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Title 3—THE PRESIDENT

Proclamation 3749

WHITE CANE SAFETY DAY, 1966

By the President of the United States of America

A Proclamation

In our Nation, the white cane is the symbol of the independent blind person, able to come and go on his own. For motorists in our streets and highways, the white cane also represents a caution sign—a reminder that it is upon their courtesy and consideration that the safety of blind persons depends.

To make our people more fully aware of the significance of the white cane, and to encourage motorists to exercise caution and courtesy when approaching persons carrying a white cane, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003), has authorized the President to issue annually a proclamation designating October 15 as White Cane Safety Day.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim October 15, 1966, as White Cane Safety Day.

I urge civic and service organizations, schools, public bodies, and the media of public information in every community to join in observing White Cane Safety Day with activities which will promote greater awareness of the significance of the white cane and thereby contribute to the safety and welfare of our blind persons.

I call upon all our citizens to join individually in this observance, that blind persons in our society may continue to enjoy the greatest possible measure of personal independence.

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

DONE at the City of Washington this thirtieth day of September in the year of our Lord nineteen hundred and sixty-six, and [SEAL] of the Independence of the United States of America the one hundred and ninety-first.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66-10869; Filed, Oct. 3, 1966; 2:25 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

District of Columbia Redevelopment Land Agency

Section 213.3187 is added to show that Neighborhood Aide (Urban Renewal) positions are excepted under Schedule A when filled for 2 years or less by residents of the urban renewal project area in which the Aides will work. Effective on publication in the FEDERAL REGISTER, § 213.3187 is added as set out below.

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 66-10826; Filed, Oct. 4, 1966; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1109]

PART 13—PROHIBITED TRADE PRACTICES

Findlay Fashions, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act: 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act: 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act: 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 69f, 68) [Cease and desist order, Findlay Fashions, Inc., et al., New York, N.Y., Docket C-1109, Sept. 13, 1966]

In the Matter of Findlay Fashions, Inc., a Corporation, and Abraham Schnapper and Abraham Greenbaum, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer to cease misbranding its fur and wool products and falsely invoicing its furs.

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

It is ordered, That respondents Findlay Fashions, Inc., a corporation, and its officers, and Abraham Schnapper and Abraham Greenbaum, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale, in commerce, or the transportation and distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing directly or by implication on labels that the fur contained in any fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb."

4. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

6. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

7. Failing to affix labels to sample fur products used to promote or effect sales of fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act and of the rules and regulations promulgated thereunder.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

3. Failing to set forth on invoices the item number or mark assigned to each such product.

It is further ordered, That respondents Findlay Fashions, Inc., a corporation, and its officers, and Abraham Schnapper and Abraham Greenbaum, individually and as officers of the said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification 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. Failing to affix labels to samples, swatches or specimens of wool products used to promote or effect sales of wool products, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

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: September 13, 1966.

By the Commission.

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

[F.R. Doc. 66-10777; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket No. C-1107]

PART 13—PROHIBITED TRADE PRACTICES

Midwest Color Studios, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1555 *Size, extent or equipment;* Misrepresenting oneself and goods—Goods: § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned.*

(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, Midwest Color Studios, Inc., et al., Chicago, Ill., Docket C-1107, Sept. 12, 1966]

In the Matter of Midwest Color Studios, Inc., a Corporation, and Frank J. Blum and Morris Projansky, Individually and as Officers of the Said Corporation

Consent order requiring a Chicago firm selling color photographs through door-to-door coupon salesmen to cease using false quality claims and other misrepresentations to sell its pictures.

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

It is ordered, That respondents Midwest Color Studios, Inc., a corporation, and its officers, and Frank J. Blum and Morris Projansky, individually and as officers 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 photographs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondents' photographs are natural color portraits or photographs.

2. That the purchaser of the photograph incurs no obligations or charges other than the purchase price specified on the certificate or otherwise represented by the respondents during the sale of said photographs: *Provided, however*, It shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the specified purchase price included all payment obligations incurred by the purchaser.

3. That respondents operate studios or branch offices throughout the United States, or otherwise misrepresenting in any manner the size of respondents' business.

4. That respondents' finished portraits or photographs will be equal in quality and workmanship to sample photographs or proof slides which have been exhibited to purchasers and prospective purchasers: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the photographs furnished by them to purchasers are in every instance of the represented quality and workmanship.

