine or propeller. For these products, the only rule change necessary is the specification of the contents of the required statement of conformity, namely a statement that the product conforms to its type design. This change reflects present practice in administering § 21.53.

For aircraft, on the other hand, the words "presented for type certification" are not precise enough since the effective administration of Proposal 1, above, requires that the statement of conformity for each aircraft be submitted when the aircraft is "presented to the Administrator for tests" as these words are used in proposed new § 21.33 (a)(1) and (a)(2). This is because the consistent administration of proposed new § 21.33 (a)(1) and (a)(2) requires an understanding, between the applicant and the Administrator, with respect to (1) when an aircraft is regarded as "presented to the Administrator for tests," and (2) the nature of the conformity requirements relied on by the Administrator in accepting an aircraft for FAA tests. The applicant who submits the Statement of Conformity, form FAA-317, for an aircraft that is to be presented to the Administrator for tests would, under this proposal, realize that by submitting the form he is stating to the Administrator that (1) he (the applicant) regards the aircraft as "presented to the Administrator for test" as of the time the form is submitted, and (2) his showing of compliance with §21.33(a) is current as of the time the form is submitted.

Proposal 3. Statement of Conformity for products manufactured under type certificate only (*§§ 21.130 and 21.183(b)*). (a) Section 21.130 would be amended by inserting the words ", or an aircraft engine or propeller Airworthiness Approval Tag (FAA Form 186)" between the words "certificate" and "give"; by redesignating paragraphs (a) and (b) as paragraphs (b) and (c), respectively; and by adding a new paragraph (a) reading as follows:

(a) For each product, a statement that the product conforms to its type certificate and is in condition for safe operation.

(b) Section 21.183(b) would be amended by deleting the words "for the aircraft issued by the manufacturer, and" between the words "conformity" and "if", and by inserting the words "prescribed in § 21.130" in place thereof.

Explanation. For products manufactured under a type certificate only, the manufacturer is required to maintain all information necessary for the Adminis-

trator to determine conformity to type design data, and (for products manufactured more than six months after the date of issue of the type certificate) to establish and maintain an approved production inspection system that ensures that each product conforms to its type design and is in condition for safe operation. To implement these requirements, the statement of conformity, Form FAA 317, required by § 21.130 now gives the Administrator the statement, by responsible employees of the manufacturer, that each product is manufactured in conformity with the type design data forming the basis for its type certificate. This form is now used administratively for engines and propellers for which an Airworthiness Approval Tag is sought as well as for aircraft for which an airworthiness certificate is sought. This amendment would simply make this practice explicit, in addition to the requirements now in § 21.130 (a) and (b). Finally, the statement of conformity referred to in § 21.183(b) is the same statement of conformity as that prescribed in § 21.130 for aircraft for which an airworthiness certificate is sought. The amendment to § 21.183(b) would make this clear in order to preclude an appearance of duplication. This change appears in the further amendment made to § 21.183 under *Proposal 4*, below.

Proposal 4. Showings of conformity to type design data that must be made for the issue of a standard airworthiness certificate for a new aircraft not manufactured under a production certificate or under a type certificate. Section 21.183 would be amended to read as follows:

§ 21.183 Issue of standard airworthiness certificates for normal, utility, acrobatic, and transport category aircraft.

(a) *New aircraft manufactured under a production certificate.* An applicant for a standard airworthiness certificate for a new aircraft manufactured under a production certificate is entitled to a standard airworthiness certificate without further showing, except that the Administrator may inspect the aircraft to determine conformity to the type design and condition for safe operation.

(b) *New aircraft manufactured under type certificate only.* An applicant for a standard airworthiness certificate for a new aircraft manufactured under a type certificate only is entitled to a standard airworthiness certificate upon presentation, by the holder or licensee of the type certificate, of the statement of conformity prescribed in § 21.130 if the Administrator finds after inspection that the aircraft conforms to the type design and is in condition for safe operation.

(c) *New aircraft not manufactured under a production certificate or under a type certificate.* An applicant for a standard airworthiness certificate for a new aircraft for which a type certificate has been issued but which was not manufactured under a production certificate or under the type certificate therefor, is entitled to a standard airworthiness certificate if—

(1) He presents a statement from the holder of a production inspection system approval for the aircraft under § 21.123 (c), or the holder of a production certificate for the aircraft, that all necessary production inspections and tests, including production flight tests, have been conducted and have shown that the aircraft conforms to type design data and is in a condition for safe operation, and the Administrator finds after inspection that the aircraft conforms to the type design and is in a condition for safe operation; or

(2) Compliance is shown with the following and the Administrator finds that the aircraft conforms to the type design and is in condition for safe operation:

(i) The applicant must show that each component of the aircraft conforms to the type design, is assembled and installed in conformity with approved type design data, is in condition for safe operation, and is within its established service life limits.

(ii) The applicant must conduct all flight tests prescribed in the production flight test procedures for the holder or licensee of the type certificate of the aircraft.

(d) *Import aircraft.* An applicant for an original airworthiness certificate for an import aircraft type certificated in accordance with § 21.29 of this Part is entitled to an airworthiness certificate if the country in which the aircraft was manufactured certifies, or the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

(e) *Other aircraft.* An applicant for an airworthiness certificate for an aircraft not covered by paragraphs (a) through (d) of this section is entitled to an airworthiness certificate if—

(1) He presents evidence to the Administrator that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to applicable Airworthiness Directives;

(2) The aircraft (except an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under this section) has been inspected and found airworthy—

(i) By the manufacturer;

(ii) By an appropriately certificated domestic repair station;

(iii) By a certificated air carrier having adequate overhaul facilities and having a maintenance and inspection organization appropriate to the aircraft type; or

(iv) In the case of a single-engine airplane, by the holder of an inspection authorization issued under Part 65 of this Chapter; and

(3) The Administrator finds after inspection, that the aircraft conforms to the type design, and is in a condition for safe operation.

Explanation. As stated in the preamble to Amendment 1-2, effective October 1, 1959 (24 F.R. 7065), § 1.67(d) of the Civil Air Regulations, now § 21.183 (d) of the Federal Aviation Regulations, was added to eliminate administrative difficulties arising in the standard airworthiness certification of "other than newly manufactured aircraft" such as "aircraft which were used in military service and later released for civil use and * * * other aircraft which had not had their airworthiness status maintained." For these aircraft, the general requirement in § 21.183(d)(1) to present evidence of conformity to an approved type design, and the inspection requirements in § 21.183(d)(2), have been adequate since they are used, in most cases, to determine whether an airworthiness status that has not been maintained should be restored. Section 21.183(d) would therefore be unchanged for these aircraft (but redesignated as paragraph (e) under this proposal). However, § 21.183(d), because of its general nature, is currently being administered to cover a class of aircraft not originally contemplated by Amendment 1-2. This class is composed of new aircraft that are not manufactured under a production certificate or under a type certificate. These aircraft are built from materials, parts, and appliances that may be obtained as spare or surplus components from the holder of the type or production certificate for the aircraft, the holders of other production approvals, or from unknown sources. Since these aircraft are built entirely outside of any approved system designed to ensure conformity with type design data, the possibilities of nonconformity in processes and components are great enough to require that a detailed procedure be used in every case to provide the same degree of assurance of conformity to approved type design data as is now provided for aircraft individually produced under a type certificate only. Such a procedure has been administered under present § 21.183(d). However, the class of aircraft built from spare and surplus components is now large enough to require that this detailed procedure be set forth as a separate rule of general applicability. This is done in proposed § 21.183(c).

Several changes would also be made to paragraphs (a) and (b) of § 21.183. Those paragraphs would be amended to make it clear that they apply to newly manufactured aircraft. This change, together with the applicability of proposed new paragraph (c) to new aircraft, would make it clear that present paragraph (d), redesignated as paragraph (e), applies to aircraft other than newly manufactured aircraft, consistent with the intent of Amendment 1-2. Under this proposal, even aircraft built from spare and surplus components would be handled under present paragraph (d), redesignated as paragraph (e), if their airworthiness status is not maintained and standard airworthiness certification is later sought. Paragraph (a) would also be amended to make it clear that the Administrator's power to inspect the aircraft is not limited to inspections for conformity to type design data but includes inspections to determine condition for safe operation. Paragraph (b) would

also be amended to make it clear that the statement of conformity referred to is the same statement of conformity prescribed in § 21.130 and, as such, must be submitted by the holder or licensee of the type certificate. Present paragraphs (c) and (d) would be redesignated, without change, as paragraphs (d) and (e), respectively.

Proposal 5. Conformity with supplemental type design (*§ 21.115*). Section 21.115 would be amended by designating the present language as paragraph (a) and by adding the following paragraph (b):

(b) Each applicant for a supplemental type certificate must meet §§ 21.33 and 21.53 with respect to each change in the type design.

Explanation. The purpose of §§ 21.33 and 21.53, as modified by proposals 1 and 2, above, is to assist the Administrator in making his determination that each product conforms to its type design. This purpose applies to determinations of conformity made by the Administrator during supplemental type certification as well as during original type certification.

These amendments are 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 and 1423).

Issued in Washington, D.C., on June 2, 1966.

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

[F.R. Doc. 66-6248; Filed, June 7, 1966; 8:45 a.m.]

[14 CFR Part 47]

[Docket No. 7412; Notice No. 66-22]

ASSIGNMENT OF IDENTIFICATION NUMBERS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 47 of the Federal Aviation Regulations to provide for the issuance of all U.S. identification numbers ("registration marks") by the FAA Aircraft Registry.

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 regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 8, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under § 47.15, both the FAA Aircraft Registry and FAA inspectors in the field issue U.S. identification numbers ("registration marks"). The FAA Aircraft Registry issues numbers to aircraft last previously registered in a foreign country (under § 47.15(a)), issues blocks of numbers to aircraft manufacturers (under § 47.15(c)), issues changed numbers (under § 47.15(d)), issues three symbol numbers (under § 47.15 (d), (e), and (f)), issues other special numbers (under § 47.15 (d) and (f)), and reassigns and reissues numbers (under § 47.15 (g) and (h)). For the most part, assignments by FAA inspectors are for amateur-built aircraft, and for aircraft assembled from parts to conform to an approved type design by a person other than the holder of the type certificate. At present, the FAA Aircraft Registry issued numbers account for 99 percent of all assignments, while FAA inspectors issue the remaining 1 percent.

It is proposed to amend § 47.15(a) to provide that all United States identification numbers will be issued by the FAA Aircraft Registry. If an aircraft has never been registered anywhere, the applicant would obtain a number from the FAA Aircraft Registry. As now provided by § 47.15(a), if an aircraft was last previously registered in a foreign country, the FAA Aircraft Registry would issue a number only after the application was received, and the foreign registration found to be ended or invalid. Unless the owner requests that the number be reassigned or changed, a number once assigned to an aircraft remains with the aircraft. Therefore, if the aircraft was last previously registered in the United States, the applicant would continue to use the number already assigned to the aircraft on his Application. Certain procedural steps in obtaining identification numbers would be spelled out in greater detail.

Adoption of this proposal would end the requirement that a small percentage of applicants for registration go to an FAA inspector to get a number, and would permit applicants to deal with the Registry directly. Also, this proposal would permit the FAA to reduce costs and improve control of U.S. identification numbers by concentrating their issuance in a single location.

In consideration of the foregoing, it is proposed to amend Part 47 of the Federal Aviation Regulations by amending § 47.15(a) to read as follows:

§ 47.15 Identification number.

(a) *Number required.* Except when he applies under § 47.37 of this Part, an Applicant for Aircraft Registration must place a United States identification number ("registration mark") on his Application for Aircraft Registration, FAA Form 8050-1, and on any evidence submitted with the Application. There is no charge for the assignment of numbers provided in this paragraph. This paragraph does not apply to an aircraft manufacturer who applies for a group of U.S. identification numbers under paragraph (c) of this section, or to a person who applies for a special identification number under paragraphs (d) through (g) of this section.

(1) *Aircraft not previously registered anywhere.* The Applicant must obtain the U.S. identification number from the FAA Registry by request in writing describing the aircraft by make, type, model and serial number (or, if it is amateur-built, as provided in § 47.33(b) of this Part) and stating that the aircraft has not previously been registered anywhere. If the aircraft was brought into the United States from a foreign country, the Applicant must submit evidence that the aircraft has never been registered in a foreign country.

(2) *Aircraft last previously registered in the United States.* Unless he applies for a different number under paragraphs (d) through (g) of this section, the Applicant must place the U.S. identification number that is already assigned to the aircraft on his Application and the supporting evidence.

(3) *Aircraft previously registered in a foreign country.* The Applicant must comply with the requirements of § 47.37 of this Part. The identification number will be issued with the Certificate of Aircraft Registration.

This proposal is made under the authority of sections 307(c), 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1401, 1403, 1405, and 1502), and the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

Issued in Washington, D.C., on June 2, 1966.

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

[F.R. Doc. 66-6282; Filed, June 7, 1966; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-42]

CONTROL ZONE 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 Jamestown, N. Dak., terminal area.

The following controlled airspace is presently designated in the Jamestown, N. Dak., terminal area:

(1) The Jamestown, N. Dak., control zone is designated as that airspace within a 5-mile radius of Jamestown, N. Dak., Municipal Airport (latitude 46°55'48" N., longitude 98°40'42" W.).

(2) The Jamestown, N. Dak., transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Jamestown, N. Dak., Municipal Airport (latitude 46°55'48" N., longitude 98°40'-42" W.); and within 2 miles each side of the Jamestown VOR 190° radial extending from the 7-mile radius area to 8 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the Jamestown VOR 010° and 190° radials, extending from 4 miles N to 13 miles S of the VOR.

The Jamestown, N. Dak., VOR will be relocated to a site on the airport and be converted to a VORTAC in November 1966. Relocation and conversion of the NAVAID facility requires cancellation of the present instrument approach procedure and establishment of two new instrument approach procedures at Jamestown.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Jamestown, N. Dak., terminal area, as a result of the above mentioned relocation and conversion of the NAVAID facility and the establishment of new instrument approach procedures, proposes the following airspace actions:

(1) Alter the Jamestown, N. Dak., control zone by redesignating it as that airspace within a 5-mile radius of Jamestown Municipal Airport (Lat. 46°55'48" N., Long. 98°40'42" W.); within 2 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC; and within 2 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC.

(2) Alter the Jamestown, N. Dak., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Jamestown Municipal Airport (Lat. 46°55'48" N., Long. 98°40'42" W.); and that airspace extending upward from 1200 feet above the surface within a 14-mile radius of Jamestown Municipal Airport.

The proposed control zone would provide controlled airspace protection for aircraft departing the Jamestown Municipal Airport during climb to 700 feet above the surface and for aircraft executing the new prescribed instrument approach procedures during descent below 1,000 feet above the surface.

The proposed 700-foot floor transition area would provide controlled airspace for aircraft departing Jamestown during climb from 700 to 1,200 feet above the surface. The proposed 1,200-foot floor transition area would provide controlled airspace protection for the procedure turn and DME arc areas of the prescribed new instrument approach procedures, and for the holding patterns at Jamestown.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

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, 601 East 12th Street, Kansas City, Mo., 64106.

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, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo., 64106. All communications received within forty-five 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, 601 East 12th Street, Kansas City, Mo., 64106.

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 May 26, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-6249; Filed, June 7, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-44]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace at Grand Rapids, Minn.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Grand Rapids, Minn., terminal area, proposes the following airspace actions:

Designate the Grand Rapids, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'35" W.), and within 2 miles each side of the Grand Rapids VOR 160° radial, extending from the VOR to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the Grand Rapids VOR 160° radial, extending from the VOR to 12 miles south of the VOR.

The State of Minnesota is relocating a state owned VOR from the Grand Rapids Municipal Airport to a point 3 nautical miles south of the airport. A public use instrument approach procedure has been developed using this facility and it will be effective concurrent with the designation of controlled airspace.

The proposed 700-foot floor transition area will provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. It will also provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface.

The proposed 1,200-foot floor transition area will provide protection for aircraft executing the procedure turn area of the prescribed instrument approach procedure and while in the holding pattern at the Grand Rapids VOR. The floors of the airways that would traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Since a new approach procedure is being established, no procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of the new approach procedure for the Grand Rapids, Minnesota, Municipal Airport and of the proposal contained herein may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo., 64106.

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, 601 East 12th Street, Kansas City, Mo., 64106. 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, 601 East 12th Street, Kansas City, Mo., 64106.

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 May 27, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-6283; Filed, June 7, 1966; 8:48 a.m.]

[14 CFR Part 93]

[Regulatory Docket No. 7410; Notice No. 66-20]

PORTLAND TERMINAL AREA

Special Air Traffic Rule

The Federal Aviation Agency has under consideration a proposal to amend Part 93 of the Federal Aviation Regulations to establish special air traffic rules for the Portland International Airport Traffic Area.

Interested persons may participate in the making of the proposed rule by submitting such written information, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 8, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposed amendment may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comment, in the rules docket for examination by interested persons.

The purpose of this special air traffic rule is to reduce the possibility of conflict between aircraft operating to and from Portland International Airport, Pearson Airpark, and the proposed Columbia River Seaplane Base, Vancouver, Wash. This rule would establish an airport traffic pattern at or above an altitude of 1,000 feet MSL to the north of Pearson Airpark, a seadrome traffic pattern at an altitude of 700 feet MSL to the north of the proposed Columbia River Seaplane Base, and requires pilots of aircraft operating to or from Pearson Airpark and the proposed Columbia River Seaplane Base to maintain two-way radio communications with the Portland Tower while operating within the Portland International Airport Traffic Area.

Pearson Airpark is a general aviation airport located approximately 3¼ miles northwest of Portland International Airport at an elevation of 30 feet MSL. One hundred and eight civil aircraft are based at this location. A proposal to extend runway 8/26 westerly by approximately 900 feet, to an overall length of 4,500 feet, will probably attract larger aircraft than are now using the airport. There were approximately 35,000 airport operations at Pearson Airpark during the calendar year 1965 with an average of 1,500 itinerant operations per month.

The proposed Columbia River Seaplane Base is located one-half mile north of Portland International Airport and 2 miles southeast of Pearson Airpark. This base will occupy an area approximately 500 feet wide and 8,000 feet long oriented in an east-west direction in the Columbia River channel and centered on latitude 45°36′25″ N., longitude 122°36′00″ W. at an elevation of approximately 20 feet MSL.

The eastern portion of the seaplane landing area will lie 3,900 feet north of the threshold of runway 20 at Portland International Airport and is directly under the approach path to this runway. Aircraft approaching Portland International to land on runway 20 in a normal three degree glide angle would pass over the seaplane landing area at an altitude approximately 230 feet above the water. The proximity of the proposed Seaplane Base to Portland International Airport gives rise to conflict. Any seaplane traffic pattern established south of the seaplane base will overlap and conflict with traffic patterns for runway 10L/28R and runway 20 at the Portland International Airport.

Portland International Airport has an elevation of 26 feet MSL and houses 48 military and 96 civil aircraft. There were 162,901 airport operations during the calendar year 1965. The Portland Tower controlled 88,350 instrument operations during the same period. Aircraft using this airport include single-engine private; multi-engine propeller driven and multi-engine turbojet commercial, and high-performance military turbojet fighter.

An area of potential conflict is concentrated in the final approach portion to runways 10L and 10R at Portland International Airport. The proposed extension of runway 10R/28L 1,700 feet in a westerly direction will increase the potential conflict between traffic on the final approach to land east at Portland or departing to the west and traffic operating at Pearson Airpark.

Conflict between Portland traffic and proposed Columbia River Seaplane traffic will occur when Portland traffic is operating to and from the NE/SW runway.

The communications provision of this rule will enable the Portland Tower to issue traffic advisories to Pearson Airpark traffic, the Seaplane Base traffic, and Portland International traffic. While this rule will give Portland Tower the capability to control traffic operating to or from Pearson Airpark or Columbia River Seaplane Base, it is anticipated that, for the most part, they will exercise this capability in an advisory capacity.

The traffic at Pearson Airpark is presently a problem because flight paths normally followed by Pearson traffic are not readily ascertainable from the Portland Tower, nor are the controllers at Portland International Airport able to determine the intended flight paths of pilots operating to or from Pearson Airpark.

Because the most likely area of traffic confliction is south to southwest of Pearson Airpark in the vicinity of the Portland International approach to runways 10R and 10L, it appears that traffic patterns established north of Pearson Airpark will minimize the area of conflict.