5. That proofs will be shown to the customers or that photographs ordered by customers will be delivered within a specified period of time or upon a particular date: *Provided, however*, That it shall be a defense in any enforcement proceeding hereunder for respondents to establish that said proofs were shown and that said photographs were delivered within such time or upon such date; or misrepresenting, in any manner, the period of time within which the proofs will be exhibited or the photographs will be delivered.

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: September 12, 1966.

By the Commission.

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

[F.R. Doc. 66-10778; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket No. C-1108]

PART 13—PROHIBITED TRADE PRACTICES

Shinyei Co., Inc.

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, Shinyei Co., Inc., New York, N.Y., Docket C-1108, Sept. 12, 1966]

Consent order requiring a New York City importer and distributor of fabrics to cease importing and selling fabrics which are so highly flammable as to be dangerous when worn by individuals, in violation of the Flammable Fabrics Act.

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

It is ordered, That respondent Shinyei Co., Inc., a corporation, and respondent's officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) 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 fabric which, under the provisions of section 4 of the said Flammable Fabrics 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 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: September 12, 1966.

By the Commission.

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

[F.R. Doc. 66-10779; Filed, Oct. 4, 1966; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-212]

PART 1—GENERAL PROVISIONS

Ports of Entry

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographical limits of the customs port of entry of Port Canaveral, Fla., in the Tampa, Fla., district (Region IV), comprising the territory described in Treasury Decision 55666, are extended to include:

All those ports of Township 24 South, Range 36 East and Townships 24, 25, and 26 South, Range 37 East, described as follows:

Beginning at the Northeast corner of the Southeast ¼ of the Southeast ¼ of Section 1, Township 24 South, Range 36 East; thence westerly along the North line of the South ¼ of Sections 1, 2, and 3 and the westerly extension of said North line of the South ¼ of Section 3, to the center line of the intracoastal waterway; thence southeasterly along said center line to an intersection with the westerly extension of the South line of the North ¼ of Section 15, Township 24 South; Range 36 East; thence East along said westerly extension of the South line of the North ¼ of Section 15, and the South line of the North ¼ of Sections 15, 14, and 13, said Township 24 South, Range 36 East; thence continue East along the South line of the North ¼ of Sections 18 and 17, Township 24 South, Range 37 East to the Southwest corner of the Northwest ¼ of the Northwest ¼ of Section 16, Township 24 South, Range 37 East; thence South along the West line of Sections 16, 21, 28, and 33, said Township 24 South, Range 37 East; thence continue South along the West line of Sections 4, 9, 16, 21, 28, and 33, Township 25 South, Range 37 East

to the Southwest corner of said Section 33, Township 25 South, Range 37 East; thence East along the South line of said Section 33, Township 25 South, Range 37 East to the Southeast corner thereof; thence South along the West line of Sections 3, 10, 15, and 22, Township 26 South, Range 37 East to the Southwest corner of the Northwest ¼ of the Northwest ¼ of said Section 22, Township 26 South, Range 37 East; thence East along the South line of the North ¼ of Sections 22 and 23, Township 26 South, Range 37 East to the shoreline of the Atlantic Ocean; thence northerly along said shoreline of the Atlantic Ocean to an intersection with the North line of the South ¼ of Section 1, Township 24 South, Range 37 East; thence westerly along said North line of the South ¼ of Sections 1 and 2 and the westerly extension thereof and the North line of the South ¼ of Section 6, Township 24 South, Range 37 East, to the point of beginning.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including territory described in T.D. 55666)" after "Port Canaveral, Fla." in the column headed "Ports of entry" in the Tampa, Fla., district (Reg. IV) and by substituting therefor "(including territory described in T.D. 66-212)".

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

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

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

[F.R. Doc. 66-10804; Filed, Oct. 4, 1966; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

Appointment of Special Consultants

The following amendments revise Public Health Service Regulations, Part 22, § 22.3 to reflect current requirements. Since these amendments relate solely to the appointment of special consultants under section 207(f), PHS Act, as amended (42 U.S.C. 209(f)), notice of proposed rule making, public rule making procedures and delay in effective date have been omitted.

Section 22.3(b) is amended and (d) is revoked, as follows:

§ 22.3 Appointment of special consultants.

* * * * *

(b) Appointments, pursuant to the provisions of this section, may be made by those officials of the Service to whom authority has been delegated by the Secretary or his designee.

* * * * *

(d) [Revoked]

This amendment shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 207(f), 58 Stat. 686 as amended by 62 Stat. 40; 42 USC 209(f))

Approved: September 14, 1966.

[SEAL] LEO J. GEHRIG,
Acting Surgeon General.

Approved: September 28, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-10815; Filed, Oct. 4, 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

Eastern Neck National Wildlife Refuge, Md.

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.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,000 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Bow and arrow hunt only: October 17 through October 22, 1966;

Shotgun hunt only: October 23 through October 29, 1966.

(2) Bag limits: One deer per day, either sex.

(3) Participants in the shotgun hunt must report in at the designated check station before entering the refuge. Participants in both the shotgun and the bow and arrow hunts are required to check out at the check station before leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before 5:00 a.m., e.s.t. and must check out no later than 6:30 e.s.t.

(5) Possession of loaded firearms before or after legal hunting hours is prohibited.

(6) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(7) Dogs are prohibited.

(8) There shall be no hunting within 200 yards of any residence or within any area designated as closed. No buildings and structures are to be entered.

(9) During the shotgun hunt, October 24 through 29, hunters must not hunt or possess loaded guns on or within 20 feet of the county roads or the designated parking areas.

(10) Vehicles must be parked only in designated parking areas.

(11) During the shotgun hunt, October 24 through 29, all hunters must furnish and wear red, yellow, or orange caps, hats, vests, shirts, or coats while on the hunting area.

(12) Hunters under 18 years of age must be accompanied by an adult.

(13) Hunters shall not disturb, damage, or destroy any unharvested crops.

(14) Camping and fires are prohibited.

(15) A Federal permit will be required during the shotgun hunt. Permits will be limited to 100 per day and will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received no later than October 3, 1966, at the Eastern Neck Island National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661. Permits not issued as result of the drawing will be issued on first-come, first-served basis at the check station each hunt day.

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 October 29, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1966.

[F.R. Doc. 66-10854; Filed, Oct. 4, 1966; 8:52 a.m.]

PART 33—SPORT FISHING

Reelfoot National Wildlife Refuge, Tennessee; Correction

In F.R. Doc. 66-1970, appearing at page 3118 of the issue for February 24, 1966, subparagraph (1), should read as follows:

(1) The sport fishing season on the refuge extends from February 16, 1966, through October 23, 1966, except the lower refuge located south of Upper Blue Basin remains open through November 17, 1966.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-10788; Filed, Oct. 4, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1967 National Marketing Quota, National Acreage Allotment, and Apportionment of National Acreage Allotment to States

Sec.
729.1801 Basis and purpose.
729.1802 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1967.
729.1803 Apportionment of the national acreage allotment, less new farm reserve, to States.

AUTHORITY: The provisions of this subpart issued under secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375.

§ 729.1801 Basis and purpose.

(a) Section 358(a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(a)), hereinafter referred to as the Act, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. Section 358(a) further provides that the national marketing quota may not be less than a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) Except for the 1,610,000-acre minimum, the national marketing quota for the 1967 crop would be 890,000 tons and the national acreage allotment, computed by dividing the national quota by the normal yield per acre, then adjusting for underharvesting, would be 1,262,817 acres. In order to obtain the minimum national acreage allotment of 1,610,000 acres, the national marketing quota must be set at 1,428,875 tons. Section 358(a) also provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

(c) Section 358(c) of the Act provides that the national acreage allotment less the acreage to be alloted to new farms under Section 358(f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

(d) Section 729.1802 of this proclamation establishes the national marketing quota, the normal yied per acre, and the national acreage allotment for the 1967 crop of peanuts. Section 729.1803 apportions the 1967 national acreage allotment among the several peanut-producing States. The determinations contained herein are based on the latest available statistics of the Federal Government.

(e) Public notice of the proposed determination of the 1967 national marketing quota, the national acreage allotment and the apportionment of such allotment, less reserve for new farms, among the States was given (31 F.R. 10471) in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No recommendations or views were received in response to such notice. In order that State allotments may be made available for the orderly determination of farm allotments for 1967, it is essential that the provisions of this document be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest.

§ 729.1802 Proclamation of national marketing quota, normal yield per acre, and national acreage allotment for the crop of peanuts to be produced in 1967.

(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop to be produced in the calendar year 1967 is 1,428,875 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 1,775 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop to be produced in the calendar year 1967 is 1,610,000 acres.

§ 729.1803 Apportionment of the national acreage allotment, less new farm reserve, to States.