In consideration of the foregoing, it is proposed to amend Part 93 of the Federal Aviation Regulations by adding the Subpart H as follows:

Subpart H—Portland, Oregon, Airport Traffic Area

§ 93.101 Applicability.

This subpart prescribes special air traffic rules for persons operating aircraft to or from the Pearson Airpark or the Columbia River Seaplane Base within the Portland International Airport traffic area.

§ 93.103 Pearson Airpark and Columbia River Seaplane Base Airport Traffic.

Unless otherwise authorized by Air Traffic Control, each person operating an aircraft within the Portland International Airport traffic area for the purpose of landing at or taking off from Pearson Airpark, or the Columbia River Seaplane Base, Vancouver, Wash., shall operate such aircraft in accordance with the rules set forth in this section.

(a) *Communications with the Portland International Tower.* Each person operating an aircraft to or from the Pearson Airpark or the Columbia River Seaplane Base shall establish and maintain two-way radio communications with the Portland International Airport Traffic Control Tower.

(b) *Pearson Airpark Airport Traffic Pattern—Landing.* Except when the VFR clearance-from-cloud rules of Part 91 require otherwise, each person piloting an aircraft landing at the Pearson Airpark shall enter the traffic pattern north of the airport at or above 1,000 feet MSL and execute a left traffic pattern for a landing to the east or a right traffic pattern for a landing to the west.

(c) *Pearson Airpark Airport Traffic Pattern—Departing.* Each person piloting an aircraft departing from Pearson Airpark shall leave the airport traffic pattern to the north.

(d) *Columbia River Seaplane Base Airport Traffic Pattern—Landing.* Except when the VFR clearance-from-cloud rules of Part 91 require otherwise, each person piloting an aircraft landing at the Columbia River Seaplane Base shall enter the traffic pattern north of the airport at 700 feet MSL and execute a left traffic pattern for a landing to the east or a right traffic pattern for a landing to the west.

(e) *Columbia River Seaplane Base Airport Traffic Pattern—Departing.* Each person piloting an aircraft departing from the Columbia River Seaplane Base shall leave the seaplane base traffic pattern to the north.

These amendments are proposed under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 1, 1966.

William E. Morgan,
Acting Director,
Air Traffic Service.

[F.R. Doc. 66-6250; Filed, June 7, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16671, RM-911; FCC 66-491]

ADDITION OF COMMERCIAL UHF TELEVISION BROADCAST CHANNEL

Waynesville, N.C.

1. On January 28, 1966, Video Cable Co., Inc., filed a petition (RM-911) requesting the assignment of a commercial UHF channel to Waynesville, N.C. In support thereof the petitioner states that there are no television stations or assignments in Waynesville or Haywood

County in which Waynesville is located. Petitioner is of the belief that there is a need for a local TV station in Waynesville and if a channel is provided, it will promptly apply for authority to construct and operate a new UHF television broadcast station in that area.

2. Video Cable Co., Inc., currently operates a CATV system in Waynesville and believes that a UHF facility will enable it to greatly expand its service to the public. Such an operation would provide a medium for local expression to Waynesville and Haywood County. According to the 1966 edition of the Television Factbook, the CATV system has 1,100 subscribers out of a potential 2,000 and brings in the signals of WBTV, Charlotte; WLOS-TV, Asheville, both in North Carolina; WFBC-TV, Greenville, and WSPA-TV, Spartansburg, S.C.; WBIR-TV, Knoxville, and WJHL-TV, Johnson City, Tenn.; WCYB-TV, Bristol, Va.; and WGTV, Athens, Ga. Fifteen FM stations are also carried on the system. All of the stations are picked up directly off-the-air.

3. Waynesville is situated in the western part of North Carolina, some 25 miles south and west of Asheville and near the Tennessee border. Its 1960 population was 6,096, that of the adjoining community of Hazelwood, 1,960 and that of Haywood County, 39,711. Its economy is based upon agriculture, manufacturing and tourist and resort trade. The annual value of agricultural products is more than $6 million; the annual industrial payroll is in excess of $34 million and annual income from tourist and resort trade exceeds $7 million and increases each year.

4. It has been found that Channel 59 is most efficient in terms of the impact on other available assignments. Although Waynesville is in an area where remaining available assignments are considered to be scarce, Channel 59 is available only in a few small communities and its use at Waynesville does not deprive any other community of its only available assignment.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.606(b) of the Commission rules, insofar as the city listed below is concerned to read as follows:

City	*Channels*
Waynesville, N.C.	59

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before July 11, 1966, and reply comments on or before July 21, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6291; Filed, June 7, 1966; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 16672, RM-928; FCC 66-492]

ADDITION OF UHF TELEVISION BROADCAST CHANNEL

Orlando, Fla.

1. Gordon Sherman, applicant for authority to construct a new UHF television broadcast station on Channel 35 in Orlando, Fla., filed a petition on February 28, 1966, requesting the assignment of Channel 48 to Orlando, Fla. Orlando is currently assigned Channels 6, 9, *24, and 35. Channel 24 is reserved for educational use. The petitioner and Omicron Television Corp. are both applicants for Channel 35 in Orlando and the applications have been designated for hearing (Docket Nos. 16536 and 16537).

2. In support of its request, the petitioner points out that a hearing will delay for an indeterminate time the institution of UHF television service in Orlando. The addition of another UHF channel to Orlando will make it possible for one of the applicants to amend to the new channel and eliminate the mutual exclusivity problem that now exists. The petitioner further states that preliminary consideration has been given to a site at 28°34'30" N. latitude and 81°34'30" W. longitude and that Channel 48 used at this site would meet all of the required geographic separations specified in the rules.

3. On March 9, 1966, Omicron Television Corp. filed a comment concerning the petition of Gordon Sherman, pointing out that the petition alludes to the possibility that "one of the applicants" may amend to the new channel which might give the impression that Omicron supported such a solution. Omicron asserts that it does not join, either directly or by inference, in Sherman's request for an additional channel in Orlando and that it has no present intention of amending its application in that regard at any time. Omicron further urged that the petition of Gordon Sherman should not be used as the basis for a delay in the orderly processing of its application or the conduct of the hearing. Sherman replied to the comments of Omicron on March 23, 1966, by stating that the petition was not filed for the purpose of delaying processing of the pending applications for Channel 35 and that Omicron could at some time in the future file appropriate pleadings concerning the public interest aspects of the delay in bringing UHF television service to Orlando which might be occasioned by a comparative hearing or the need or lack of need of additional television service that could be provided by the additional UHF channel in Orlando.

4. We have used the electronic computer to examine the assignment possibilities in Orlando, particularly with respect to the site specified by Gordon Sherman. It has been determined that Channel 48 is available for assignment and employing the criteria used to develop the overall UHF assignment plan, Channel 48 is the most efficient assignment in terms of the impact on remaining available assignments. Orlando is in an area where remaining available assignments are considered to be adequate to meet potential future needs for additional channels. Channel 48 is available only in a relatively narrow strip running between the east and west coast of Florida and its use at Orlando will have little impact on the reservoir of remaining available assignments. In the few places where it might be used, other UHF channels are available for assignment.

5. Orlando with a population of nearly 170,000 is ranked by ARB as the 66th market in combination with Daytona Beach. The assignment of a fourth unreserved channel at Orlando would give the combined market six unreserved channels which is not inconsistent with the pattern of assignments adopted in the Fifth Report and Order in Docket No. 14229 (par. 65). Although neither applicant is obliged to amend to the new channel, the assignment will afford an opportunity to avoid a hearing on the issue of mutual exclusivity. For those reasons the petition is considered to have sufficient merit to warrant the institution of rule making.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in section 73.606(b) of the Commission rules insofar as the city listed below is concerned, to read as follows:

City	*Channels*
Orlando, Fla.	6-, 9, *24, 35, 48

7. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules and regulations interested parties may file comments on or before July 11, 1966, and reply comments on or before July 21, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments,

[1] Commissioner Lee absent.

pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSIFN,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6292; Filed, June 7, 1966; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 16673, RM-946; FCC 66-493]

ADDITION OF UHF TELEVISION BROADCAST CHANNEL ASSIGNMENT

Bend, Oreg.

1. Liberty Television, Inc., licensee of television broadcast station KEZI-TV, Channel 9, Eugene, Oreg., filed a petition (RM-946) on April 15, 1966, requesting the assignment of an unreserved UHF television broadcast channel at Bend, Oreg.

2. In support thereof, the petitioner states that it desires to provide television service to the area of Bend and the current table of assignments provides only Channel 15 at Bend and that channel is reserved for educational use. If an unreserved channel is provided, Liberty Television, Inc., will promptly apply for authority to construct and operate a new UHF television broadcast station at Bend.

3. Bend is situated in central Oregon, approximately 90 miles due east of Eugene. Its 1960 population was 11,936. The nearest commercial TV stations are KEZI-TV, Channel 9 and KVAL-TV, Channel 13 at Eugene. Three 1 watt VHF television translators are operated at Bend by Video Utility Corp., bringing in the signals of KOIN-TV, Channel 6, KGW-TV, Channel 8 and KPTV, Channel 12, all of Portland, Oreg. According to the 1966 edition of the TV Factbook, Bend Cable TV Co. operates a CATV system at Bend with 3,494 subscribers out of an estimated potential of 4,000. The CATV carries the three Portland stations carried by the VHF translators and in addition carries KOAP-TV, Channel 10, Portland and KEZI-TV, Channel 9, Eugene. KOAP-TV is an educational television broadcast station.

4. We have employed the electronic computer to examine the assignment possibilities at Bend and have determined that Channel 21 would have the least impact on remaining available assignments. Bend is in an area where available UHF assignments are considered to be plentiful. On the assumption that the petitioner will apply for authority to operate a television broadcast station on the channel if authorized to do so, there appears to be sufficient merit to warrant the institution of rule making.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments in § 73.606(b) of the Commission rules insofar as the city listed below is concerned, to read as follows:

City	*Channels*
Bend, Oreg	*15, 21

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before July 11, 1966, and reply comments on or before July 21, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: June 2, 1966.

Released: June 3, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6293; Filed, June 7, 1966; 8:49 a.m.]

[1] Commissioner Lee absent.

[47 CFR Part 73]

[Docket No. 16681, RM-912; FCC 66-505]

TELEVISION BROADCAST STATIONS, DICKINSON, N. DAK.

Table of Assignments

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

2. The Commission has before it for consideration a petition, filed January 25, 1966, by Meyer Broadcasting Co., licensee of Station KFYR-TV, Channel 5, Bismarck, N. Dak., requesting the Commission to assign Channel 7 to Dickinson, N. Dak. The purpose of such assignment is to permit Translator Station KØ7GV, of which the Colored Tower Television, Inc., is the licensee, to operate a 100-watt TV translator, as permitted by § 74.702 (g) of the Commission's Rules and Regulations.[1a] Colored Tower, by letter dated January 14, 1966, to the Commission, a copy of which is appended to the petition, advises that it "supports" the petition because service to the Dickinson audience would be greatly improved. Translator Station KØ7GV is authorized to rebroadcast programing from petitioner's station.

3. Further data and information is adduced to support the petition. Dickinson, population 9,971 (1960 Census), located in Stark County (population 18,451), is served by Station KDIX-TV, Channel 2.[2] KDIX-TV, it appears, is affiliated with the CBS and ABC networks; and, by arrangement with petitioner, it also rebroadcasts some special NBC programs and 2 weekly NBC programs on a delayed basis.[3]

4. Because of Dickinson's inability to economically support another regular television station, petitioner feels that the only realistic basis for additional television service would be by a 100-watt television translator on Channel 7. An engineering study demonstrates the availability of a site for a Channel 7 100-watt translator transmitter west of Dickinson complying with co-channel mileage separations. Since Dickinson is within 250 miles of the Canadian-U.S. border the proposed assignment must be coordinated with the Canadian Government in accordance with the Canadian-United States Television Agreement of 1952.

5. Accordingly, comments are invited on petitioner's proposal to amend the TV Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Dickinson, N. Dak	2+, *4	2+, *4, 7

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 11, 1966, and reply comments on or before July 21, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of any party, must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: June 2, 1966.

Released: June 3, 1966.

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

[F.R. Doc. 66-6294; Filed, June 7, 1966; 8:49 a.m.]

[1] Commissioner Lee absent.

[1a] Promulgated by Report and Order in Docket No. 15858, adopted July 7, 1965 (1 FCC 2d 15).

[2] Also assigned to Dickinson is Channel 4 which is reserved for educational noncommercial use. See Docket No. 14864, adopted March 3, 1963 (28 F.R. 2450).

[3] Petitioner states that its broadcast of ABC programing (16½ hours weekly), does not conflict with KDIX-TV's programing from the same source, since all of the latter's ABC programing is on a delayed broadcast basis.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[431.1]

ELECTRIC DESK LAMPS

Tariff Classification

JUNE 2, 1966.

Pursuant to section 16.10a(d) of the Customs Regulations (19 CFR 16.10a (d)), the Bureau of Customs gave notice in the FEDERAL REGISTER of February 19, 1965 (30 F.R. 2287), that it would review the existing established and uniform practice of classifying certain electric desk lamps, referred to as "Lampettes," in chief value of brass but by weight predominantly of iron, under the provision for illuminating articles * * * of base metal: * * * other: table, floor and other portable lamps for indoor illumination, of brass, in item 653.35, Tariff Schedules of the United States (TSUS). That review has been completed, after careful consideration of all representations received.

In the review consideration was given to classification under the provision for illuminating articles * * * of base metal: * * * other: * * * other, in item 653.40 pursuant to Headnote 2(d), Schedule 6, TSUS.

However, since Headnote 2(d) requires classification on the basis of the base metal of predominant weight only when the competing provisions are equally specific and since item 635.35 is the more specific in being limited to portable lamps for indoor illumination, Headnote 2(d) does not apply. Accordingly, under General Headnote 9(f)(i), classification depends upon a finding as to the material of chief value.

The Bureau finds that the desk lamps in question are in chief value of brass, portable, and used for indoor illumination. Therefore, classification under the provisions of item 653.35, with duty at the rate of 10.5 percent ad valorem, is proper.

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

[F.R. Doc. 66-6278; Filed, June 7, 1966; 8:48 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1965 Rev. Supp. No. 19]

UNITED BONDING INSURANCE CO.

Extension of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to United Bonding Insurance Co., Indianapolis, Ind., under the provisions of the Act of Congress, approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, expiring on May 31, 1966, has been extended to August 31, 1966, with an underwriting limitation of $50,000.

Dated: June 3, 1966.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc 66-6279; Filed, June 7, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

E. CLYDE McGRAW

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Delete: Kaneb Pipe Line Co. Add: Atchison-Topeka & Santa Fe Railway Co., General Telephone & Electronics Corp., Inland Steel Co., National Lead Co., Southern Railway, United States Pipe & Foundry Co., State of California Series L Bonds.
(3) None.
(4) None.

This statement is made as of June 1, 1966.

Dated: May 27, 1966.

E. CLYDE MCGRAW.

[F.R. Doc. 66-6266; Filed, June 7, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW JERSEY

Extension of 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 counties in the State of New Jersey natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

New Jersey:	*Present designation*
Atlantic	30 F.R. 9114
Burlington	30 F.R. 9114
Camden	30 F.R. 9114
Cape May	30 F.R. 9114
Cumberland	30 F.R. 9114
Gloucester	30 F.R. 9114
Mercer	30 F.R. 9114
Ocean	30 F.R. 9114
Salem	30 F.R. 9114

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, 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 2d day of June 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-6231; Filed, June 7, 1966; 8:45 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

51ST NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

Announcement of Conference

The 51st National Conference on Weights and Measures will convene in Denver, Colo., on July 11, 1966, under the sponsorship of the National Bureau of Standards, U.S. Department of Commerce. The Conference, a meeting of Federal and State weights and measures officials and interested representatives of industry, business, and consumers, again will have standing committees contemplating changes in model weights and measures law, regulations, specifications, and tolerances.

The Conference will consider changes in the "Model State Law on Weights and Measures" and "Model State Regulation Pertaining to Packages" and changes in Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*. Conference committees this year will deal with package sales, labeling of glass and plastic containers, retroactivity of technical requirements on sales of weights and measures devices, and technical requirements for scales, liquid-measuring devices, and milk bottles.

These changes, when adopted by the National Conference, are recommended to the States for action. Anyone having an interest in these proceedings may obtain the tentative program and tentative reports of Conference committees by addressing a request for the An-

nouncement of the 51st National Conference on Weights and Measures to:

M. W. Jensen, Executive Secretary, National Conference on Weights and Measures, National Bureau of Standards, Washington, D.C., 20234.

Dated: May 25, 1966.

A. V. ASTIN,
Director.

[F.R. Doc. 66-6238; Filed, June 7, 1966; 8:45 a.m.]

Office of the Secretary

[Department Order 90-B]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This material supersedes the material appearing at 30 F.R. 1204-1208 of February 4, 1965, and 30 F.R. 12549-12550 of October 1, 1965.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the National Bureau of Standards.

SEC. 2. *Organization.* .01 The National Bureau of Standards is a principal focal point in the Federal Government for assuring maximum application of the physical and engineering sciences to the advancement of technology in industry and commerce. To this end the Bureau's research and central national services are conducted in three broad program areas: (a) basic measurement standards, (b) materials research, and (c) engineering standards and applied technology. An "Institute" is established for each of these program areas to facilitate coordination and management of programs involving similar technical objectives, staff, and facilities.

.02 The Institute for Basic Standards conducts programs of basic measurement standards, which include research and services oriented toward the needs of the scientific and engineering community of the Nation. The Institute comprises a series of divisions, each serving a classical subject matter area of science and engineering.

.03 The Institute for Materials Research conducts materials research and provides associated reference material services. Beyond their direct interest to the Nation's scientists and engineers, the activities of this Institute yield services which are essential to the advancement of technology in industry and commerce. The Institute comprises a series of divisions organized primarily by technical field.

.04 The Institute for Applied Technology stimulates technical innovation and industrial use of the results of modern science and technology. The principal elements of the Institute are: (a) a Textiles and Apparel Technology Center furnishing specialized technical services to that industry; (b) technical divisions which provide services in technology of more general applicability; (c) the Clearinghouse for Federal Scientific and Technical Information which promotes widest effective use by the scientific community, industry, and commerce of current information in all fields of industrial technology; and (d) a Center for Computer Sciences and Technology which conducts research and provides technical services designed to improve cost effectiveness in the conduct of agency programs through the use of computers and related techniques.

.05 The National Bureau of Standards shall comprise the organizational units enumerated in subsequent sections of this order.

SEC. 3. *Office of the Director.* .01 The Director determines the policies of the Bureau and directs the development and execution of its programs.

.02 The Deputy Director assists the Director in the direction of the Bureau, with particular regard to planning and internal coordination of its programs, and performs the functions of the Director in the latter's absence.

SEC. 4. *Special offices reporting to the Director.* .01 The Office of Public Information conducts the public information activities of the Bureau, including coordination of relations with the general press, and policy guidance for inquiry service for the general public, exhibits, tours, and informational films programs.

.02 The Office of Industrial Services establishes and operates services and activities to: (a) examine the existing and likely future needs for joint industry-NBS research, data collection, data evaluation and dissemination, and implement responses to the findings; (b) examine and recommend how NBS generated data, techniques and other research results may best be transmitted for utilization in industry and commerce; (c) promote cooperative research in and by industry for the solution of its technical problems; and (d) develop and expand the Research Associate Program of NBS, under which qualified individuals sponsored by industrial and professional organizations, conduct research temporarily at NBS in collaboration with NBS staff on technical problems of widespread significance.

.03 The Office for Academic Liaison serves as the focal point for the Bureau's cooperation with the academic sector, coordinates arrangements for staff exchanges between the Bureau and academic institutions, provides information to colleges and universities regarding career opportunities in the Bureau, and also serves as liaison office for cooperative research activities between the Bureau and other Government agencies.

.04 The Office of Engineering Standards Liaison and Analysis provides liaison between the National Bureau of Standards and engineering standards bodies, both domestic and international, and coordinates NBS participation with respect to engineering standards in the programs of other Government agencies; supplies assistance to these organizations where necessary, to support their committee activities and help make the Bureau resources available for whatever other functions are appropriate; coordinates the participation of NBS personnel in engineering standards committees and in other engineering standards activities, both domestic and international; develops criteria and priorities for participation in engineering standards committees, and allocates travel funds for international engineering standards participation; develops programs of education and promotion at NBS toward increased engineering standards committee participation; evaluates effectiveness of NBS engineering standards activities; initiates technical-economic studies to assist in developing effective engineering standards programs; and develops recommendations for engineering standards policy and legislation.