The national peanut acreage allotment proclaimed in § 729.1802 is hereby apportioned as follows:

State	1967 State acreage allotment
Alabama	217,502
Arizona	714
Arkansas	4,198
California	934
Florida	55,293
Georgia	528,028
Louisiana	1,953
Mississippi	7,520
Missouri	247
New Mexico	5,566
North Carolina	168,421
Oklahoma	138,429
South Carolina	13,869
Tennessee	3,602
Texas	356,915
Virginia	105,199
Total apportioned to States	1,608,390
Reserve for new farms	1,610
Total, United States	1,610,000

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on September 30, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-10848; Filed, Oct. 4, 1966; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 874.19]

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1966 Crop

Correction

In F.R. Doc. 66-10212 appearing on page 12395 in the issue of Saturday, September 17, 1966, the following corrections are made in § 874.19:

(a) In the table on page 12396, the ninth entry in the second column from the right which now reads ".930" should read ".920".

(b) In the nineteenth line in the center column on page 12397, the word "hunderweight" should read "hundredweight".

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

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER August 31, 1966 (31 F.R. 11465). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1966, and ending June 30, 1967, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $8,905.00.

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

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1967, may be carried over as a reserve.

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

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

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

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10843; Filed, Oct. 4, 1966; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7101; Amdt. 37-8]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Individual Flotation Devices—TSO–C72a

The purpose of this amendment is to revise the Technical Standard Order (TSO–C72) for individual flotation devices contained in § 37.178 of the Federal Aviation Regulations. This action was published as a notice of proposed rule making (31 F.R. 296, Jan. 11, 1966) and circulated as Notice No. 66–1 dated January 5, 1966.

Notice 66–1 proposed an amendment to clarify the buoyancy testing requirements that were stated in TSO–C72 in broad objective terms. The proposal incorporated and described two alternative test procedures applicable to inflatable and noninflatable devices—a survivor (human) test and a machine test. In addition, the notice proposed to amend the buoyancy test requirements to make it clear that the tests may be conducted under other than standard water conditions provided the results can be converted to standard conditions.

In response to the notice of proposed rule making a number of comments pointed out that although the TSO requires allowance for the effects of extended service use, the proposed buoyancy test procedures are not realistic in several respects and do not account for loss of buoyancy caused by aging of materials or by permanent compression from in-service (cabin) usage. The Agency considers that these comments have merit and paragraph 7.0.1 is revised to include objective test procedures to account for aging through either preconditioning the test specimens or demonstrating excess buoyancy to offset the aging loss.

Recommending clarification or change to those portions of the TSO not covered by the proposal and which state that dress covers enveloping flotation devices are not considered to be part of the device, one commentator advised that actual practice is to the contrary inasmuch as dress covers are a part of seat cushions. The provision excluding covers was incorporated into the original TSO because it was considered conservative to exclude the effects of incidentally entrapped air in the covers, particularly during simple short-period static immersion tests. While it would be unrealistic to rely on covers generally to provide a dependable increment of total bouyancy, nevertheless it appears possible to develop dress coverings that have adequate air retention characteristics. Furthermore, the dynamic test conditions being introduced by this amendment will prove the effectiveness and durability of covers in augmenting buoyancy. Therefore, since the reasons for excluding covers no longer appear valid, the Agency considers it appropriate to further amend the TSO by deleting those sentences that exclude dress covers as parts of flotation devices, and at the same time, to require that buoyancy tests be conducted on complete devices configured as they would normally be for emergency use.

Most of the comments took issue with one or more features of the proposed machine test and two commentators objected to that test in its entirety. The essential thrust of the objections was that the test does not duplicate the actual conditions of use and would be unreasonably difficult and costly to perform. It was pointed out that the 10-foot depth would never be reached by a person holding on to the device and, in any event, hydrostatic pressure at that depth, rather than simulating the effect of squeezing, would tend to seal the device and stop leaks. The comments significantly emphasized that static immersion tests for a predetermined time at a nominal depth of 2 feet are adequate to determine buoyancy for closed cell materials, whereas, for open cell material, immersion at or just below the water surface coupled with the cyclic squeezing action characteristic of a human would be required.

The Agency appreciates the distinction between open cell and closed cell materials and the importance of tests that are representative of the conditions under which such devices will be used. Accordingly, the proposed paragraph 7.0.1 has been recast to require tests appropriate to the material involved and to permit the use of a mechanical apparatus in the tests provided it simulates the squeezing motions characteristic of humans.

One suggestion would have required buoyancy measurements to be made in accordance with U.S. Coast Guard Specification Subpart No. 16.049, Second Amendment. However, that specification does not require preconditioning to simulate the effects of aging nor does it require squeezing to account for repetitive cycling during emergency use. For these reasons, the TSO has not been changed as suggested.

A recommendation that testing be conducted in a swimming pool or similar test area has been adopted and further expanded to make it clear that testing may be conducted in either open or restricted water areas.

A number of comments were directed to the proposed duration of the tests. Two commentators expressed agreement with 8 hours insofar as static immersion tests for closed cell materials are concerned or where a dummy or equivalent is used in place of a human subject. To the contrary, one commentator stated that the proposed 8-hour demonstration in 2-foot waves is unwarranted in view of the Agency's previously established position that individual flotation devices are not intended to be the equivalent of life preservers but only to provide the minimum of buoyancy when rescue is close at hand. Another commentator alleged that the proposed test duration of 8 hours was unrealistic for domestic routes and recommended 4 hours since that would be the maximum time before rescue would take place.

Of the comments opposing the proposed 8-hour test, the most analytical pointed out that testing in 2-foot waves for 8 hours was unnecessarily severe and presented a hardship in proving compliance. This commentator cited industry tests tending to prove that when devices lose buoyancy they do so rapidly, usually in the first 30 minutes, and if buoyancy stabilizes to a constant value for a period of 2 hours, the buoyancy at the end of 8 hours can be predicted. The commentator therefore recommended TSO buoyancy testing durations and conditions in keeping with its findings. The Agency agrees in principle with the analysis and recommendations expressed by this commentator and has revised the proposal to allow the tests to be stopped when buoyancy has stabilized over 4 successive 30-minute measurement intervals.

One commentator contended that present cushion material (polyurethane foam) will not meet the proposed buoyancy testing requirements, and, if other

materials are used to attain the necessary buoyancy, the cushions will be more flammable. However, the commentator makes no claim that, nor is the Agency aware of any reason why, polyurethane foam cushions may not be designed to meet the buoyancy test. In fact, tests conducted by the Agency have indicated that polyurethane foam cushions encased in a waterproof covering do meet the buoyancy test.

Noting that the flame-resistance test procedure of TSO–C72 is applicable only to fabric-type materials, one comment recommended that such procedures should be extended to cover foam. While this comment may have merit, it goes beyond the scope of Notice 66–1. However, the Agency has published Notice No. 66–26 (31 F.R. 10275, July 29, 1966) concerning Crashworthiness and Passenger Evacuation, in which changes to the flame-resistant requirements of TSO–C72 have been proposed. Recommendations relating to flame-resistance testing of individual flotation devices would properly be responsive to Notice 62–26.

In response to comments, the TSO has been further amended to make it clear that flotation device models approved prior to the effective date of this amendment may continue to be manufactured under the provisions of their original approval.

The phrase "for use on civil aircraft of the United States" has been deleted from the applicability provision of the revised TSO. As indicated in the preambles to TSO–C50b (31 F.R. 9977, July 22, 1966) and TSO–C87 (30 F.R. 15547, Dec. 17, 1965), such phrases have created some confusion and serve no useful purpose insofar as the TSO is concerned. A TSO contains those standards that a manufacturer must meet in order to identify his equipment with the applicable TSO marking. A manufacturer desiring to use the applicable TSO marking must meet the prescribed standard regardless of the type of operation or the type of aircraft in which the equipment might be used.

In view of the fact that clarifying amendments are being made to the requirements of § 37.178 in addition to the substantive changes to the Federal Aviation Agency Standard as proposed, the Agency considers it appropriate in the interest of clarity to set forth the TSO in its entirety. In this connection, minor changes of an editorial nature have been made in the text of the standard.

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 37.178 of Part 37 of the Federal Aviation Regulations is amended as hereinafter set forth below, effective November 4, 1966.

Issued in Washington, D.C., on September 28, 1966.

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

§ 37.178 Individual flotation devices—TSO–C72a.

(a) *Applicability.* This Technical Standard Order (TSO) prescribes the minimum performance standards that individual flotation devices must meet in order to be identified with the applicable TSO marking. New models of the equipment that are to be so identified, and that are manufactured on or after November 4, 1966, must meet the requirements of the "Federal Aviation Agency Standard, Individual Flotation Devices" set forth at the end of this section.

(b) *Marking.* The marking specified in § 37.7(d) must be shown except that the weight need not be included.

(c) *Data requirements.* In addition to the data specified in § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the descriptive information on the device.

(2) Six copies of the manufacturers' equipment operating instructions and limitations.

(3) Six copies of the applicable installation instructions indicating any restrictions or other conditions pertinent to installation.

(4) One copy of the manufacturers' test report.

(5) One copy of the manufacturers' special cleaning and maintenance instructions.