.05 The Office for Program Development and Evaluation undertakes such studies, research, investigations and other related activities as will provide authoritative and definitive guidance to the Director on how the Bureau's substantive programs must change, grow, and develop so that their outputs will become and remain optimally related to the needs of American science and industry.

.06 The Director will have available to him the services of a legal counsel under the supervision of the General Counsel of the Department of Commerce to provide necessary legal advice. This includes preparation of legislation, providing legal advice regarding patent questions, advising on legal problems connected with grants and contracts, and advising on problems connected with the use of proprietary rights and in the applications of standards of practice. He also provides legal assistance, where necessary, in negotiations with private industry to establish cooperative research associations and in the negotiation of grants and contracts.

SEC. 5. *Office of the Associate Director for Administration.* .01 The Associate Director for Administration makes certain that the Bureau's programs are carried forward within applicable regulatory and procedural restraints, plans and operates centralized services in the fields of administrative management, and serves as the Director's principal staff adviser on management matters. On matters pertaining to administration and management, the Office of the Associate Director for Administration and all other organizational components, as applicable, of the National Bureau of Standards are subject to the authorities of the departmental staff offices in the Office of the Assistant Secretary for Administration as provided in Department Order 134, and supplements thereto.

.02 Functions of each of the organization units (at Gaithersburg, Md.), reporting to the Associate Director for Administration are:

a. The Accounting Division administers the official system of central fiscal records, payments and reports, provides test administration service, and provides staff assistance on accounting and related matters;

b. The Administrative Services Division has staff responsibility for security, safety, emergency relocation planning, and civil defense activities, and administers mail and messenger and teletype

service, directory and locator service, guard services, custodial functions, duplicating service, and local transportation service; and auditorium and conference room services;

c. The Budget and Management Division advises on financial management and provides staff assistance in the preparation of estimates and the utilization of funds, provides staff assistance in improvement of management practices, makes organization and procedures studies, provides advisory service on administrative requirements of technical programs, develops and maintains allied programs such as issuances, records and forms management, and coordinates administrative procedures and actions where several administrative divisions are affected;

d. The Internal Audit Division assists the Director and other Bureau officials by conducting independent, objective, and constructive appraisals of the effectiveness and efficiency with which the Bureau's operating administrative and financial programs are being carried out and reporting its findings and recommendations for consideration and action;

e. The Personnel Division advises on personnel policy and utilization, and administers recruitment, placement, classification, training and employee relations activities, and assists operating officials on these and other aspects of personnel management;

f. The Plant Division maintains the physical plant at Washington, D.C., and Gaithersburg, Md., and performs staff work in planning and providing grounds, buildings, and improvements at all Bureau locations; and

g. The Supply Division performs or facilitates the procurement and distribution of material, keeps records and promotes effective utilization of property, acts as the contracting office for all research, construction, supply and lease contracts entered into by the Bureau, and administers communication services.

.03 In addition to the above organizational units, the Executive Officer for Boulder Support (at Boulder, Colo.) reports to the Associate Director for Administration. The administrative and technical activities reporting to the Executive Officer for Boulder Support provide administrative guidance, facilities and management planning and technical and administrative supporting services for all NBS activities conducted at Boulder, Colo., and are responsible for the effective servicing of the Environmental Science Services Administration activities at Boulder, Colo., and appropriate field stations. Functions of the administrative and technical support divisions at Boulder, Colo. are:

a. The Administrative Services Division performs procurement, property management, office services (including security) and financial management functions as delegated by the Director which are necessary to the adequate support of the NBS and ESSA activities at Boulder, Colo., and their associated field stations.

b. The Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment for the NBS and ESSA activities at Boulder, Colo.

c. The Plant Division operates and maintains the physical facilities at the Boulder, Colo., Laboratories; and plans alterations and expansion of physical facilities as required by NBS and tenant agencies.

SEC. 6. *Office of the Associate Director for Technical Support.* .01 The Associate Director for Technical Support plans and operates centralized technical services which directly support the Bureau's technical programs. He also serves as the Director's principal staff adviser on technical support matters.

.02 The functions of each of the organization units reporting to the Associate Director for Technical Support are:

a. The Office of Technical Information and Publications fosters the outward communication of the Bureau's scientific findings and related technical data to science and industry through reports, articles, conferences and meetings, films, correspondence and other appropriate mechanisms; and assists in the preparation, scheduling, printing and distribution of Bureau publications;

b. The Research Information Division furnishes diversified information services to the staff of the Bureau, including conventional library services, bibliographic, reference, and translation services, and conducts studies associated with the mechanization of the foregoing services;

c. The Office of Radiation Safety is responsible for radiation safety in the Bureau, operation of health physics activities, AEC licensing for radiation sources, and accountability for radioactive materials;

d. The Instrument Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment; and

e. The Measurement Engineering Division serves the Bureau in an engineering consulting capacity in measurement technology. It provides technical advice and apparatus development supported by appropriate research, especially in electronics and in the combinations of electronics with mechanical, thermal, and optical techniques.

SEC. 7. *Institute for Basic Standards.* .01 The Institute for Basic Standards provides the central basis within the United States of a complete and consistent system of physical measurement; coordinates that system with the measurement systems of other nations; and furnishes essential services leading to accurate and uniform physical measurements throughout the Nation's scientific community, industry, and commerce.

.02 The Director, Institute for Basic Standards, directs the development, execution, and evaluation of the programs of the Institute. The Deputy Director, Institute for Basic Standards, assists in the direction of the Institute and performs the functions of the Director in the latter's absence. The Deputy Director for Radio Standards, Institute for Basic Standards, assists in the direction of the Institute's programs at the Boulder Laboratories relating to radio science.

.03 The Office of Standard Reference Data administers the National Standard Reference Data System which provides critically evaluated data in the physical sciences on a national basis. This requires arrangement for the continuing systematic review of the national and international scientific literature in the physical sciences, the evaluation of the data it contains, the stimulation of research needed to fill important gaps in the data, and the compilation and dissemination of evaluated data through a variety of publication and reference services tailored to the user needs in science and industry.

.04 The other organizational units of the Institute for Basic Standards are as follows:

Applied Mathematics Division.
Electricity Division.
Metrology Division.
Mechanics Division.
Heat Division.
Atomic Physics Division.
Physical Chemistry Division.
Laboratory Astrophysics Division.
Radiation Physics Division.
*Radio Standards Laboratory: Radio Standards Physics Division, Radio Standards Engineering Division.

a. Each division except the Applied Mathematics Division engages in such of the following functions as are appropriate to the subject matter field indicated generally by the division title:

1. Develop and maintain the national standards for physical measurement, develop appropriate multiples and submultiples of prototype standards, and develop transfer standards and standard instruments;

2. Determine important fundamental physical constants which may serve as reference standards, and analyze the self-consistencies of their measured values;

3. Conduct experimental and theoretical studies of fundamental physical phenomena of interest to scientists and engineers with the general objective of improving or creating new measurement methods and standards to meet existing or anticipated needs;

4. Conduct general research and development on basic measurement techniques and instrumentation, including research on the interaction of basic measuring processes on the properties of matter and physical and chemical processes;

5. Calibrate instruments in terms of the national standards, and provide other measurement services to promote accuracy and uniformity of physical measurements;

6. Correlate with other nations the national standards and definitions of the units of measurement; and

*(The closely allied Radio Standards Physics and Radio Standards Engineering Divisions are grouped under the Radio Standards Laboratory for facility in administration.)

7. Provide advisory services to Government, science, and industry on basic measurement problems.

b. The Applied Mathematics Division:

1. Conducts research in various fields of mathematics important to physical and engineering sciences, automatic data processing, and operations research with emphasis on statistical, numerical and combinatorial analysis and mathematical physics;

2. Provides consultative services to the Bureau and other Federal agencies; and

3. Develops tools for mathematical work, such as mathematical tables, handbooks, manuals, mathematical models, and computational methods and advises on their use.

SEC. 8. *Institute for Materials Research.* .01 The Institute for Materials Research assists and stimulates industry in the development of new and improved products by supplying increased understanding of basic properties of materials. The main functions of the Institute are: (a) Conduct research on the fundamental properties of matter and materials which are of importance to science, industry, and commerce, and the collection and dissemination of data on these properties; (b) develop techniques for the preparation of experimental materials and for the measurement of their properties; (c) develop criteria by which the performance characteristics of basic materials may be evaluated; and (d) develop, produce, and distribute standard reference materials which provide a basis for comparison of measurements on materials and aid in the control of production processes in industry.

.02 The Director, Institute for Materials Research, directs the development, execution and evaluation of the programs of the Institute. The Deputy Director, Institute for Materials Research, assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

.03 The Office of Standard Reference Materials evaluates the requirements of science and industry for carefully characterized reference materials, stimulates the Bureau's efforts to develop methods for production of needed reference materials and directs their production and distribution.

.04 The other organizational units of the Materials Research Institute are as follows:

Analytical Chemistry Division.
Polymers Division.
Metallurgy Division.
Inorganic Materials Division.
Reactor Radiations Division.
Cryogenics Division.

Each division engages in such of the following functions as are appropriate to the subject matter field indicated generally by the division title:

a. Conduct research on the chemical and physical constants, properties, constitution and structure of matter;

b. Devise and improve methods for the preparation, purification, analysis, and characterization of materials;

c. Investigate fundamental chemical, metallurgical, and physical phenomena of importance to science and industry such as fatigue and fracture, crystal growth and imperfections, stress corrosion, etc.;

d. Develop techniques for measurement of the properties of materials under carefully controlled conditions extending to the extremes of high and low temperature and pressure, and exposure to different types of radiation;

e. Assist in the development of standard methods and equipment for testing materials;

f. Conduct research and develop methodology leading to the production of standard reference materials and produce these materials; and

g. Provide advisory services to Government, science and industry on basic materials problems.

SEC. 9. *Institute for Applied Technology.* .01 The Institute for Applied Technology provides technical services to promote the use of available technology and to facilitate technological innovation in industry and Government. The main functions of the Institute are: (a) To identify and evaluate obstacles to technical innovation and to participate in overcoming them; (b) to provide industry and Government with technical bases for their evaluation of technological products and services; (c) to maintain cooperation with public and private organizations leading to the development of technological standards (including mandatory safety standards), codes and methods of test; (d) to disseminate technical information; and (e) to provide technical advice and services to Government agencies upon request in (1) technical analysis, simulation, and appraisal concerning the achievement of increased cost-effectiveness, including operations research and benefit-cost analysis; and in (2) the design of information systems and the utilization of automatic data processing.

.02 The Director, Institute for Applied Technology, directs the development, execution, and evaluation of the programs of the Institute. The Deputy Director, Institute for Applied Technology, assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

.03 The Clearinghouse for Federal Scientific and Technical Information provides a single point of contact in the Federal Government through which current research efforts and the results of Government-sponsored research in science and technology are made available to industry, commerce, and the general public, and provides for a central service for the translation of foreign and technical documents. The Clearinghouse collects, organizes and publicizes unclassified Government-generated technical reports and provides reference, referral, and sales services for technical reports and translations received from domestic and foreign sources. The primary aim of the Clearinghouse is to achieve through interagency agreement and cooperation a unified documentation and distribution system for Government-generated technical reports and information on research in progress. The Clearinghouse channels and directs the flow of significant Government R & D to the technical industrial community, both nationally and regionally, functioning as a wholesaler of technical reports and information to state-industry-university development groups, trade associations and the technical press. Further, the Clearinghouse provides basic information and counsel regarding technical, industrial production matters to countries participating in the programs of the Agency for International Development (AID).

.04 The Textile and Apparel Technology Center (a) cooperates with trade associations and other appropriate organizations to identify obstacles to technical innovation in the textile industry and to formulate programs to overcome these; (b) collects, analyzes and disseminates technical information of particular importance to industry; (c) develops criteria for evaluation of textiles and apparel; (e) cooperates in the development of industry standards; and (f) provides support for research in private laboratories on problems of general importance in the industry.

.05 The Center for Computer Sciences and Technology conducts research and provides technical services to the Administrator of General Services (with respect to his responsibilities under Public Law 89–306) and to other Government agencies on request designed to aid in improving cost effectiveness in the conduct of their programs through the selection, acquisition, and effective utilization of automatic data processing field involve: (a) Providing advisory and consultative services to executive agencies on the methods for developing information systems based on the use of computers and the programing and languages thereof; (b) undertaking research in computer sciences and techniques, including system design, oriented primarily toward Government applications; (c) providing day-to-day guidance and monitorship of an executive branch program for supporting the development, measurement, and testing of voluntary commercial standards for automatic data processing equipment, techniques, and computer languages; and (d) improving compatibility in automatic data processing equipment procured by the Federal Government by recommending uniform Federal standards for automatic data processing equipment, techniques, and computer languages. Functions of the organization units of the Center are:

a. The Director is responsible for establishment of operating policy; planning; coordination and direction of all the functions and responsibilities assigned to the Center. The Deputy and Technical Director assists the Director in the direction of the Center, with particular regard to planning and internal coordination of its programs, and performs the functions of the Director in the latter's absence.

b. The Office for Information Processing Standards administers and coordinates all activities involved in the development, testing, and coordination of proposed standards in the field of informa-

tion processing including preparation of recommendations to foster the general use of approved standards throughout the Government.

c. The Technical Information Exchange functions as a specialized information center on computer sciences and technology which provides a referral service for the formal literature and a reference service for the informal literature and related materials such as general use computer programs. It also serves as a repository for source material for case histories and for the complete record of ADP standardization efforts by the American Standards Association, International Standards Organization and the Federal Government. In addition, it assists in the preparation of special technical summaries and state-of-the-art reports.

d. The Computer Services Division provides computing and data conversion services to NBS and other agencies on a reimbursable basis, together with the supporting problem analysis and computer programing, as required.

e. The Management Applications Planning Division provides assistance on request to Federal agencies in the planning and development of management information systems which make effective use of available computers and related techniques. In addition, it develops recommendations for methods of measuring and improving the effectiveness with which computers are selected and used by Federal agencies.

f. The Systems Research and Development Division conducts investigations into advanced concepts for the development, organization, and implementation of systems dependent upon available computers, including the innovation or extension of those techniques needed for the design of advanced prototype systems.

g. The Information Processing Technology Division conducts research and development and collaborates therein with other Federal agencies in selected areas of information processing technology and related disciplines to improve methodologies and to permit the matching of developing needs with new or improved techniques and tools; as directed, makes available central research facilities in support of the research and development responsibilities of the Center.

h. The Information Sciences Division maintains awareness of emerging developments in the field of information sciences and related disciplines in order to select those areas in which the Center should conduct (or arrange for the conduct of) investigations needed to provide technical insight for fostering advances in the information sciences of broad future significance to the Federal Government.

.06 The Manager, Engineering Standards, plans and administers the programs of the Office of Weights and Measures and the Office of Engineering Standards Services and participates in the formulation of policy with respect to engineering standards activities.

a. The Office of Weights and Measures provides technical assistance to the States with regard to model laws and technical regulations, and to the States, business, and industry in the areas of testing, specifications, and tolerances for weighing and measuring devices, the design, construction, and use of standards of weight and measure of associated instruments, and the training of State and local weights and measures officials.

b. The Office of Engineering Standards Services cooperates with and assists producers, distributors, users and consumers of products, and agencies of the Federal, State and local governments in the development of standards for products (these functions are performed through the Product Standards Program); develops safety standards required by statute and conducts appropriate sampling, testing and evaluation; and provides information services with respect to engineering standards, public and private.

.07 The Office of Invention and Innovation analyzes the effect of Federal laws and policies (e.g., tax, antitrust, and regulatory policies) on the national climate for invention and innovation; undertakes studies in related areas with other agencies; and assists and encourages inventors through inventors' services and programs, including cooperative activities with the States.

.08 The other organizational units of the Institute for Applied Technology and the functions of each are as follows:

a. The Building Research Division develops criteria for performance standards of building products, structures, and systems; and cooperates with industry, other Government agencies, and the professional associations of the industry in the development of standards and methods of measurement.

b. The Electronic Instrumentation Division develops criteria for the evaluation of products and services in the general field of electronic instrumentation; cooperates with appropriate public and private organizations in identifying needs for improved technology in this field; and cooperates in the development of standards, codes and specifications. Further, it applies the technology of electronic instrumentation to the development of methods of practical measurement of physical quantities and properties of materials.

c. The Technical Analysis Division conducts benefit-cost analyses and other basic studies required in planning and carrying out programs of the Institute. This includes the development of simulations of industrial systems and of Government interactions with industry, and the conduct of studies of alternative Institute programs. On request, the Division provides similar analytic services for other programs of the Department of Commerce, in particular those of the science-based bureaus, and, as appropriate, for other agencies of the Executive Branch.

Effective date: May 16, 1966.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 66-6241; Filed, June 7, 1966; 8:45 a.m.]

[Department Order 46, Amdt. 2]

PROCUREMENT

Delegated Authority

The following amendment to the order was issued by the Secretary of Commerce on May 20, 1966. The material appearing at 29 F.R. 13541-13542 of October 1, 1964, is hereby further amended and the material appearing at 30 F.R. 6548 of May 12, 1965, is superseded.

1. Appendix A, dated April 28, 1965, to Department Order 46 of September 16, 1964, is hereby amended to read:

"Part I. Organization units delegated procurement authority:

"National Bureau of Standards.

"Environmental Science Services Administration (except as specified in Part II hereof).

"Bureau of the Census (except as specified in Part II hereof).

"Maritime Administration (except as specified in Part II hereof).

"Bureau of Public Roads (except as specified in Part II hereof).

"Part II. Organization units for which the Assistant Secretary for Administration exercises procurement authority:

"Office of the Secretary, including all components thereof.

"All operating units not enumerated in Part I hereof.

"Bureau of Public Roads (procurement of personal property and nonprofessional and nontechnical service contracts for headquarters office use).

"Census Bureau (all procurement under $2,500).

"Maritime Administration (procurement of administrative equipment and supplies for headquarters use).

"Environmental Science Services Administration (all procurement and contracts for nontechnical items, items of common use within the Department, and selected items or services of a scientific or technical nature as designated through mutual agreement between the Director of Administration of ESSA and the Director, Office of Administrative Services, Office of the Secretary)."

2. This amendment supersedes Amendment 1 of April 28, 1965.

Effective date: May 20, 1966.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 66-6242; Filed, June 7, 1966; 8:45 a.m.]

[Department Order 117-A]

MARITIME ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce on May 20, 1966. This material, together with Department Order 117-B of May 20, 1966, supersedes the material appearing at 30 F.R. 14534 of November 20, 1965; 27 F.R. 7687 of August 3, 1962; and 27 F.R. 3637-3641 of April 17, 1962.

SECTION 1. *Purpose*. The purpose of this order is to delegate authority to the Maritime Administrator and the Maritime Subsidy Board, Maritime Administration, and prescribe the general functions of the Maritime Administration.

SEC. 2. *General*. .01 Maritime Administration. The Maritime Administration established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950, as affected by Reorganization Plan No. 7 of 1961, effective August 12, 1961, is continued as a primary operating unit in the Department of Commerce. The Maritime Administration is headed by the Maritime Administrator appointed by the President, by and with the advice and consent of the Senate. The Maritime Administrator shall report and be responsible to the Under Secretary of Commerce for Transportation. The Maritime Administrator is vested with the residual powers and authorities of the Director, National Shipping Authority, which was established by the Secretary of Commerce, effective March 13, 1951, and is designated Commandant of the U.S. Maritime Service.

.02 Maritime Subsidy Board. The Maritime Subsidy Board is continued within the Maritime Administration. The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator and the General Counsel of the Maritime Administration. In the case of a vacancy in the Board or the absence or disability of one of its members, the Comptroller of the Maritime Administration shall act as a member of the Maritime Subsidy Board. Each member of the Maritime Subsidy Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Commerce and exercise judgment independently of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairman of the Maritime Subsidy Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

SEC. 3. *Delegations of Authority to the Maritime Administrator*. .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 21 of 1950, as affected by Reorganization Plan No. 7 of 1961, and Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce and the Under Secretary of Commerce for Transportation may prescribe, the Maritime Administrator is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by:

a. Reorganization Plan No. 21 of 1950 and section 202 of Reorganization Plan No. 7 of 1961, except those functions, powers and authorities delegated to the Maritime Subsidy Board by section 4 of this order;

b. Title VI of the Civil Rights Act of 1964, which are applicable to the Maritime Administrator, as provided in Department Order 195 and the regulations referred to therein;

c. Executive Orders 10480 and 10999, as amended, and any present or subsequent delegations or implementing orders under mobilization statutes, with respect to intercoastal, coastwise, and overseas shipping and ports and port facilities, including the use thereof;

d. Any other existing or subsequent legislation and Executive Orders with respect to the promotion and maintenance of the American merchant marine, except those relating to the functions, powers and authorities delegated by section 4 of this order; and

e. Any existing or subsequent legislation providing for the transfer, or otherwise making available, of vessels under the jurisdiction of the Department to another Federal agency.

.02 The authority granted by subparagraph .01c. of this section shall not be deemed to include authority to grant exceptions from, or amend, modify or revise the provisions of Transportation Orders T-1 and T-2, as amended.

.03 Any condition or limitation which may be imposed by the Secretary of Commerce or the Under Secretary of Commerce for Transportation on the authority delegated in paragraph .01 of this section and which requires public notice under the provisions of section 3(a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER.

.04 The Maritime Administrator may redelegate his authority to officials of the Maritime Administration subject to such limitations in the exercise of such authority as he may prescribe.

SEC. 4. *Delegations of authority to the Maritime Subsidy Board*. .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 21 of 1950, as affected by Reorganization Plan No. 7 of 1961, and Reorganization Plan No. 5 of 1950, the Maritime Subsidy Board is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce as follows:

a. All functions heretofore vested in the Federal Maritime Board pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions section 105 (3) of Reorganization Plan No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101, et seq.).

b. All functions transferred to the Secretary of Commerce by section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in subparagraph a. of this paragraph.

c. All functions under Title VI of the Civil Rights Act of 1964, which are applicable to the Maritime Subsidy Board, as provided in Department Order 195 and the regulations referred to therein, which delegated authority shall be performed in accord with the provisions of said Department order and regulations, and shall be exempted from review under section 6 of this order .

d. All functions vested in the Secretary of Commerce by any existing or subsequent legislation and Executive orders relating to the functions described in subparagraphs a and b of this paragraph.

.02 Any member of the Maritime Subsidy Board or the Secretary or an Assistant Secretary of the Maritime Subsidy Board is authorized to execute and sign contracts and other documents authorized or approved pursuant to section 4 or 6 hereof or paragraph b of section 3 of Department Order 117-B. The execution of such contracts or documents may be attested, under the seal of the Maritime Administration, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

.03 The Maritime Subsidy Board may, with the approval of the Secretary of Commerce, redelegate the authority delegated herein, and prescribe necessary limitations, restrictions and conditions on the exercise of such authority. Action taken by any redelegatee pursuant to the authority herein contained shall be exempt from the provisions of section 6 of this order.

SEC. 5. *General functions*. .01 The Maritime Administration, in accordance with the declaration of policy stated in Title I of the Merchant Marine Act, 1936, as amended, shall be responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national security and of the domestic and foreign commerce of the United States. The functions of the Maritime Administration include the award of construction-differential and operating-differential subsidies to the American merchant marine; trade-in of ships of new construction; administration of construction reserve funds; providing insurance on construction loans and ship mortgages obtained from private sources for ship construction and reconstruction; providing assistance to the shipping industry to generate increased trade and cargo shipments on U.S.-flag ships; administration of charters and general agency agreements for operation of Gov-

ernment-owned ships; custody and preservation of ships in National Defense Reserve Fleets; exchange of war-built ships with unsubsidized operators; design and construction of ships for Government account; furnishing of war risk insurance on privately owned merchant ships; training of merchant marine officers; and administration of a research and development program in the maritime field. The functions of the Maritime Administration also include the making of rules and regulations with respect to the foregoing functions.

.02 Insofar as deemed desirable, the Chairman of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Maritime Subsidy Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

SEC. 6. *Review and finality of actions by Maritime Subsidy Board.* .01 The Under Secretary of Commerce for Transportation (hereinafter referred to as "Under Secretary") may, on his own motion or on the basis of a petition filed as hereinafter provided, review any decision, report and/or order of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirements or (b) Board order, by entering a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record (which phrase includes the Board). Petitions for review under this paragraph may be filed by parties of record, shall be in writing, and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Under Secretary within fifteen (15) days after the date of the service of the Board's decision, report or order. Parties of record may file replies in writing thereto. Ten (10) copies of such replies, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Under Secretary within ten (10) days after the date the petition for review is timely filed. Petitions for review and replies thereto shall be limited to the record before the Board. If a petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Under Secretary, prior to expiration of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final twenty (20) days after the date of service of the decision unless the Under Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. If upon any review the decision of the Under Secretary rests on official notice of a material fact not appearing in the evidence in the record, any party of record shall, if request is made within ten (10) days after the date of service of the Under Secretary's decision on said party, be afforded an opportunity to show the contrary. The said ten (10) days shall constitute the period for a "timely request" within the meaning of section 7(d) of the Administrative Procedure Act.

.02 The Under Secretary may on his own motion review all actions of the Maritime Subsidy Board other than those referred to in paragraph .01 of this section by entering a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this paragraph shall have the privilege of submitting to the Under Secretary, within ten (10) days after the date of such Board action, a request that the Under Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Under Secretary. Any other person having an interest in such matter shall have the privilege of submitting within fifteen (15) days after the date of the Board's action, a written request that the Under Secretary not exercise such review. Copies of request that the Under Secretary undertake or not exercise review will be open for public inspection at the office of the Secretary of the Board. If either a request that the Under Secretary undertake review or a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in ten (10) days after expiration of the time prescribed for submission of a request that review not be exercised unless the Under Secretary, prior to the expiration of the ten (10) days, enters a written order stating that he elects to review the action of the Board. If neither a request that the Under Secretary undertake review nor a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in twenty (20) days after the date of such action unless the Under Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served upon the Board, and upon all persons filing requests as herein described.

.03 If a timely petition for reconsideration is filed under the rules prescribed by the Board, the time for filing a petition or request for review by the Under Secretary under paragraph .01 or .02 of this section, respectively, or the entry of an order by the Under Secretary on his own motion electing to review an action of the Board under paragraph .01 or .02 of this section, shall, in the case of actions under paragraph .01 of this section run from the date of service of the Board's action and, in the case of actions under paragraph .02 of this section, run from the date of the Board's action, finally disposing of the issues presented by the petition for reconsideration.

.04 In computing any period of time under this section, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. The prescribed time for action by the Under Secretary in a proceeding in which additional days have been added pursuant to the provisions of this paragraph shall be extended by the total of such additional days.

.05 Petitions and requests for review by the Under Secretary shall not be filed:

a. Unless the petitioner shall have first exhausted his administrative remedies (other than a petition for reconsideration) before the Maritime Subsidy Board; nor

b. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in paragraphs .01 and .02 of this section.

.06 The Under Secretary may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this section by written order.

SEC. 7. *Basic organization structure.* Department Order 117-B prescribing the basic organization structure and assignment of functions within the Maritime Administration, shall be developed and issued by the Administrator, with the approval of the Under Secretary for Transportation and the Assistant Secretary for Administration.

SEC. 8. *Savings provision.* .01 All orders, determinations, rules, regulations, permissions, delegations, approval, agreements, rulings, certificates, directives and other actions heretofore issued or taken by or relating to the Federal Maritime Board, Maritime Administration, Maritime Subsidy Board, National Shipping Authority and their predecessor agencies, and in effect on the effective date of this order shall, insofar as they relate to the functions referred to herein and are not inconsistent herewith, remain in full force and effect until hereafter suspended, amended or revoked under appropriate authority.

.02 All actions, proceedings, hearings or investigations pending on the effective date of this order before the Maritime Administration or the Maritime Subsidy Board in respect to the functions referred to in this order shall be continued before the Maritime Administration or the Maritime Subsidy Board, as the case may be, in accordance with the delegations made pursuant to this order.

Effective date: May 20, 1966.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 66-6236; Filed, June 7, 1966; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Part 6 of the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045) is hereby amended to read as follows:

PART 6—OFFICE OF EDUCATION

SEC. 6.00 *Mission.* The Office of Education is responsible for providing professional and financial assistance to strengthen education in the United States in accordance with Federal laws and regulations.

SEC. 6.10 *Organization.* (a) The Office of Education, which is under the supervision and direction of the Commissioner of Education, consists of the following:

Office of the Commissioner:
- Commissioner.
- Deputy Commissioner.
- Associate Commissioner for Federal-State Relations.
- Associate Commissioner for International Education.
- Associate Commissioner for Field Services.
- Office of Administration.
- Office of Information.
- Office of Legislation.
- Office of Program Planning and Evaluation.
  - Division of Program Planning.
  - Division of Program Evaluation.
- Office of Equal Educational Opportunities.
- Office of Disadvantaged and Handicapped.
- Contracts and Construction Service.
- National Center for Educational Statistics.
  - Office of the Assistant Commissioner.
  - Division of Data Sources and Standards.
- Division of Data Processing and Data Analysis.
- Division of Statistical Analysis.
- Division of Operations Analysis.

Bureau of Elementary and Secondary Education:
- Office of the Associate Commissioner.
- Division of Plans and Supplementary Centers.
- Division of Program Operations.
- Division of State Agency Cooperation.
- Division of School Assistance in Federally Affected Areas.
- Division of Educational Personnel Training.

Bureau of Adult and Vocational Education:
- Office of the Associate Commissioner.
- Division of Vocational and Technical Education.
- Division of Library Services and Educational Facilities.
- Division of Adult Education Programs.

Bureau of Higher Education:
- Office of the Associate Commissioner.
- Division of Student Financial Aid.
- Division of Foreign Studies.
- Division of Graduate Programs.
- Division of College Facilities.
- Division of College Support.

Bureau of Research:
- Office of the Associate Commissioner.
- Division of Elementary and Secondary Research.
- Division of Adult and Vocational Research.
- Division of Higher Education Research.
- Division of Laboratories and Research Development.
- Division of Research Training and Dissemination.

(b) The order of succession in the Office of Education is as follows:

(1) During the absence or disability of the Commissioner of Education or in the event of a vacancy in that office, the first official listed below who is available shall act as Commissioner.

a. Deputy Commissioner.
b. Associate Commissioner for Federal-State Relations.
c. Other Associate Commissioners in order of the seniority of their appointments as Associate Commissioner or, in the event of concurrent appointments, in order of the seniority of their appointments to the Office of Education.
d. Assistant Commissioner for Administration.

(2) During the absence or disability of the Deputy Commissioner or in the event of a vacancy in that office, the first official listed in b through d, above, who is available shall act as Deputy Commissioner.

SEC. 6.20 *Functions.* (a) Except as provided in Part 2 (Office of the Secretary) and section 6.30 of this Part (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

(1) Reorganization Plan Number 1, 53 Stat. 1424, July 1, 1939, and Reorganization Plan Number 1, 67 Stat. 631; 20 U.S.C. 1, April 11, 1953; derived from the Acts of March 2, 1867, 14 Stat. 434, and July 20, 1868, 15 Stat. 92 (establishment of Federal agency).

(2) Morrill Acts (establishment of and assistance to land-grant colleges and universities); except that authority to certify funds is reserved to the Secretary (Act of July 2, 1862, 12 Stat. 503, and Act of August 30, 1890, 26 Stat. 417, as amended, 7 U.S.C. 301–329).

(3) Joint Resolution No. 8, 52d Cong., approved April 12, 1892 (availability of library facilities) (27 Stat. 395, as amended, 20 U.S.C. 91).

(4) Act of May 28, 1896 (publications and international education studies) (29 Stat. 171, 20 U.S.C. 3).

(5) Smith-Hughes Act (vocational education) (P.L. 64–347 approved February 23, 1917, 39 Stat. 929, as amended, 20 U.S.C. 11–15, 16–28).

(6) Section 8 of the Act of March 2, 1867 (inspection of Howard University) (P.L. 70–634 approved December 13, 1928, 45 Stat. 1021, as amended, 20 U.S.C. 123).

(7) Section 4 of Public Law 70–831 approved February 27, 1929 (membership on D.C. Commission on Licensure) (45 Stat. 1327, as amended, 2 D.C. Code 103).

(8) Extension of the Smith-Hughes Act to Puerto Rico (vocational education) (P.L. 71–791 approved March 3, 1931, 46 Stat. 1489, 20 U.S.C. 30).

(9) George-Barden Act (vocational education); except the function of the Secretary in section 206(b) relating to the fixing of compensation for advisory committee members (P.L. 74–673 approved June 8, 1936, 49 Stat. 1488, as amended, 20 U.S.C. 15 i–m, o–q, aa–jj, aaa–ggg).

(10) Public Law 74–741 approved June 22, 1936 (studies of and reports on library services) (49 Stat. 1797, as extended).

(11) Extension of the George-Barden Act to the Virgin Islands (vocational education) (P.L. 81–462 approved March 18, 1950, 64 Stat. 27, 20 U.S.C. 31–33).

(12) Agreement with Housing and Home Finance Agency under Title IV of the Housing Act of 1950 (college housing loans) (P.L. 81–475 approved April 20, 1950, 64 Stat. 79, as amended, 12 U.S.C. 1749a(c)(2)).

(13) Section 18 of Public Law 81–740 approved August 30, 1950 (Future Farmers of America) (64 Stat. 567, 36 U.S.C. 288).

(14) Public Law 81–815 approved September 23, 1950 (assistance to federally affected areas and disaster relief areas for construction of schools) (64 Stat. 967, as amended, 20 U.S.C. 631–645).

(15) Public Law 81–874 approved September 30, 1950 (assistance to federally affected areas and disaster relief areas for operation and maintenance of schools and assistance to local educational agencies for meeting the special educational needs of educationally deprived children); except the functions of the Secretary in section 203(d) relating to determinations with respect to payments under the program of aid to families with dependent children and in section 212(b) relating to assistance to the National Advisory Council on the Education of Disadvantaged Children (64 Stat. 1100, as amended, 20 U.S.C. 236–244).

(16) Immigration and Nationality Act (approval of schools for aliens under student visas) (P.L. 82–414 approved June 27, 1952, 66 Stat. 166, as amended, 8 U.S.C. 1101(a)(15)(F)).

(17) Veterans Readjustment Assistance Act of 1952 (approval of accrediting agencies and membership on advisory committee to Administrator of Veterans Affairs) (P.L. 82–550 approved July 16, 1952, 66 Stat. 672, as amended, 38 U.S.C. 1644, 1653, 1662–1664, 1667).

(18) Executive Order 10521 of March 17, 1954 (consultation with National Science Foundation on study of effects on educational institutions of Federal contracts and grants for scientific research and development).

(19) Cooperative Research Act (P.L. 83–531 approved July 26, 1954, 68 Stat. 533, as amended, 20 U.S.C. 331–332).

(20) Public Law 83–532 approved July 26, 1954 (membership on National Advisory Committee on Education) (68 Stat. 533, 20 U.S.C. 333–337).

(21) Library Services and Construction Act (P.L. 84–597 approved June 19, 1956, 70 Stat. 293, as amended, 20 U.S.C. 351–358).

(22) Extension of the George-Barden Act to Guam (vocational education) (P.L. 84–896 approved August 1, 1956, 70 Stat. 909, 20 U.S.C. 34).

(23) National Defense Education Act of 1958, including functions of the Secretary under section 1001(d) to study Federal programs in higher education,

after initial contact has been made by the Secretary with the heads of departments and agencies concerned; except the functions of the Secretary in sections 761 (a) and (d) relating to the approval of members of the Advisory Committee on New Educational Media and the fixing of compensation therefor and in section 1002(a) relating to the establishment of advisory committees and the fixing of compensation therefor (P.L. 85-864 approved September 2, 1958, 72 Stat. 1581, as amended, 20 U.S.C. 401-592).

(24) Public Law 85-874 approved September 2, 1958 (membership on Board of Trustees of the John F. Kennedy Center for the Performing Arts) (72 Stat. 1698, as amended).

(25) Public Law 85-875 approved September 2, 1958 (science clubs) (72 Stat. 1700, 20 U.S.C. 2 note).

(26) Public Law 85-905 approved September 2, 1958 (captioned films for the deaf) (72 Stat. 1742, as amended, 42 U.S.C. 2491-2495).

(27) Public Law 85-926 approved September 6, 1958 (handicapped children) (72 Stat. 1777, as amended, 20 U.S.C. 611-618).

(28) Section 106 of the Mutual Educational and Cultural Exchange Act of 1961 (representation on Board of Foreign Scholarships) (P.L. 87-256 approved September 21, 1961, 75 Stat. 532, 22 U.S.C. 2456).

(29) Executive Order 11001 of February 16, 1962, section 5, and those portions of sections 6, 7, 9, 10, and 12 which pertain to education (preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions).

(30) Manpower Development and Training Act of 1962 (retraining); except that responsibility for overall policy direction, including liaison with the Department of Labor and coordination with other departments and agencies, and authority to submit reports to Congress required by section 309(b), to approve State agreements under section 231 and agreements or arrangements with the Department of Labor, and to approve apportionments and reapportionments under section 301 are reserved to the Secretary (P.L. 87-415 approved March 15, 1962, 76 Stat. 23, as amended, 42 U.S.C. 2571-2620).

(31) Part IV of Title III of the Communications Act of 1934 (grants for construction of educational television broadcasting facilities); except that authority to establish policies for administration of the grants program, to give final approval or approval subject to specified conditions to project grants, to effect liaison with other Federal departments and agencies on matters involving policy and program coordination, and to issue rules and regulations authorized by section 396 is reserved to the Secretary (P.L. 87-477 approved May 1, 1962, 76 Stat. 64, 47 U.S.C. 390-397).

(32) Executive Order 11034 of June 25, 1962, in connection with the administration of section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (promotion of modern foreign language training and area studies) (P.L. 87-256 approved September 21, 1961, 75 Stat. 527, 22 U.S.C. 2452).

(33) Migration and Refugee Assistance Act of 1962 (Cuban refugee educational assistance); programs as assigned by the Commissioner of Welfare (P.L. 87-510 approved June 28, 1962, 76 Stat. 121, as amended, 22 U.S.C. 2601-2605).

(34) Extension to American Samoa of the George-Barden Act (vocational education) and of scientific, technical, and other assistance under any program administered by the Commissioner of Education except financial assistance under a grant-in-aid program (P.L. 87-688 approved September 25, 1962, 76 Stat. 586, 48 U.S.C. 1666-1667).

(35) Sections 721(b) and 725(a) of the Public Health Service Act, as amended, by the Health Professions Educational Assistance Act of 1963 (approval of bodies for accrediting schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, and public health and membership on National Advisory Council on Education for Health Professions) (P.L. 88-129 approved September 24, 1963, 77 Stat. 165, as amended, 42 U.S.C. 293a(b)(1)).

(36) Section 302 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (research and demonstration projects in education of handicapped children); except the function of the Secretary in subsection (d) relating to the fixing of compensation for committee or panel members (P.L. 88-164 approved October 31, 1963, 77 Stat. 295, as amended, 20 U.S.C. 618).

(37) Higher Education Facilities Act of 1963; except the functions of the Secretary in sections 203 (a) and (c) and section 402(c) relating to the approval of advisory committee members and the fixing of compensation therefor (P.L. 88-204 approved December 16, 1963, 77 Stat. 363, as amended, 20 U.S.C. 701-757).

(38) Vocational Education Act of 1963; except the functions of the Secretary in sections 9 (a) and (c) relating to approval of advisory committee members and the fixing of compensation therefor and in section 12 relating to periodic review of vocational education programs and laws (P.L. 88-210 approved December 18, 1963, 77 Stat. 403, 20 U.S.C. 35-35n).

(39) Executive Order 11155 of May 23, 1964 (Presidential Scholars).

(40) Title IV and, with respect to programs administered by the Commissioner of Education, Title VI of the Civil Rights Act of 1964 (desegregation of public education and nondiscrimination in Federally assisted programs); except that no termination of or refusal to grant or to continue Federal financial assistance under section 602 shall be made without the approval of the Secretary (P.L. 88-352 approved July 2, 1964, 78 Stat. 246, 42 U.S.C. 2000c-c9, d-84).

(41) Extension to the Trust Territory of the Pacific Islands of any program or of assistance under any program administered by the Commissioner of Education; except financial assistance under a grant-in-aid program (P.L. 88-487 approved August 22, 1964, 78 Stat. 601, 48 U.S.C. 1681).

(42) Sections 841(a) and 843(f) of the Public Health Service Act as added by the Nurse Training Act of 1964 (membership on National Advisory Council on Nurse Training and approval of bodies for accrediting schools of nursing (P.L. 88-581 approved September 4, 1964, 78 Stat. 917, as amended, 42 U.S.C. 298).

(43) Executive Order 11183 of October 6, 1964 (membership on and assistance to President's Commission on White House Fellowships).

(44) Executive Order 11185 of October 16, 1964 (coordination of Federal education programs); except the functions of the Secretary thereunder.

(45) Delegation of Authorities dated October 23, 1964, from Director, Office of Economic Opportunity (29 F.R. 14764), with respect to Part B of Title II, and section 602 of the Economic Opportunity Act of 1964 (adult basic education programs); except that the policies, standards, criteria, and procedures for the exercise of such authorities are those set forth in such rules and regulations as may be prescribed jointly by the Director, Office of Economic Opportunity, and the Secretary; preference must, to the extent feasible, be given to programs and projects that are components of a community action program approved under Part A of Title II; and the reporting and coordination provisions of section 611 must be followed (P.L. 88-452 approved August 20, 1964, 78 Stat. 508, as amended, 42 U.S.C. 2751-2756, 2801-2807, 2942).

(46) Executive Order 11197 of February 5, 1965 (membership on President's Council on Equal Opportunity); except the functions of the Secretary thereunder.

(47) Section 211 and, with respect to programs administered by the Commissioner of Education, section 214 of the Appalachian Regional Development Act of 1965 (vocational education facilities and supplements to certain grant-in-aid programs) (P.L. 89-4 approved March 9, 1965, 79 Stat. 16, 17, 40 App. A, U.S.C. 211, 214).

(48) Elementary and Secondary Education Act of 1965; except the functions of the Secretary in sections 306 (a) and (c) relating to the approval of members of the Advisory Committee on Supplementary Educational Centers and Services and the fixing of compensation therefor, in section 510 relating to periodic review of the program and laws for strengthening State departments of education, and in section 602 relating to the establishment of advisory councils and the fixing of compensation therefor (P.L. 89-10 approved April 11, 1965, 79 Stat. 27, 20 U.S.C. 821-885).

(49) Sections 3(b) and 6 of the National Technical Institute for the Deaf Act (accrediting agencies and membership on National Advisory Board on Establishment of the National Technical Institute for the Deaf); except the functions of the Secretary thereunder (P.L. 89-36 approved June 8, 1965, 79 Stat. 125, 20 U.S.C. 682(b), 685).

(50) Sections 9, 12, and 13 of the National Foundation on the Arts and the Humanities Act of 1965 (membership on the Federal Council on the Arts and the Humanities) (P.L. 89-209 approved September 29, 1965, 79 Stat. 851, 20 U.S.C. 958, 961, 962).

(51) National Vocational Student Loan Insurance Act of 1965 (student loan insurance) except the functions of the Secretary prescribed by section 15 (P.L. 89-287 approved October 22, 1965, 79 Stat. 1037, 20 U.S.C. 981-996).

(52) Higher Education Act of 1965 (community service programs, college library assistance and library training and research, strengthening developing institutions, student assistance, teacher programs, financial assistance for the improvement of undergraduate instruction) except the functions of the Secretary prescribed by sections 109, 205, 303, and 433 (P.L. 89-329, 79 Stat. 1219, 20 U.S.C. 1001-1144).

(b) The Commissioner of Education shall be responsible for carrying out responsibilities assigned by or under agreements made with the Department of State in connection with educational aspects of international educational exchange and international technical cooperation programs under the following:

(1) Agricultural Trade Development and Assistance Act of 1954 (P.L. 83-480 approved July 10, 1954, 68 Stat. 454, as amended, 7 U.S.C. Ch. 41).

(2) Act for International Development of 1961 (P.L. 87-195 approved September 4, 1961, 75 Stat. 424, as amended, 22 U.S.C. Ch. 32).

(3) Mutual Educational and Cultural Exchange Act of 1961 (P.L. 87-256 approved September 21, 1961, 75 Stat. 527, as amended, 22 U.S.C. Ch. 33).

SEC. 6.30 *Reservation of authority.* No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without the Commissioner's prior consultation and discussion with the Secretary.

SEC. 6.40 *Delegation of authority.* Authority contained in section 6.20, except the making of regulations, may, to the extent permitted by law, be delegated or redelegated by the Commissioner of Education to such officials of the Office of Education as he may deem appropriate.

Dated: June 2, 1966.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 66-6307; Filed, June 7, 1966; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

REGIONAL DIRECTOR OF ADMINISTRATION AND CHIEF, ACCOUNTING BRANCH, ADMINISTRATIVE DIVISION, REGION IV (CHICAGO)

Redelegation of Authority To Execute Legends on Bonds, Notes, or Other Obligations

The Regional Director of Administration and the Chief, Accounting Branch, Administrative Division, Region IV (Chicago), Department of Housing and Urban Development, are hereby authorized within the Region to execute, on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation of authority supersedes the redelegation effective January 18, 1963 (28 F.R. 504, January 18, 1963).

(79 Stat. 670, 5 U.S.C. 624d(d); Secretary of Housing and Urban Development delegation effective March 22, 1966 (31 F.R. 4814, March 22, 1966))

Effective as of the 8th day of June 1966.

JOHN P. MCCOLLUM,
Regional Administrator,
Region IV (Chicago).

[F.R. Doc. 66-6284; Filed, June 7, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-124]

VIRGINIA POLYTECHNIC INSTITUTE

Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of Amendment No. 1, set forth below, to Facility License No. R-62 which authorizes Virginia Polytechnic Institute ("the licensee") to operate the Argonaut-type nuclear reactor ("the reactor") located on the Institute's campus at Blacksburg, Va.

The proposed amendment, which revises the license in its entirety, would authorize (1) an increase in the maximum steady state power level of the reactor from 10 kilowatts to 100 kilowatts thermal, (2) an increase in the limit on excess reactivity from 0.5 percent to 0.6 percent, (3) the use of a second core for low power experiments, and (4) would incorporate technical specifications in the license. The proposed amendment was requested by the licensee in an application dated December 7, 1965, and a supplement thereto dated March 5, 1966. The Commission would issue the amendment upon making the findings set forth in the proposed amendment.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the license amendment fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed amendment, see (1) the application and the supplement thereto, and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of June 1966.

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director,
Division of Reactor Licensing.

PROPOSED FACILITY LICENSE AMENDMENT

[License No. R-62; Amdt. 1]

The Atomic Energy Commission having found that:

a. The application for license amendment dated December 7, 1965, as supplemented March 5, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that (i) the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

c. The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;

d. The licensee is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. The licensee is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended; and

e. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R-62 is hereby amended in its entirety to read as follows:

1. This license applies to the Argonaut-type nuclear reactor (hereinafter "the reactor") which is owned by Virginia Polytechnic Institute (hereinafter "the licensee"), located on the Institute's campus in Blacksburg, Va., and described in the application for license dated February 5, 1959, and amendments thereto dated April 1, 1959, July 2, 1959, November 20, 1959, December 14, 1959, December 7, 1965, and March 5, 1966 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses Virginia Polytechnic Institute:

A. Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location in Blacksburg, Va.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor 16 grams of plutonium contained in an encapsulated plutonium-beryllium neutron source, and up to 8.0 kilograms of contained uranium-235; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and is subject to the conditions specified in §§ 50.54 and 50.59 of Part 50, § 70.32 of Part 70 and § 30.32 of Part 30 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 100 kilowatts thermal.

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests, and experiments.* The licensee may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of § 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall report in writing to the Commission within 10 days of its observed occurrence any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the hazards summary report.

(2) The licensee shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the hazards summary report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. This license amendment is effective as of the date of issuance and shall expire at midnight November 16, 1969, unless sooner terminated.

Date of issuance:

For the Atomic Energy Commission.

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

Enclosure: Appendix A, Technical Specifications.

[F.R. Doc. 66-6336; Filed, June 7, 1966; 8:50 a.m.]

[Docket No. 115-4]

PUERTO RICO WATER RESOURCES AUTHORITY

Boiling Nuclear Superheater (Bonus) Power Station; Notice of Proposed Issuance of Operating Authorization

Notice is hereby given pursuant to § 115.46(b), 10 CFR Part 115, that, unless within thirty (30) days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission (the Commission) by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, the Commission is considering the issuance of an operating authorization (substantially as set forth in the attachment hereto) which would authorize the Puerto Rico Water Resources Authority to use and operate the Boiling Water Nuclear Superheater (BONUS) Reactor at powers up to 50 megawatts thermal. This authorization was requested by the Puerto Rico Water Resources Authority in its application dated November 30, 1964, and amendment thereto dated December 24, 1965. The authorization would be issued upon the Commission's making the findings set forth in the proposed operating authorization.

The BONUS nuclear reactor is located at Punta Higuera, near Rincon, Puerto Rico. The boiling water reactor was constructed by Combustion Engineering, Inc., for the Atomic Energy Commission, and has been operated jointly by Combustion Engineering, Inc., and the Puerto Rico Water Resources Authority since April 2, 1964, under a provisional operating authorization which will be superseded by the proposed operating authorization.

For further details with respect to this proposed issuance, see (1) the application and amendment thereto filed by the Puerto Rico Water Resources Authority, (2) the report of the Advisory Committee on Reactor Safeguards (ACRS), dated May 11, 1966, (3) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, and (4) the Technical Specifications, designated as Appendix A to the authorization, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety evaluation and a copy of the ACRS report, dated May 11, 1966, may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of June 1966.

For the Atomic Energy Commission.

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

PROPOSED OPERATING AUTHORIZATION No. DPRA-4

The U.S. Atomic Energy Commission having found that:

a. The application for this operating authorization meets the standards and requirements of the Commission's regulations;

b. There is reasonable assurance (i) that the activities authorized by this operating authorization can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

c. The Puerto Rico Water Resources Authority is technically qualified to engage in the activities authorized by this operating authorization in accordance with the rules and regulations of the Commission; and

d. The issuance of this operating authorization is not inimical to the health and safety of the public;

Operating Authorization No. DPRA-4 is hereby issued, effective as of the date of issuance, to read as follows:

1. This Operating Authorization applies to the Boiling Water Nuclear Superheater (BONUS) Reactor (the reactor) owned by the U.S. Atomic Energy Commission (the Commission) and to be operated by Puerto Rico Water Resources Authority (PRWRA) under contract with the Commission. The reactor is located at Punta Higuera at the western tip of Puerto Rico, approximately 2 miles from the town of Rincon and approxi-

mately 13 miles from the city of Mayaguez, and is described in the Final Hazards Summary Report, PRWRA-GNEC 5, dated February 1, 1962, as amended, and in other portions of the application identified as the Interim Report, GNEC 210, Design and Fabrication of the BONUS Reactor Pressure Vessel, dated February 10, 1962, and supplements thereto.

2. Subject to the conditions and requirements incorporated herein, including the Technical Specifications hereto, the Commission hereby authorizes PRWRA, pursuant to the Atomic Energy Act of 1954, as amended (the Act) and Title 10, CFR, Chapter 1, Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," to use and operate the Boiling Water Nuclear Superheater (BONUS) Reactor.

3. This authorization shall be deemed to contain and is subject to the conditions specified in sections 115.42 and 115.47 of Part 115 and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. PRWRA is authorized to operate the reactor at steady state power levels up to 50 megawatts thermal.

B. *Technical Specifications.* The Technical Specifications contained in Appendix "A" hereto[1] are hereby incorporated into this authorization. Except as hereinafter provided, PRWRA shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in Section 115.47 of Part 115.

C. *Records.* In addition to those otherwise required under this authorization and applicable regulations, PRWRA shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of PRWRA as measured at or prior to the point of such release or discharge.

(3) Records of radioactivity levels at both on-site monitoring stations and off-site sampling stations.

(4) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(5) Records of principal maintenance operations involving substitution or replacement of reactor equipment or components and the reasons therefor.

(6) Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under this authorization and applicable regulations of the Commission:

(1) PRWRA shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety functions as described in the Technical Specifications. For each such occurrence, PRWRA shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20, and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

[1] This item was not filed with the Office of the Federal Register but will be available for inspection in the Public Document Room of the Atomic Energy Commission.

(2) PRWRA shall report to the Commission in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Technical Specifications.

(3) PRWRA shall make a report in writing to the Division of Reactor Licensing at the end of each monthly period which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor.

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown.

(c) Operating experience including a summary of the number of malfunctions in the control and safety systems with brief explanation of each.

(d) Measurements and tests performed on the nuclear systems and results thereof.

(e) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems.

(f) A description of the tests performed to demonstrate that the leak rates meet the Technical Specifications, the results of such tests, and a description of any necessary corrective measures taken to meet the requirements of the Technical Specifications.

(g) Changes made in the facility design and operating procedures pursuant to Section 115.47 of Part 115.

(h) Significant changes in plant organization and transient or accident analyses as described in the Final Hazards Summary Report.

(i) The kind and quantity of radioactive material released to the environment as recorded at both on-site monitoring stations and off-site sampling stations.

4. This authorization shall be effective as of the date of issuance and, unless extended for good cause shown, shall expire ten (10) years from the said date: *Provided, however,* That this authorization shall expire in any event upon termination of the contract between PRWRA and the Commission for operation of the reactor.

5. Effective with its issuance, this authorization terminates and supersedes Provisional Operating Authorization DPRA-4, as amended, issued jointly to Combustion Engineering, Inc., and the Puerto Rico Water Resources Authority.

For the Atomic Energy Commission.

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

[F.R. Doc. 66-6376; Filed, June 7, 1966; 11:19 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16465, 16466; FCC 66R-206]

BROWN BROADCASTING CO., INC., AND DIXIE BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In re applications of Brown Broadcasting Co., Inc., Jacksonville, N.C., Docket No. 16465, File No. BP-16700; Dixie Broadcasting Corp., Aurora, N.C., Docket No. 16466, File No. BP-17036; for construction permits.

1. Before the Review Board is a petition to enlarge issues, filed March 16, 1966, by Brown Broadcasting Co., Inc. (Brown), seeking to add four issues against Dixie Broadcasting Corporation (Dixie).[1] The four issues sought are: a Suburban issue, a strike application issue, a concentration of control issue, and a character qualifications issue.

2. Brown is an applicant for a new standard broadcast station (1290 kc, 1 kw, Day) in Jacksonville, N.C.; Dixie is an applicant for 1290 kc, 1 kw, Day, in Aurora, N.C. The mutually exclusive applications were designated for hearing by Order, FCC 66-155, released February 23, 1966.

SUBURBAN ISSUE

3. In its application, Dixie stated, "The needs and interests of Aurora and the surrounding area were determined through personal interviews with the community leaders, including businessmen, church leaders, the local banker and members of the general population." Attached to the Brown petition to enlarge is an affidavit from its president quoting conversations with various individuals in the town of Aurora. These individuals, most of whom are the heads of the organizations which Dixie had allegedly contacted, stated that no one representing Dixie Broadcasting Corp. had ever contacted them about establishing a radio station in that community. Included in the affidavit are statements from the bank manager, mayor, police chief, American Legion post commander, volunteer fire chief, and president of the local Ruritan Club. In its opposition, Dixie says Robert L. Winslow, general manager of another station owned by the principals of Dixie, conducted the survey. Dixie states that Winslow did in fact have a conversation with the bank manager, "but did not reveal his interest in a radio station for the community." Fearing that possible competitors would realize its interest in the market, Dixie conducted its "investigation into community needs * * * without disclosure of the corporate applicant." A copy of the report filed by Winslow after his visit to Aurora is included as an exhibit with the opposition. The report gives summaries of conversations Winslow had with three persons in the town: the bank manager, a leading businessman, and a clergyman.

4. Even taking the survey submitted by Dixie in its most favorable light, it is clear that no significant inquiry into the programing needs of Aurora was made by Dixie as far as Winslow's affidavit and report reflect. At best, Winslow's statement shows only an effort to determine the economic potential of a station in Aurora. None of the principals of Dixie is a resident of Aurora, and no showing has been made by Dixie of familiarity with Aurora's needs other than that based on the alleged contacts. Accordingly, a Suburban issue will be added. See Don L. Huber, 36 FCC 638, 2 RR 2d 243 (1964); see also Higson-Frank Radio Enterprises, 36 FCC 1391, 2 RR 2d 755 (1964).

[1] Also before the Board are: (a) Opposition to petition to enlarge issues, filed April 8, 1966, by Dixie; (b) comments, filed April 15, 1966, by the Broadcast Bureau; and (c) reply, filed April 21, 1966, by Brown.

STRIKE APPLICATION ISSUE

5. In support of its request for an issue to determine whether Dixie's application was filed to block or delay the grant of Brown's application, Brown alleges the following: Desiring to avoid a hearing on the mutually exclusive applications, Brown—with acquiescence by Dixie—had a frequency study conducted for Aurora. The study showed 1360 kc to be available for uncontested application at Aurora. Dixie, however, stated that it was unwilling to amend, preferring to engage in a hearing for 1290 kc. Brown points out that, in addition to Dixie's apparent failure to have had a frequency study made before it filed, Dixie submitted the application for 1290 kc on the last day that the Commission would accept an application on this frequency in conflict with Brown's 1290 kc application for Jacksonville, and it further contends that—

> the absence of a bona fide survey by Dixie to establish the need for a new station at Aurora * * *, the extremely small population of Aurora (less than 500) and the almost phantomlike character of the other communities which Dixie claims it will serve by its proposed Aurora station, add further circumstantial evidence to support the conclusion that Dixie's purpose is not just to establish a new station at Aurora.

Arguing that Dixie is trying to protect its interest in Station WEYE, 1290 kc, 1 kw, Day, Class III, Sanford, N.C., licensed to Crest Broadcasting Corporation,[2] Brown submits an engineering statement in support of its assertion that a grant of its Jacksonville application would preclude WEYE from increasing power, whereas a grant of Dixie's Aurora proposal would not prevent WEYE from increasing power.

6. In its opposition, Dixie states it did not consider an amendment to 1360 kc because it believed it would prevail in the section 307(b) determination; that at least 6 months would elapse before Commission consideration of an amended application; and that there could be no foretelling the competitive problems Dixie would face with an amended application. Dixie points to the growth potential of Aurora and, in reference to the charges concerning Station WEYE, states that in light of existing overlap of WEYE's 0.5 mv/m contour with the 0.025 mv/m contour of another station (WHKY, Hickory, N.C.), a directional antenna would be required for a 5 kw operation at WEYE and it had already been determined that this would not be economically feasible for that station. The potential growth argument and the economic feasibility argument consist primarily of contentions, without supporting factual data to permit an evaluation of these arguments.

7. The Bureau questions why, if 1360 kc was available and Brown really sought to avoid a hearing, Brown did not amend. Based on Dixie's response and the alleged inadequacy of Brown's allegations, the Bureau does not support addition of this issue. In its reply, Brown submits that the delay incident to a hearing obviously will be longer (and the expense greater) than with an amended and possibly uncontested application. Brown again argues that the factors cited in its request for the Suburban issue also raise a question as to Dixie's bona fides. Brown does not, however, respond to the question raised by the Bureau as to why Brown did not amend to avoid a hearing, since no showing was made by Brown that 1360 kc was not as available to it as it was to Dixie.

8. In the Board's view, Brown's contentions rest largely upon surmise and suspicion. Jacksonville has two standard broadcast stations and Aurora has none. Hence, there is substance in Dixie's argument that it would prefer a 307(b) contest with Brown on 1290 kc rather than to amend to 1360 kc and possibly run the risk of a 307(b) proceeding with some community which does not presently have a station. Brown does not contend that its proposed station would compete with Dixie's station in Jacksonville; instead, it relies upon a hypothetical possibility that Dixie is desirous of increasing the power of its Sanford station, and that for that reason Dixie seeks to block a grant of Brown's application. That Brown is relying solely upon a hypothetical possibility is indicated by the absence of any factual allegations that Dixie is in fact planning such power increase, and its suspicion to this effect is undermined by the engineering affidavit presented by Dixie that the power of the Sanford station cannot be increased without a directional array, the expense of which would not be justified by the Sanford market.[3] While Dixie does not present any supporting economic data, the Board does not regard the absence of such data as fatal in view of Brown's reliance upon suspicion and surmise for the requested issue. Finally, Brown, in its reply pleading, completely ignores the Bureau's question as to whether Brown could amend to 1360 kc; for if it could, there is no apparent reason why Dixie, rather than Brown, should amend to 1360 kc, particularly in view of the fact that an amendment by Dixie could result in a less favorable 307(b) position than it now has vis-a-vis Brown on 1290 kc. For the reasons stated, Brown's request for a strike application issue will be denied.

CONCENTRATION OF CONTROL ISSUE

9. In support of its request for a concentration of control issue, Brown alleges that three stations already owned by the principals of Dixie[4] are in a direct line from the Virginia border across northeastern North Carolina and in total cover 227,649 persons. The proposed outlet in Aurora would add another station to the line and would bring the population covered to 272,965 persons. Furthermore, a fourth presently owned station[5] raises this potential total population figure to 337,619.[6] Brown contends that such concentrated area coverage would be contrary to the intent of section 73.35(b) of the Commission's rules. Brown also points out that the three stations in a line (see note 4, supra) are presently sold in combination[7] and the fourth (Aurora) will be in a geographic position to be sold in combination also.

10. Dixie argues that the concentration of control test is not the mere location of stations, but their location vis-a-vis competition. It then asserts that each of its existing stations faces direct competition from at least one other station in each market. The proposed outlet in Aurora while it would not have competition in that particular community, will serve much the same market as four other stations within 22 miles of Aurora. However, Dixie does not deny Brown's contention that combination selling occurs with Stations WIZS, WRMT, and WPXY, nor does it negative the possibility that the Aurora outlet would be sold in combination as well. It is on the latter aspect that the Bureau supports addition of the issue.

11. Section 73.35(b) of the Commission's rules prohibits any grant which "would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience, or necessity." Joint rates and the possibility thereof on the proposed station raise a sufficient question to add a concentration issue. See Des Moines County Broadcasting Co., 37 FCC 638; 3 RR 2d 416 (1964); cf. North Atlanta Broadcasting Co., 37 FCC 1145, 4 RR 2d 476 (1964). In the latter case, as the Bureau correctly points out, it was specifically found that there were no joint rates between the stations within the circumscribed area. Id. at 1147, 4 RR 2d at 478. The danger to be avoided is that in facing competition from services of comparable magnitude, the stations able to offer joint rates might be at a considerable economic advantage. Cf. Amendment of the Commission's Rules Relating to Multiple Ownership of Standard, FM and Television Broadcast

[2] The principals in Dixie own 85 percent of the stock in Crest.

[3] Dixie's statement in this regard is being relied upon by the Board as a material representation underlying the denial of the requested issue. For this reason, the Board's Memorandum Opinion and Order will be associated with the WEYE file for consideration in connection with any possible future application by WEYE for a power increase.

[4] WIZS, 1450 kc, 250 w, 1 kw-LS, U, Class IV (licensed to Radio Corp.), Henderson N.C.; WRMT, 1490 kc, 250 w, 1 kw-LS, U, Class IV (licensed to Atlantic Radio Corp.), Rocky Mount, N.C.; WPXY, 1550 kc, 1 kw, Day, Class II (licensed to Bell Broadcasting Corp.), Greenville, N.C.

[5] WEYE, Sanford, N.C. See paragraphs 5–8, supra.

[6] The four stations presently owned cover 3,471 square miles. A grant of the Aurora application would increase the coverage of 4,791 square miles.

[7] 48 Standard Rate and Data Service, No. 3, pt. 1, pp. 578, 582; No. 3, pt. 2, p. 139.

Stations, FCC 64-445, 2 RR 2d 1588, 1591. Therefore, the requested concentration of control issue will be added.

CHARACTER QUALIFICATIONS ISSUE

12. Brown alleges that Station WPXY, Greenville, N.C.—whose licensee, Bell Broadcasting Co. (Bell) is 85 percent owned by the principals of Dixie—deliberately altered a September 1964 Hooper rating for the Greenville market which had shown a WPXY competitor, Station WOOW in Greenville, to have a substantially greater proportion of the audience. This was done to stimulate sales and for on-the-air promotion. Suit was brought against Bell by WOOW, Inc., in August 1965; Bell and its general manager (both party-defendants to the suit) demurred; on February 1, 1966, a judgment of nonsuit was entered at the election of the plaintiff. Though pending at the time of the Dixie application, this litigation was not reported in response to Question 10(d) or 10(e) of Form 301. Brown concludes that "the failure of Dixie to reveal the pendency of this litigation in its application, coupled with the serious nature of the allegations made in the complaint, raises a substantial question as to the character qualifications of the principals of Dixie." It says the nonsuit of the plaintiff indicates an out-of-court settlement, but this should not be dispositive of the question in that "the issues raised in the complaint were never adjudicated, and * * * the allegations are of such serious import that an inquiry into them at the hearing is warranted."

13. Dixie's opposition to the addition of the issue may be summarized as follows: The suit was settled out-of-court for $1,500. A letter dated August 12, 1965, informed the Commission of a suit pending against Bell and of what steps were being taken to prevent further dissemination of the falsified ratings. The Commission was kept further informed through letters dated August 18 and 23, 1965. In addition, according to WPXY's general manager, the motive behind the falsification "was to boost the morale of the sales force and not to deceive the public." Full disclosure to the Commission indicated that there was no attempt to conceal the nature of the act, and the Commission, in a letter dated August 30, 1965, indicated no action would be taken against Bell. The failure to include any information in Dixie's Form 301 was based on a conclusion that Bell was not the applicant here and the parties to the Dixie application were not the defendants in the WOOW suit.

14. The Bureau opposes addition of the character issue. It states that the Commission was fully aware of the conduct of Bell when the issues were designated in the present case. Furthermore, it states that the full disclosure vitiates any question of intent to deceive. In its reply, Brown points out that the admission by Bell came nearly a year after the survey was first taken and was prompted by the law suit, rather than "forthrightness." The reply questions the logic of the statement by WPXY's general manager that he altered the figures to boost the morale of the sales staff, but at the same time instructed the salesmen not to use the ratings in selling time on the station.

15. Brown's request for a character qualifications issue against Dixie based on the facts underlying the now-dismissed suit against Bell must be denied. The Commission's letter of August 30, 1965, reflects the fact that it has considered the matter thoroughly and that the Commission "does not contemplate any further action." Brown has alleged no facts which would permit the Board to alter the Commission's disposition of the matter. Fidelity Radio, Inc., 1 FCC 2d 661, 6 RR 2d 140 (1965).[8]

Accordingly, it is ordered, This 27th day of May 1966, that the petition to enlarge issues, filed March 16, 1966, by Brown Broadcasting Co., Inc., is granted to the extent indicated herein and is denied in all other respects; and that the issues in this proceeding are enlarged by addition of the following issues:

(a) To determine the efforts made by Dixie Broadcasting Corp. to ascertain the programing needs and interests of the area proposed to be served and the manner in which the applicant proposes to meet such need and interests; and

(b) To determine whether a grant of the application of Dixie Broadcasting Corp. will result in undue concentration of control of broadcast stations in northeastern North Carolina in contravention of § 73.35(b) of the Commission's rules and of the Commission's diversification policy underlying said rules.

Released: May 31, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[9]

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

[F.R. Doc. 66-6295; Filed, June 7, 1966; 8:49 a.m.]

[8] As the ownership in the two corporations is almost totally identical, the better practice would have been for Dixie to disclose the existence of the suit against Bell in its application. Nevertheless, the Board does not find this to be reflection enough on the character of the applicant to add the issue.

[9] Board Member Kessler dissenting and Board Member Nelson not participating.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 743]

DIAZ-WANDEMBERGH

Order To Show Cause

On May 19, 1966, Roanoke Agency, Inc., in its capacity as General Surety Bond Agents for St. Paul Mercury Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by John E. Diaz doing business as Diaz-Wandembergh, 5435 Northwest 36th Street, Miami Springs, Fla., 33166, would be canceled effective 12:01 a.m., June 18, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That John E. Diaz doing business as Diaz-Wandembergh, on or before June 10, 1966, either (1) submit a valid bond effective on or before June 18, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m., on June 14, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation forthwith revoke license No. 743 if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

[SEAL] THOMAS LISI, *Secretary*.

[F.R. Doc. 66-6305; Filed, June 7, 1966; 8:50 a.m.]

JOHN H. HUNTER AND SON, INC., ET AL.

Independent Ocean Freight Forwarder Applications

Notice is hereby given of changes in the following independent ocean freight forwarder licenses and applications therefor filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANT

John H. Hunter & Son, Inc., 44 Whitehall Street, New York, N.Y., 10004; Application No. 531, withdrawn May 24, 1966.

LICENSEES

Cosdel International Co., 230 California Street, San Francisco, Calif.; License No. 337, canceled May 2, 1966.

Cargo Fast Pacific, Inc., 396 Broadway, New York, N.Y., 10013; License No. 968, canceled May 3, 1966.

Bermuda Forwarders (Manuel C. Gomez, d.b.a.), Post Office Box 396, Fair Lawn, N.J.; License No. 1074, canceled May 10, 1966.

Star Foreign Freight Forwarding, Inc., 132 Front Street, New York, N.Y., 10005; License No. 1014, canceled May 10, 1966.

NEW APPLICANTS

Transport Expediters (Hudson Tarte, d.b.a.), 3507 Rainier Avenue, Seattle, Wash.; Application denied May 11, 1966.

Royal Household Goods Shipping Co., Inc., 95 Broad Street, New York, N.Y., 10004; Application withdrawn May 27, 1966.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for

licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Mario J. Macchione, 156 State Street, Boston, Mass., 02109; Mario J. Macchione, owner.
Joan Berns, 2 West 31st Street, New York, N.Y.; Joan Berns, owner.
R. J. Bolte Co. (Richard J. Bolte, d.b.a.), 12133 Rambler Road, Philadelphia, Pa., 19114; Richard J. Bolte, owner.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

Seven Seas Mercantile Transport, Inc., 42 Broadway, New York, N.Y., 10004; License No. 563.
J. Cortina, Exchange National Bank Building, 605 North Franklin Street, Suites 606, 607, Tampa, Fla., 33602; License No. 105.
Vandegrift Forwarding Co., Inc., 32 Broadway, Suite 300, New York, N.Y., 10004; License No. 370.
Pan American Forwarders, Inc., 95 Broad Street, New York, N.Y., 10004; License No. 653.
M. J. Corbett & Co., Inc., 80 Broad Street, New York, N.Y., 10004; License No. 737.
M. Harrison & Co., Inc. (Affiliate of M. J. Corbett & Co., Inc.), 80 Broad Street, New York, N.Y., 10004; License No. 737.

CHANGE OF NAME

International Express Co. (S. B. Navarro, d.b.a.) to International Express Co., Inc., 348 Camp Street, New Orleans, La.; License No. 501.

CHANGE OF OFFICERS

W. R. Keating & Co., Inc., 90 Broad Street, New York, N.Y., 10004; License No. 190, William J. Augerot, vice president.
Eastern Freight Forwarders, Inc., 309 St. Michael Street, Mobile, Ala.; License No. 1107, M. Woodrow Myers, president and general manager; Harry D. Hardy, treasurer-secretary.
Albert E. Bowen, Inc., 17 Battery Place, New York, N.Y.; License No. 918, Bernard D. Atwood, secretary; William A. Phelps, assistant secretary.
Pan American Forwarders, Inc., 95 Broad Street, New York, N.Y.; License No. 653, William V. Young, president and treasurer; Eugene D. Palmieri, vice president; Myrtle De Vita, assistant secretary.
Dumont Shipping Co., Inc., 11 Broadway, New York, N.Y.; License No. 887, Charles J. Mueller, Jr., president; Eugene Schramm, vice president; Charles J. Mueller, Jr., treasurer; John P. McQuade, secretary; Sol Abraham, assistant secretary.

GRANDFATHER APPLICANTS LICENSED

May 1966

American Express Co., 65 Broadway, New York, N.Y.; License No. 289, issued May 17, 1966.
Penn Shipping & Forwarding Co. (Julius Berkovits, d.b.a.), 101 West 31st Street, Room 806, New York, N.Y.; License No. 286, issued May 18, 1966.
Puerto Rican Forwarding Co., Inc., 271 Culver Avenue, Jersey City, N.J.; License No. 873, issued May 17, 1966.

NEW APPLICANTS LICENSED

May 1966

Major Van Lines, Inc., 601 Ocean Avenue, Jersey City, N.J.; License No. 1117, issued May 24, 1966.

Dated: June 3, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-6306; Filed, June 7, 1966; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1971]

IDAHO POWER CO.

Notice of Application for Amendment of License for Partly Constructed Project

JUNE 1, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Co. (correspondence to: T. E. Roach, President, Idaho Power Co., Boise, Idaho, 83701) for amendment of the license for partly constructed Project No. 1971, located on the Snake River Idaho and Oregon, and affecting lands of the United States within the Wallowa—Whitman National Forest in Wallowa County, Oreg.

The licensee seeks to include in the license for the project the proposed Pallette Junction—Enterprise 230—kv transmission line, which will form part of the transmission system of Project No. 1971, and will connect Enterprise, Oreg., with a line to be built from Enterprise to Walla Walla, Wash., by Pacific Power & Light Co. The Pallette Junction—Enterprise line will provide an additional intertie between the licensee's system and the Northwest Power Pool, thereby allowing power to flow to and from the Northwest Power Pool. The line would also be used for the delivery of power to Pacific Power & Light Co. under a contract between the latter and the licensee a copy of which is on file with the Commission. The subject line will initially receive power from the Brownlee Development of Project No. 1971, but upon completion of the Hells Canyon power plant and construction of the Hells Canyon—Pallette Junction transmission line, the power will then be routed directly from Hells Canyon.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 19, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-6251; Filed, June 7, 1966; 8:46 a.m.]

[Project No. 2128]

CALIFORNIA DIVISION OF FORESTRY

Order Further Vacating Withdrawal

MAY 26, 1966.

An application (C-4-D3 2321 9217) by the California Division of Forestry (Applicant) was forwarded to this Commission by the Sacramento District Office of the Bureau of Land Management, Department of the Interior, for use of the following described lands of the United States withdrawn for power purposes:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 4 N., R. 10 E., sec. 5, lot 2, SW¼NE¼.
T. 5 N., R. 10 E., sec. 32, SW¼SE¼.

Inasmuch as the SW¼SE¼ of sec. 32 is not withdrawn for power purposes, we will give it no further consideration in this order.

Applicant desires to use the above-described lands as a training ground for truck drivers and heavy equipment operators and plans to construct a road and firebreak across portions of the tracts.

The lands lie on the north shore of the Camanche Reservoir, a flood control and water supply for irrigation and domestic uses only project, recently completed by East Bay Municipal Utility District, (District) of Oakland, Calif. The lands are part of the remaining portions of lands still withdrawn pursuant to the filing on February 25, 1953, of an application by District for a preliminary permit for the then proposed Camanche, Middle Bar and Railroad Flat Developments comprising Project No. 2128. These three developments were later included in an application for license filed on August 28, 1957, by the District, which also included the rehabilitation of the existing Pardee Development operating under Congressional authorization. However, following the filing of the application, studies by engineers retained by District indicated that Middle Bar and Railroad Flat developments and redevelopment of Pardee should be abandoned in favor of an enlarged Camanche development for flood control and water supply for irrigation and domestic uses, but with no provision for power generation. A Commission staff study of the feasibility of power at the enlarged Camanche development supported the District's engineers' conclusion that provision for power generation at Camanche was not economically justified. Construction at a later date of the Middle Bar and Railroad Flat developments would not be precluded by construction of the enlarged Camanche dam and reservoir. In these circumstances, and pursuant to application therefor, the Commission permitted withdrawal of District's application for license for Project No. 2128 by its order issued March 12, 1962. As recited above, the Camanche Reservoir, without power generation, has been completed.

Pursuant to the application therefor by District, the Commission by its order issued September 10, 1962, in Docket No. DA-1030-California, vacated the NE¼ NW¼NW¼, sec. 8 (about 10 acres) of

the above township and range which was a portion of the lands withdrawn for the Camanche Reservoir of Project No. 2128. The Commission's order stated, among other things, that a Commission staff study supports the conclusion that provision for power generation at the Camanche Reservoir "is not economically feasible." Consequently, we are herein ordering vacation of all of the lands remaining withdrawn (comprising 159.52 acres) for the Camanche Reservoir development of Project No. 2128.

The Commission finds: Inasmuch as the following described lands have no power value, the existing power withdrawal pertaining to the lands under section 24 of the Federal Power Act pursuant to the filing of the application for Project No. 2128, insofar as it withdrew lands for the Camanche Reservoir, serves no useful purpose and vacation of their withdrawal is in the public interest:

T. 4 N., R. 9 E., sec. 10, N½NE¼.
T. 4 N., R. 10 E., sec. 5, lot 2, SW¼NE¼.

The Commission orders: The existing power withdrawal, insofar as it pertains to the lands described in the above finding, is hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-6252; Filed, June 7, 1966; 8:46 a.m.]

[Docket No. RI66-396]

TENNECO OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

MAY 27, 1966.

On April 27, 1966,[1] Tenneco Oil Co. (Operator), et al. (Tenneco),[2] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-396..	Tenneco Oil Co.[3] (Operator), et al., Post Office Box 2511, Houston, Tex., 77001.	128	1	Tennessee Gas Pipeline Co.[3] (El Ebanito Field, Starr County, Tex.) (R.R. District No. 4).	$2,334	[1] 4-27-66	[4] 6-1-66	11-1-66	[7] 14.6	[5 6] 16.0	

[3] Tenneco and Tennessee are wholly owned subsidiaries of Tenneco Inc.
[4] The stated effective date is the effective date proposed by Respondent.
[5] "Fractured" rate increase. Tenneco contractually entitled to file for periodic rate increase to 18.24347 cents.
[6] Pressure base is 14.65 p.s.i.a.
[7] Permanently certificated rate authorized in Docket No. CI61-1272, approving Tennessee's transfer of on-system sale to its subsidiary, Tenneco.

Tenneco's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

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

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 of Tenneco's FPC Gas Rate Schedule No. 128 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Tenneco's FPC Gas Rate Schedule No. 128.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Tenneco's FPC Gas Rate Schedule No. 128 is hereby suspended and the use thereof deferred until November 1, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 13, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-6253; Filed, June 7, 1966; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

STATE BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of the State Bank & Trust Co. for approval of merger with The Ney State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by the State Bank & Trust Co., Defiance, Ohio, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and the Ney State Bank, Ney, Ohio, under the charter and title of the State Bank & Trust Co. As an incident to the merger, the sole office of the Ney State Bank would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's Statement[1a] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 1st day of June 1966.

By order of the Board of Governors.[2a]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-6255; Filed, June 7, 1966; 8:46 a.m.]

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[1] Amended by filing submitted on May 9, 1966, proposing a rate of 16.0 cents in lieu of 18.24347 cents originally proposed.

[2] Address is: Post Office Box 2511, Houston, Tex., 77001.

[1a] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Cleveland.

[2a] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Maisel, and Brimmer. Absent and not voting: Chairman Martin, and Governors Mitchell and Daane.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Limitation on Entry and Withdrawal From Warehouse for Consumption

JUNE 3, 1966.

By an exchange of letters concluded on May 20, 1966, the U.S. Government, in furtherance of the objectives of, and under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, entered into an agreement with the Government of Poland providing that exports from Poland to the United States of cotton shirts in Category 46 would be limited to 8,400 dozen for the 12-month period beginning May 26, 1966.

There is published below a letter of June 1, 1966, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amount of cotton textile products in Category 46, produced or manufactured in Poland, and exported to the United States from Poland on or after May 26 1966, which may be entered into the United States for consumption or withdrawn from warehouse for consumption, for the period beginning May 26, 1966, and extending through May 25, 1967, be limited to 8,400 dozen.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C., 20230, *June 1, 1966.*

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and in accordance with procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 46, produced or manufactured in Poland, in excess of 8,400 dozen for the period beginning May 26, 1966, and extending through May 25, 1967.

A detailed description of Category 46 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).

Goods in Category 46, produced or manufactured in Poland, which have been exported to the United States from Poland prior to May 26, 1966, shall not be subject to this directive. The level designated above has not been adjusted to reflect entries made on or after May 26, 1966.

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 Poland and with respect to imports of cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 66-6239; Filed, June 7, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-66]

ALLEGHENY & WESTERN RAILWAY CO.

Notice of Application and Opportunity for Hearing

JUNE 1, 1966.

Notice is hereby given that Allegheny & Western Railway Co., a Pennsylvania corporation (Allegheny), and the Baltimore & Ohio Railroad Co. (B&O) have made application to the Securities and Exchange Commission seeking an exemption under section 12(h) of the Securities Exchange Act of 1934 (Act) from the requirements of section 14(c) of the Act, for and in connection with any annual meeting of stockholders of Allegheny at which the only action to be taken is the election of director and/or such other action as does not directly or indirectly affect the interests of the holders of such stock.

Section 12(h) of the Act permits the Commission, upon application of an interested person, by order, after notice and opportunity for hearing, to exempt in whole or in part any issuer or class of issuers from section 14 upon such terms and conditions and for such period as it deems appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

According to the present application, all of the property of Allegheny constitutes a part of the B&O railroad system. This property is leased in perpetuity under agreements dating from October 1, 1898, to the Buffalo, Rochester and Pittsburg Railway Co. (Buffalo), at an annual rental equivalent to (a) 4 percent per annum interest on outstanding bonds of Allegheny; (b) dividends of 6 percent per annum on Allegheny's Capital Stock; and (c) an annual sum not to exceed $500 for maintenance of Allegheny's corporate organization. Payment of the interest and dividends is guaranteed by Buffalo. All of the property of Buffalo (including its leasehold interest in Allegheny) constitutes a part of the B&O railroad system, pursuant to agreements dating from December 15, 1931, in which B&O covenants to pay the rentals called for by Allegheny's lease to Buffalo.

The Board of Directors of Allegheny consists of officers and employees of B&O chosen and nominated by it. The directors and officers of Allegheny serve as such without compensation from, or expense to Allegheny. Allegheny presently has outstanding 32,000 shares of Capital Stock, which shares are registered with the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 and listed for trading on the New York Stock Exchange. As of March 24, 1966, B&O owned 12.46 percent of the aforesaid Capital Stock. No other single person owned more than 1,000 shares. Also, B&O owns all but 2 shares of the 60,000 outstanding shares of preferred stock of Buffalo, and all but 1 share of the latter's 104,987 outstanding shares of common stock.

As of March 24, 1966, the number of holders of Allegheny's Capital Stock aggregated 719. In 1965, 1990 shares of Allegheny Capital Stock were traded on the New York Stock Exchange. Allegheny filed annual reports containing financial information together with other significant data with the Interstate Commerce Commission and with this Commission. Allegheny mails notice of its annual meeting to registered holders of its stock. The applicants have undertaken to distribute to such stockholders, with the notice, a current annual report of Allegheny, including balance sheet and income statement information. With the knowledge of the New York Stock Exchange no proxies have been solicited from stockholders since 1938.

The applicants have waived notice and opportunity for hearing but if the Commission finds itself unable to grant the application, the waiver shall not apply.

Notice is hereby given that any interested person may, not later than June 22, 1966, at 5:30 a.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request and the issues of fact or law raised by the application which he desires to controvert. At any time after such date, an order granting the application may be issued by the Commission unless an order for hearing upon said application is 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. 66-6268; Filed, June 7, 1966; 8:47 a.m.]

[File Nos. 2-20318 (22-3339), 2-21180 (22-3505)]

KJØBENHAVNS TELEFON AKTIESELSKAB

Notice of Application and Opportunity for Hearing

JUNE 1, 1966.

Notice is hereby given that Kjøbenhavns Telefon Aktieselskab (Copenhagen Telephone Co., Inc., the "Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the "Act") for a finding by the Commission that the trusteeship of First National City Bank (New York) under three indentures (the "Bank Indentures") of the Company, dated as of June 1, 1962 (the "1962 Indenture"), dated as of April 15, 1963 (the "1963 Indenture"), which have been qualified under the Act, and dated as of July 1, 1964 (the "1964 Indenture"), which has not been qualified under the Act, and trusteeship by First National City Bank under an indenture dated as of April 1, 1966 (the "1966 Indenture"), into which First National City Bank has entered and which has not been qualified under the Act, is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National City Bank from acting as Trustee under the three Bank Indentures and the 1966 Indenture.

Section 310(b) of the Act, which is included in section 8.08 in the 1962 Indenture, the 1963 Indenture and the 1964 Indenture provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission, and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It has outstanding

(a) $15,000,000 principal amount of its 5⅝ percent Sinking Fund Dollar Debentures due June 1, 1977, under an indenture (the "1962 Indenture") between the Company and First National City Bank, Trustee. The 1962 Indenture has been qualified under the Act (File Nos. 2-20318, 22-3339);

(b) $15,000,000 principal amount of its 5⅜ percent Sinking Fund Dollar Debentures due April 15, 1978, under an indenture (the "1963 Indenture") between the Company and First National City Bank, Trustee. The 1963 Indenture has been qualified under the Act (File Nos. 2-21180, 22-3505);

(c) $15,000,000 principal amount of its 5¾ percent Sinking Fund Debentures due July 1, 1984, under an indenture (the "1964 Indenture") between the Company and First National City Bank, Trustee. The 1964 Indenture has not been qualified under the Act.

2. The Company has issued $10,000,000 principal amount of its 6¾ percent Sinking Fund Dollar Debentures due April 1, 1986 under an indenture (the "1966 Indenture") between the Company and First National City Bank, Trustee. The 1966 Indenture has not been qualified under the Act.

3. The 1962 Indenture, the 1963 Indenture, the 1964 Indenture and the 1966 Indenture are wholly unsecured.

4. Aside from differences as to amounts, dates and interest rates, the provisions of the four indentures are substantially identical, except for certain differences which, in the opinion of the Company, is unlikely to cause any conflict of interest between the respective trusteeships of First National City Bank under such indentures.

The Company waives notice of hearing, and waives hearing, in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 30, 1966, request in writing that a hearing be held in such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission (by delegated authority).

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

[F.R. Doc. 66-6260; Filed, June 7, 1966; 8:47 a.m.]

[File No. 70-4388]

PENNZOIL CO. AND ELK REFINING CO.

Notice of Proposed Sale and Acquisition of Assets and Securities Incident to Change of Corporate Domicile

MAY 31, 1966.

Notice is hereby given that Pennzoil Co. ("Pennzoil"), 900 Southwest Tower, Houston, Tex., 77002, a registered holding company, and its wholly owned nonutility subsidiary company, Elk Refining Co. ("Elk-Pa."), a Pennsylvania corporation, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing to reincorporate Elk-Pa. as a West Virginia corporation with the same corporate name ("Elk-W. Va."). Applicants-declarants designate sections 6, 7, 9, 10, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete description of the proposed transactions.

Elk-Pa. is engaged, directly and through two wholly owned subsidiary companies, in the refining of crude oil at Falling Rock, W. Va., and the marketing of gasoline and other petroleum products. At December 31, 1965, the total consolidated assets, less related reserves for depreciation, depletion and amortization, of Elk-Pa. amounted to approximately $10,000,000, and total consolidated liabilities amounted to approximately $1,600,000.

Elk-W. Va. will issue all of its capital stock to Pennzoil in exchange for all of the capital stock of Elk-Pa. Elk-Pa. will then be merged into Elk-W. Va. which, as the surviving corporation, will acquire Elk-Pa.'s properties, and assets and will assume its liabilities. It is stated that on the effective date of the merger, the Board of Directors of Elk-W. Va. will be composed of the same persons who now constitute the Board of Directors of Elk-Pa.

Fees, commissions and expenses in connection with the proposed transactions are estimated at $5,900 including legal fees of $5,200. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 20, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issue 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 (airmail if

the person being served is located more than 500 miles from the point of mailing) upon Pennzoil Company 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 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. 66-6270; Filed, June 7, 1966; 8:47 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

JUNE 1, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Company, Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 2, 1966, through June 11, 1966, both dates inclusive.

By the Commission.

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

[F.R. Doc. 66-6271; Filed, June 7, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC 40 (Sub-No. 2)]

MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

JUNE 3, 1966.

Petition by Dependable Trucking Co. requesting modification of findings in Ex Parte No. MC 2, 28 M.C.C. 125, so as to bring the mechanics employed by it under the provisions of section 204(a) of the Interstate Commerce Act; petitioner's representatives: John C. Peet, Jr., and U. Baker Smith, 2107 Fidelity-Philadelphia Tr. Building, Philadelphia, Pa., 19109. By petition filed May 9, 1966, Dependable Trucking Co. requests that the mechanics employed by it be found subject to the provisions of section 204(a) of the Interstate Commerce Act relating to the qualifications and maximum hours of service of employees of motor carriers engaged in interstate commerce. Under section 13(b)(1) of the Fair Labor Standards Act, the effect of such a finding would be to exempt petitioner's mechanics from the overtime compensation provisions of section 7(a) of this act.

Petitioner conducts no motor carrier operations. It is engaged exclusively in the leasing and servicing of motor carrier equipment. With the exception of two units of equipment leased to a firm engaged in private carriage, all petitioner's equipment is leased to Reisch Trucking Co., a motor common carrier of property, operating in interstate commerce pursuant to certificates Nos. MC-16513 and MC-16513 (Sub-No. 1). This carrier owns no equipment of its own. Petitioner employs 22 mechanics whose sole duties consist of maintaining the equipment leased to Reisch Trucking Co. Petitioner and Reisch Trucking Co. are commonly owned and controlled and share common office facilities and clerical help. The findings in Ex Parte No. MC 2, 28 M.C.C. 125, regarding the qualifications and maximum hours of service of interstate motor carrier employees do not relate to mechanics employed by establishments such as petitioner. It believes that the circumstances described above warrants modification of these findings in such a manner as to extend the provisions of section 204(a) of the Interstate Commerce Act to its mechanics.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the modification proposed above may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments must be filed with the Commission on or before July 11, 1966.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

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

[F.R. Doc. 66-6297; Filed, June 7, 1966; 8:49 a.m.]

[Notice 398]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 3, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 903 (Deviation No. 1), FALWELL FAST FREIGHT, INC., Post Office Box 937, 3915 Campbell Avenue, Lynchburg, Va., filed May 26, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 60 and 21, south of Gauley Bridge, W. Va., over U.S. Highway 60 to junction U.S. Highway 220, at Clifton Forge, Va., thence over U.S. Highway 220 to Roanoke, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Bluefield, W. Va., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 219 to Rich Creek, Va., thence over U.S. Highway 460 (formerly Virginia Highway 8) to Christiansburg, Va., thence over U.S. Highway 11 to Roanoke, Va., (2) from Bluefield, W. Va., over U.S. Highway 19 to junction U.S. Highway 21 (formerly U.S. Highway 19), thence over U.S. Highway 21 to Gauley Bridge, W. Va., thence over U.S. Highway 60 to Charleston, W. Va., and (3) from Bluefield, W. Va., over U.S. Highway 19 to Beckley, W. Va., thence over West Virginia Highway 3 to Racine, W. Va., and thence over U.S. Highway 119 to Charleston, W. Va., and return over the same routes.

No. MC 2136 (Deviation No. 3), CLEMANS TRUCK LINE, INC., 815 West Sample Street, South Bend, Ind., 46221, filed May 31, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From South Bend, Ind., over Indiana Highway 23 to the Indiana-Michigan State line, thence over Michigan Highway 62 to junction Michigan Highway 60 at or near Cassopolis, Mich., thence over Michigan Highway 60 to junction U.S. Highway 131 near Three Rivers, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From South Bend, Ind., over U.S. Highway 33 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind., thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to junction Michigan Highway 60 at or near Three Rivers, Mich., and return over the same route.

No. MC 108298 (Deviation No. 3), ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind., 46207, filed May 27, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 23 and 25, at Toledo, Ohio, over U.S. Highway 23 to junction U.S. Highway 10 at Flint, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Flint, Mich., over U.S. Highway 10 to Detroit, Mich., and (2) from Detroit, Mich., over U.S. Highway 25 to Toledo, Ohio, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 315) (Cancels Deviation No. 171), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106, filed May 31, 1966. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Grants Pass, Oreg., over access highways to Interstate Highway 5, thence over Interstate Highway 5 to Medford, Oreg., (2) from Medford, Oreg., over Interstate Highway 5 and access highways to Ashland, Oreg., (3) from North Grants Pass Interchange, over Interstate Highway 5 to Medford, Oreg., (4) from Medford, Oreg., over Interstate Highway 5 to South Ashland Interchange, and (5) from Siskiyou, Oreg., over Interstate Highway 5 to South Summit Junction, Oreg., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Portland, Oreg., over Interstate Highway 5 to junction U.S. Highway 99E (North Salem Junction), thence over U.S. Highway 99E to junction Interstate Highway 5, thence over Interstate Highway 5 to Albany, Oreg., thence over U.S. Highway 99E to Junction City, Oreg., thence over U.S. Highway 99 to Eugene, Oreg., thence over Interstate Highway 5 to Canyonville, Oreg., thence over U.S. Highway 99 to Rock Point, Oreg., thence over Interstate Highway 5 to junction U.S. Highway 99 (Seven Oaks), thence over U.S. Highway 99 to junction Interstate Highway 5 (South Ashland Junction), thence over Interstate Highway 5 to Siskiyou, Oreg., thence over U.S. Highway 99 to Oregon-California State line (connects with California Route 41).

By the Commission.

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

[F.R. Doc. 66-6298; Filed, June 7, 1966; 8:50 a.m.]

[Notice 930]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 3, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflects the scope of the application as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 111196 (Sub-No. 31) (Republication), filed April 8, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished, this issue. Applicant: R. KUNTZMAN, INC., 1805 West State Street, Alliance, Ohio. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. By application filed April 8, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Beach City, Bolivar, Brewster, Canal Fulton, Crystal Spring, East Sparta, Harmon, Magnolia, Marshallville, McDonaldsville, Minerva, Navarre, Newman, North Lawrence, Stanwood, Waynesburg, and Wilnot, all in Stark County, Ohio, as offroute points in conjunction with applicant's regular-route operations at Alliance and Canton, Ohio, subject to the restriction that the service so authorized shall be for the purpose of joinder only with carriers' existing authority to transport general commodities, with usual exceptions, and that service authorized herein shall be for the purpose of interchange of traffic.

An order of the Commission, Operating Rights Board No. 1, dated May 16, 1966, and served May 24, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Canal Fulton, Minerva, Navarre, N. Lawrence, Magnolia, and Waynesburg, Ohio, as off-route points in connection with applicant's otherwise authorized regular-route operations, restricted to the transportation of traffic received from or delivered to other for-hire carriers; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 116254 (Sub-No. 62) (Corrected republication), filed November 4, 1965, published FEDERAL REGISTER issues of November 18, 1965, and May 11, 1966, respectively, and republished this issue. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's representative: Walter Harwood, Nashville Bank & Trust Building, Nashville, Tenn. By application filed November 4, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of dimethyl terephthalate and terephthalic acid, in bins of 4,000 pounds to 5,500 pounds capacity each, from the plant site of Amoco Chemicals Corp. located at or near Decatur, Ala., to points in Alabama, Georgia, Illinois, Indiana, Mississippi, North Carolina, Ohio, Kentucky, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic which is loaded in bins or containers prior to placement on vehicles, which is destined to Kingsport, Tenn., and points in Virginia and West Virginia.

An order of the Commission, Operating Rights Board No. 1, dated April 21, 1966, and served April 28, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *dimethyl terephthalate* and *terephthalic acid*, other than in bulk, from the plantsite of Amoco Chemicals Corp., at or near Decatur, Ala., to points in Georgia, Illinois, Indiana, Mississippi, North Carolina, Ohio, Kentucky, South Carolina, Tennessee, Virginia, and West Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such pub-

lication, during which period any proper party in interest may file an appropriate protest or other pleading. NOTE: The purpose of this corrected republication is to show applicant's correct name and representative.

No. MC 123615 (Sub-No. 4) (Republication), filed October 27, 1965, published FEDERAL REGISTER issue of November 18, 1965, and republished, this issue. Applicant: TRANSPET, INC., 36 Cooper Square, New York, N.Y. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J., 07102. By application filed October 27, 1965, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of pet supplies, pet foods, pet accessories, pet tonics, and insecticides, except in bulk, from Harrison and Bloomfield, N.J., to points in Connecticut, Delaware, the District of Columbia, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, points in Albany, Bronx, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Herkimer, Kings, Madison, Monroe, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Queens, Rensselaer Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, and Westchester Counties, N.Y., points in Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, and York Counties, Pa., and points in Anne Arundel, Baltimore, Caroline, Carroll, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, and Talbot Counties, Md., and returned, rejected, and damaged merchandise, on return, restricted to service under contract with Aquarium Supply Co. (division of Sternco Industries, Inc.), Long Life Fish Products (division of Sternco Industries, Inc.), Pet Needs, Inc., Hartz Mountain Products Corp., and Sternco Industries, Inc. The application was referred to Examiner Kenneth A. Jennings for hearing and the recommendation of an appropriate order thereon. Hearing was held on March 24, 1966, at New York, N.Y. At the hearing, applicant moved to amend its application to include Baltimore City as a destination point. A report and recommended order of the Commission, served April 25, 1966, which became effective May 16, 1966, finds that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules, and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, over irregular routes, under continuing contracts with Hartz Mountain Products Corp., Pet Needs, Inc., and Sternco Industries, Inc., transporting (1) pet supplies, pet foods, pet accessories, pet tonics, and pet insecticides (except commodities in bulk), from Harrison and Bloomfield, N.J., to the District of Columbia, Baltimore, Md., points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, points in Albany, Bronx, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Herkimer, Kings, Madison, Monroe, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Washington, Wayne, and Westchester Counties, N.Y., points in Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, and York Counties, Pa., and points in Anne Arundel, Baltimore, Caroline, Carroll, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, and Talbot Counties, Md., and (2) returned shipments of the commodities specified above from the above described destination points to Harrison and Bloomfield, N.J., will be consistent with the public interest and the national transportation policy; and that a permit should be issued, after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of the authority granted, and any proper party in interest may file a petition for further hearing within 30 days of the date of such republication.

No. MC 125417 (Sub-No. 6) (Republication), filed November 1, 1965, published FEDERAL REGISTER issue of November 18, 1965, and republished, this issue. Applicant: BULK FREIGHTWAYS, 8332 Wilcox Avenue, South Gate, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727, West Seventh Street, Los Angeles 17, Calif. By application filed November 1, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of sodium phosphate, in bulk, in hopper type equipment, from Los Angeles, Calif., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. By order of Operating Rights Board No. 1 entered herein on April 22, 1966, applicant was granted authority to transport sodium phosphate, in bulk, in hopper type vehicles, from Los Angeles, Calif., to St. Louis, Mo. By letter date May 3, 1966, applicant requests that the order entered herein be modified to authorize the transportation of the considered commodities from Long Beach, Calif., in lieu of the original origin point of Los Angeles, Calif., inasmuch as the plant site of the supporting shipper is located at Long Beach. A supplemental order of the Commission, Operating Rights Board No. 1, dated May 16, 1966, and served May 27, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *sodium phosphate*, in bulk, in hopper type vehicles, from Long Beach, Calif., to St. Louis, Mo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126705 (Sub-No. 3) (Republication) filed July 1, 1965, published FEDERAL REGISTER issue of July 29, 1965, and republished, this issue. Applicant: CLIFFORD N. ROOK, doing business as CLIFFORD ROOK & SONS, R.F.D. No. 1, Allenton, Wis. Applicant's representative: Roger W. McKenna, Kewaskum, Wis. By application, as amended, filed July 1, 1965, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of stone, in dump vehicles or dump trucks, from Oakfield, Wis., and points within 10 miles thereof, to points in Illinois on and north of U.S. Highway 36, under a continuing contract with Oak Stone Co. A Report and Order of the Commission, served April 15, 1966, which became effective May 16, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of stone, in dump vehicles, from points in Dodge County, Wis., north and east of Wisconsin Highway 33 and south and east of Wisconsin Highway 68, and in Fond du Lac County, Wis., south and east of a line formed by Wisconsin Highways 49, 23, and 26, and south of Wisconsin Highway 149, to points in Illinois on and north of U.S. Highway 36, under a continuing contract with Oak Stone Co., will be consistent with the public interest and the nation transportation policy. It further finds that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and that a permit be issued to applicant authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle of the commodities described, and in the manner described, in the findings in said report, subject to prior publication in the FEDERAL REGISTER of the authority actually granted herein.

NOTICE OF FILING OF PETITION

No. MC 52743 (Notice of filing of petition for correction of certificate), filed April 8, 1966. Petitioner: MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, Cincinnati, Ohio. Peti-

tioner's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio, 43215. Petitioner states it is the holder of certificate No. MC 52743, issued May 13, 1948, which reads, in part, as follows: "General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Madison, Ind., and Indianapolis, Ind., serving the intermediate and off-route points of South Columbus, Elizabethtown, Scipio, Queensville, North Vernon, Vernon, Dupont, Wirt, Pleasant Point, and North Madison, Ind.: From Madison over Indiana Highway 7 to Columbus, Ind., thence over U.S. Highway 31 to Indianapolis, and return over the same route." By the instant petition, petitioner requests that the above-numbered certificate be reissued and that the route description in question be corrected to authorize service to the intermediate point of Columbus, Ind., instead of South Columbus, Ind. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9434. Authority sought for purchase by C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, West Relief Highway, U.S. 20, Michigan City, Ind., of a portion of the operating rights of MICHIGAN EXPRESS, INC., 1122 Freeman Avenue Southwest, Grand Rapids, Mich., 49502. Applicants' attorney and representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226, and C. J. Davis, 1000 Michigan Avenue, St. Louis, Mich., 48880. Operating rights sought to be transferred: *Forgings and steel*, as a *common carrier*, over irregular routes, between Muskegon, Muskegon Heights, Lansing, and East Lansing, Mich., and points within 8 miles of each, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Cadiz, Ohio, and thence along U.S. Highway 22 to the Ohio-West Virginia State line at Steubenville; *metal and metal products*, from Toledo, Ohio, and points in that part of Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 13, to points in that part of Michigan bounded by a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Michigan Highway 20, thence along Michigan Highway 20 to Lake Michigan, thence along the shore of Lake Michigan to the Michigan-Indiana State line and thence along the Michigan-Indiana State line to points of beginning; *iron and steel mill products* (not requiring special equipment because of size or weight), from Apollo, Pa., to points in Michigan on and south of Michigan Highway 20 from Lake Michigan to the junction of Michigan Highway 20 and U.S. Highway 27, and on and west of U.S. Highway 27 from said junction to the Michigan-Indiana State line; and *forgings* and *castings*, from South Haven, Mich., to Canton, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, Michigan, Kentucky, Missouri, Iowa, Wisconsin, Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Minnesota, Nebraska, Kansas, Oklahoma, Colorado, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9435. Authority sought for purchase by BEAVER TRANSPORT CO., 100 South Calumet Street, Post Office Box 339, Burlington, Wis., of a portion of the operating rights of ARVILLE STONECIPHER and WILSON BRANDENBURG, doing business as STEPRO TRANSFER LINE, Corydon, Ind., and for acquisition by QUALITY CARRIERS, INC., and, in turn by ALLAN H. TORHORST and LELAND S. BARNEY, all of 100 South Calumet Street, Burlington, Wis., of control of such rights through the purchase. Applicant's representative: Fred H. Figge, 513 Lewis Street, Burlington, Wis., 53105. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Fredericksburg, Ind., and Louisville, Ky., serving all intermediate points; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Corydon, Ind., and Louisville, Ky., serving the intermediate points of Lanesville, Edwardsville, and New Albany, Ind., without restrictions, and the off-route points within 10 miles of Corydon, Ind., restricted to livestock and household goods as defined by the Commission; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Louisville, Ky., on the one hand, and, on the other, points in Floyd and Harrison Counties, Ind., south of a line commencing at New Albany, Ind., and extending along U.S. Highway 460 to junction Indiana Highway 64, and thence along Indiana Highway 64 to the Harrison-Crawford County line, except Corydon, Lanesville, Grandall, New Salisbury, and Corydon Junction, Ind. Restriction: The authority granted herein is restricted against service at points within 10 miles of Corydon, Ind., for the transportation of livestock. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, Indiana, Iowa, North Dakota, Kentucky, Michigan, Missouri, Ohio, South Dakota, Pennsylvania, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9436. Authority sought for purchase by PALMER BROTHERS, INCORPORATED, 1434 South Third West, Salt Lake City, Utah, of the operating rights and property of CHARLES TAYLOR, doing business as TAYLOR TRUCK LINE, 3626 South 350 West, Bountiful, Utah, and for acquisition by ROBERT A. PALMER, 1160 Millbrook Way, Bountiful, Utah, and LUTHER W. PALMER, 2995 East 3125 South, Salt Lake City, Utah, of control of such rights and property through the purchase. Applicants' attorney: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-58325, Sub 2, covering the transportation of commodities generally, as a common carrier, in intrastate commerce, in the State of Utah. Vendee is authorized to operate as a *common carrier* in the State of Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9437. Authority sought for control and merger by SIGNAL DELIVERY SERVICE, INC., 5321 West Madison Street, Chicago, Ill., 60644, of the operating rights and property of H & M TRUCKING CO., INC., 2000 Kendall Street NE., Washington, D.C., and for acquisition by LEASEWAY TRANSPORTATION CORP., and, in turn by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of 21111 Chagrin Boulevard, Cleveland, Ohio, 44122, of control of such rights and property through the transaction. Applicants' attorneys: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44115, and Roland Rice, 618 Perpetual Building, Washington, D.C., 20004. Operating rights sought to be controlled and merged: *Such commodities*, as are sold by retail stores, as a *common carrier*, over irregular routes, between points in the District of Columbia, between points in the Washington, D.C., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Fairfax County, Va., Anne Arundel, Charles, Howard, and St. Marys Counties, Md., and that part of Montgomery and Prince Georges Counties, Md., not included in said commercial zone, from Washington, D.C., to Alexandria, Va., and points in Arlington County, Va.; *damaged or rejected shipments* of the above-specified commodities, from Alexandria, Va., and points in Arlington County, Va., to Washington, D.C. Applicants' requests that the above operating rights be restricted to the extent that no service be performed by SIGNAL DELIVERY SERVICE, INC., thereunder, to, from, or between the stores or other places of business of Montgomery Ward & Co., Inc., located within the zones and areas described in said operating rights.

SIGNAL DELIVERY SERVICE, INC., is authorized to operate as a *contract carrier* in Illinois, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9438. Authority sought for purchase by ST. MARYS TRUCKING CO., INC., St. Marys, Ohio, of a portion of the operating rights of WABASH VALLEY TRUCKING, INC., Brazil, Clay County, Ind., and for acquisition by LEO W. BRINGWALD and MILDRED M. BRINGWALD, both of 1622 Ritterskamp Avenue, Vincennes, Ind., of control of such rights through the purchase. Applicants' representative: W. L. Jordon, 201 Merchants Savings Building, Terre Haute, Ind. Operating rights sought to be transferred: *Waste paper*, as a *common carrier*, over irregular routes, from Chicago, Ill., to Terre Haute, Ind. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Illinois, and West Virginia. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request such a hearing be held at Columbus, Ohio.

No. MC-F-9439. Authority sought for purchase by UNITED HAULAGE CO., INC., 11-22 Welling Court, Long Island City (Queens), N.Y., of a portion of the operating rights of PROMPT MOTOR LINES, INC., 448 Ninth Avenue, New York, N.Y., and for acquisition by HERBERT MINTZER and LAWRENCE SCHWARTZ, both also of Long Island City, N.Y., of control of such rights through the purchase. Applicants' attorneys: Schindel and Cooper, 450 Seventh Avenue, New York, N.Y., 10001, and Bowes and Millner, 1060 Broad Street, Newark, N.J., 07102. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Suffolk County, N.Y. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has not been filed for temporary authority under section 210a(b). NOTE: See also related applications in Docket Nos. MC-F-9440 (THE EL DORADO TRANSPORTATION CO., INC.—Purchase (Portion)—PROMPT MOTOR LINES, INC.), and MC-F-9441 (FRIEDMAN'S EXPRESS, INC.—Purchase (Portion)—THE EL DORADO TRANSPORTATION CO., INC.), published this same issue.

No. MC-F-9440. Authority sought for purchase by THE EL DORADO TRANSPORTATION COMPANY, INCORPORATED, 1718 Boston Post Road, Milford, Conn., of a portion of the operating rights of PROMPT MOTOR LINES, INC., 448 Ninth Ave., New York, N.Y., and for acquisition by JOHN MARINO, 517 Overlook Drive, Orange, Conn., and ANGELO MARINO, 5 Grassland Road, Milford, Conn., of control of such rights through the purchase. Applicants' attorneys: Bowes & Millner, 1060 Broad Street, Newark, N.J., 07102, and Hylan Cooper, 450 Seventh Avenue, New York, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the New York, N.Y., commercial zone, as defined by the Commission, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and Westchester and Nassau Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, Massachusetts, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b). NOTE: See also related applications in Docket Nos. MC-F-9439 (UNITED HAULAGE CO., INC.—Purchase (Portion)—PROMPT MOTOR LINES, INC.), and MC-F-9441 (FRIEDMAN'S EXPRESS, INC.—Purchase (Portion)—THE EL DORADO TRANSPORTATION CO., INC.), published this same issue.

No. MC-F-9441. Authority sought for purchase by FRIEDMAN'S EXPRESS, INC., 220 Conyngham Avenue, Wilkes Barre, Pa., of a portion of the operating rights of THE EL DORADO TRANSPORTATION COMPANY, INCORPORATED, 1718 Boston Post Road, Milford, Conn. Applicants' attorneys: Edward Nehez, 10 East 40 Street, New York, N.Y., Koenig, Siskind, and Drabkin, 84 William Street, New York, N.Y., 10038, and Bowes and Millner, 1060 Broad Street, Newark, N.J., 07102. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Newark, Elizabeth, Irvington, and Harrison, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester and Nassau Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b). NOTE: See also related applications in Docket Nos. MC-F-9439 (UNITED HAULAGE CO., INC.—Purchase (Portion)—PROMPT MOTOR LINES, INC.), and MC-F-9440 (THE EL DORADO TRANSPORTATION CO., INC.—Purchase (Portion)—PROMPT MOTOR LINES, INC.), published this same issue.

By the Commission.

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

[F.R. Doc. 66-6299; Filed, June 7, 1966; 8:50 a.m.]

[Notice 932]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 3, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 123639 (Sub-No. 91), filed May 18, 1966. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's representative: James C. Hardman, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except animal hides and commodities in bulk, in tank vehicles), from points in Morgan and Logan Counties, Colo., to points in Arizona, Nevada, Utah, California, Oregon, and Washington.

HEARING: June 20, 1966, at the New Court and Federal Building, 1961 Stout Street, Denver, Colo., before Examiner Harry M. Shooman.

By the Commission.

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

[F.R. Doc. 66-6300; Filed, June 7, 1966; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 3, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2709, filed March 29, 1966. Applicant: BLUEBONNET EXPRESS, INC., 5009 Rusk, Houston, Tex. Applicant's representative: Joe G. Fender, 2033 Norfolk Street, Houston, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, over the following routes in Texas: U.S. Highway 90 between Houston and Flatonia; State Highway 95 between Flatonia and Shiner; U.S. Highway 90A between Shiner and Hallettsville; U.S. Highway 77 between Hallettsville and Schulenburg; U.S. Highway 90A between Houston and Hallettsville; U.S. Highway 77A between Hallettsville and Quero; State Highway 72 between Quero and Kennedy; State Highway 239 between Kennedy and Goliad; U.S. Highway 59 between Goliad and Victoria; State Highway 71 between Columbus and Austin, restricted against transportation from Austin to Bastrop; State Highways 259 and 237 and U.S. Highway 290 between La Grange and Brenham via Oldenburg and Burton; Over State Highway 36 between Brenham and Caldwell; State Highway 21 between Caldwell and Bryan; State Highway 6 between Bryan and Hearne; U.S. Highway 59 between Houston and Nacogdoches; State Highway 185 between Victoria and Seadrift; State Highways 238 and 316 between Seadrift and Port Lavaca; State Highways 35 and 172 between Port Lavaca and Ganada, serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions. The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location on any one day. *Newspapers, potted plants and cut flowers* over the following routes: State Highways 259 and 237 and U.S. Highway 290 between La Grange and Brenham via Oldenburg and Burton; over State Highway 36 between Brenham and Cáldwell; State Highway 21 between Caldwell and Bryan; State Highway 6 between Bryan and Hearne.

HEARING: Application has not been assigned for hearing. Contact should be made with Railroad Commission of Texas to determine date and place of hearing. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Austin, Tex., and should not be directed to the Interstate Commerce Commission.

State Docket No. 3506, filed May 20, 1966. Applicant: THOMAS C. JOHNSON, doing business as HAZARD EXPRESS, Hazard, Ky. Applicant's representatives: Julius Rather, 259 West Short Street, Lexington, Ky., and Catlett and Amato, McClure Building, Frankfort, Ky. Certificate of public convenience and necessity sought to operate a freight service as follows: transporting *general commodities*, except classes A and B explosives, household goods, and commodities in bulk, over irregular routes, between Louisville, Jefferson County, Ky., and Lexington, Fayette County, Ky., serving no intermediate points, from Louisville over Interstate Highway 64 to junction of Interstate Highway 64 and U.S. Highway 60, near Frankfort, Ky., thence over U.S. Highway 60 to Lexington, and return over the same routes, as an extension of applicant's existing authority, but restricted against the transportation of traffic originating at, destined to, or interchanged at, Lexington, Ky., or Jenkins, Ky., or their commercial areas as defined by section 281.012(2) of the Kentucky Revised Statutes.

HEARING: July 6, 1966, in the Offices of the Department of Motor Transportation, Fourth Floor, State Office Building, Frankfort, Ky. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to Department of Motor Transportation, State Office Building, Frankfort, Ky., 40601, and should not be directed to the Interstate Commerce Commission.

State Docket No. M-4019, filed May 25, 1966. Applicant: ATLAS TRANSIT & WAREHOUSE CO., INC., 14th and Geyer Streets, Little Rock, Ark. Applicant's representative: James N. Clay III, 340 Sterick Building, Memphis, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, over the following routes in Arkansas: State Highway 14, Junction U.S. Highway 63 to Batesville; State Highway 10, Little Rock to Perry; State Highway 60, Arkansas River to Plainview; State Highway 113, Junction State Highway 60 to Junction State Highway 10 (serving Fourche as off-route point); State Highway 7, Junction State Highway 60 to Ola; State Highway 28, Rover to Ola (serving Kingston as off-route point); State Highway 27, Rover to Danville; State Highways 23 and 116, Booneville to Sanatorium. NOTE: Applicant intends to tack with its presently certificated routes at all common points of joinder and to serve all intermediate points on routes sought.

HEARING: Thursday, June 16, 1966, at 10 a.m., Justice Building, Little Rock, Ark. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark., 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. 15787, filed May 25, 1966. Applicant: ROSS NEELY EXPRESS, INC., 3601 5th Avenue North, Birmingham, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala., 35203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities* (except commodities in bulk, commodities requiring special equipment, commodities injurious to other lading, and high explosives), serving the plantsite of Macmillan, Bloedel, and Powell River Ltd., near Pine Hill, Ala., as an off-route point to applicant's Alabama Highway 5 and U.S. Highway 43 routes.

HEARING: Not known.

Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Secretary of the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala., 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 66-6301; Filed, June 7, 1966; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 3, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40518—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 372), for interested carriers.

Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, middlewest and southwestern territories, on the one hand, and points in Canada, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 5 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 491.

FSA No. 40519—*Soybean cake or meal from points in Arkansas.* Filed by Southwestern Freight Bureau, agent (No. B-8861), for interested rail carriers. Rates on soybean cake or meal, in carloads, from points in Arkansas, to points in southern territory.

Grounds for relief—Market competition.

Tariffs—Supplements 10 and 7 to Southwestern Freight Bureau, agent, tariffs ICC 4634 and 4673, respectively.

By the Commission.

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

[F.R. Doc. 66-6302; Filed, June 7, 1966; 8:50 a.m.]

[Notice 1360]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1966.

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-68610. By order of May 31, 1966, the Transfer Board approved the transfer to Sacco Bros. Truck Service, Inc., Wheeling, W. Va., of the certificate in No. MC-95495, issued April 25, 1957, to Edward J. Sacco, Harold C. Sacco, William F. Sacco, James P. Sacco, and Donald F. Sacco, a partnership, doing business as Sacco Bros. Trucking Service, Wheeling, W. Va., authorizing the transportation of: Slag, sand, gravel, stone, dirt, cinders, paving brick, red dog, and bituminous road materials, from Martins Ferry, Ohio, to points in West Virginia, and from Benwood and Holliday's Cove, W. Va., to points in Ohio within 50 miles of Benwood, and points in Ohio within 50 miles of Holliday's Cove; and coal, from Wellsburg, W. Va., and points within 10 miles of Wellsburg, to Toronto, Ohio, and points in Ohio within 25 miles of Toronto. Ronald W. Kasserman, 900 Riley Law Building, Wheeling, W. Va., attorney for applicants.

No. MC-FC-68766. By order of May 31, 1966, the Transfer Board approved the transfer to William Earnhardt, doing business as Earnhardt Transport, Post Office Box 376, 1315 South Main Street, Salisbury, N.C., of the operating rights in certificates Nos. MC-116622 and MC-116622 (Sub-No. 3) issued April 20, 1960, and April 6, 1961, to Southern Pine Express, Inc., Route 2, Rockwell, N.C., authorizing the transportation of: Lumber, and wooden pallets, between points in North Carolina, Tennessee, Kentucky, Ohio, West Virginia, Virginia, and Pennsylvania.

No. MC-FC-68767. By order of May 31, 1966, the Transfer Board approved the transfer to Alfred M. Flategraff, doing business as Gardner Truck Line, Pine River, Minn., of the operating rights in certificates Nos. MC-1718 and MC-1718 (Sub-No. 9) issued October 10, 1962, and November 1, 1965, to Henry O. Flategraff and Alfred M. Flategraff, doing business as Gardner Truck Line, Pine River, Minn., authorizing the transportation, of: Butter, wooden spools, reels, new stove and office fixtures, between points in Minnesota, Iowa, North Dakota, South Dakota, and Wisconsin. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC-FC-68791. By order of May 31, 1966, the Transfer Board approved the transfer to Merrimack Motor Trans. Co., Inc., 75 Sunset Road, Dracut, Mass., of the certificate of registration No. MC-85545 (Sub-No. 1), issued December 11, 1963, to Ubald W. Bergeron, doing business as Merrimack Motor Trans., 118 Aiken Street, Lowell, Mass., evidencing a right to engage in interstate or foreign commerce, in the transportation of: General commodities anywhere within the Commonwealth of Massachusetts, over irregular routes.

No. MC-FC-68792. By order of May 31, 1966, the Transfer Board approved the transfer to Raymond A. Harsch, Inc., Elmont, N.Y., of permit in No. MC-125778 (Sub-No. 1), issued November 6, 1964, to Raymond A. Harsch, Elmont, N.Y., authorizing the transportation of: *Kitchen equipment as defined by the Commission*, kitchen cabinets, moldings, vanity cabinets, exhaust fans, garbage disposal units, and parts, accessories and materials used in the installation and assembly of the above-described commodities, from East Rockaway (Nassau County), N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, Virginia, and the District of Columbia and returned shipments of the above-specified commodities, under continuing contract with Whitehall Cabinets, Inc., of East Rockaway, N.Y. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y., attorney for applicants.

No. MC-FC-68795. By order of May 31, 1966, the Transfer Board approved the transfer to William Kellett & Sons, Inc., Keansburg, N.J., of certificate in No. MC-43328, issued May 7, 1942, to William H. A. Weber, Irvington, N.J., authorizing the transportation of: Household goods, over irregular routes, between points and places, in Essex, Union, Hudson, Bergen, and Passaic Counties, N.J., on the one hand, and, on the other, points and places in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, machinery, over irregular routes, between points and places in Essex, Union, Hudson, Bergen, and Passaic Counties, N.J., on the one hand, and, on the other, New York, N.Y., Easton and Philadelphia, Pa., and points and places in Westchester and Nassau Counties, N.Y., and electrical equipment, over irregular routes, between Newark, N.J., and New York, N.Y. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., attorney for transferee. Bernard F. Flynn, Jr., York-Flynn Building, East Blackwell Street, Dover, N.J., attorney for transferor.

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

[F.R. Doc. 66-6303; Filed, June 7, 1966; 8:50 a.m.]

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