(d) *Previously approved equipment.* Flotation device models approved prior to November 4, 1966, may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION AGENCY STANDARD
INDIVIDUAL FLOTATION DEVICES

1.0 *Purpose.* To specify minimum performance standards for individual flotation devices other than life preservers defined in the TSO–C13 Series.

2.0 *Types and description of devices.* This standard provides for the following two categories of individual flotation devices:

a. Inflatable types (compressed gas inflation).

b. Noninflatable types.

2.0.1 *Description of inflatable types.* Inflation must be accomplished by release of a compressed gas contained in a cartridge into the inflation chamber. The cartridge must be activated by a means readily accessible and clearly marked for its intended purpose. The flotation chamber must also be capable of oral inflation in the event of failure of the gas cartridge.

2.0.2 *Description of noninflatable types.* Seat cushions, head rests, arm rests, pillows or similar aircraft equipment are eligible as flotation devices under this standard provided they fulfill minimum requirements for safety and performance. Compression through extended service use, perspiration and periodic cleaning must not reduce the buoyancy characteristics of these devices below the minimum level prescribed in this standard.

2.1 *Instructions for use.* Where the design features of the device relative to its purpose and proper use are not obvious to the user, clearly worded instructions must be provided. These instructions must be visible under conditions of emergency lighting.

3.0 *Definitions.* The following are definitions of terms used throughout the standard:

a. *Buoyancy.* The amount of weight a device can support in fresh water at 85° F.

b. *Flame resistant.* Not susceptible to combustion to the point of propagating a flame beyond safe limits after the ignition source is removed.

c. *Corrosion resistant.* Not subject to deterioration or loss of strength as a result of prolonged exposure to a humid atmosphere.

4.0 *General requirements*—4.0.1 *Materials and processes.* Materials used in the finished product must be of the quality which experience and tests have demonstrated to be suitable for the use intended throughout the service life of the device. The materials and processes must conform to specifications selected or prepared by the manufacturer which will insure that the performance, strength and durability incorporated in the prototype are continued or exceeded in subsequently produced articles.

4.0.2 *Fungus protection.* Materials used in the finished product must contain no nutrient which will support fungus growth unless such materials are suitably treated to prevent such growth.

4.0.3 *Corrosion protection.* Metallic parts exposed to the atmosphere must be corrosion resistant or protected against corrosion.

4.0.4 *Flame resistance.* All materials used in the device, including any covering, must be flame resistant.

4.0.5 *Temperature range.* Materials used in the construction of the device must be suitable for the intended purpose following extended exposures through a range of operating temperatures from −40° F. to +140° F.

4.1 *Design and construction*—4.1.1 *General.* The design of the device, the inflation means if provided, and straps or other accessories provided for the purpose of donning by the user must be simple and obvious thereby making its purpose and actual use immediately evident to the user.

4.1.2 *Miscellaneous design features.* The devices must be adaptable for children as well as adults. They must have features which enable the users to retain them when jumping into the water from a height of at least 5 feet. Attachment straps must not pass between the user's legs for retention or restrict breathing or blood circulation.

5.0 *Performance characteristics*—5.0.1 *Buoyance standard.* The device must be shown by the tests specified in paragraph 7.0.1 to be capable of providing not less than 14 pounds of buoyancy in fresh water at 85° F. for a period of 8 hours.

5.0.2 *Utilization.* The devices must be capable of being utilized by the intended user with ease.

5.0.3 *Function under temperature limits.* The device must be functional within the temperature limitations of −40° F. to +140° F.

6.0 *Standard test procedures*—6.0.1 *Salt spray test solution.* The salt used must be sodium chloride or equivalent containing on the dry basis not more than 0.1 percent of sodium iodide and not more than 0.2 percent of impurities. The solution must be prepared by dissolving 20±2 parts by weight of salt in 80 parts by weight of distilled or other water containing not more than 200 parts per million of total solids. The solution must be kept free from solids by filtration, decantation, or any other suitable means. The solution must be adjusted to be maintained at a specific gravity of from 1.126 to 1.157 and a

PH of between 6.5 and 7.2 when measured at a temperature in the exposure zone maintained at 95° F.

6.0.2 *Flame resistance.* Three specimens approximately 4 inches wide and 14 inches long must be tested. Each specimen must be clamped in a metal frame so that the two long edges and one end are held securely. The frame must be such that the exposed area of the specimen is at least 2 inches wide and 13 inches long with the free end at least one-half inch from the end of the frame for ignition purposes. In the case of fabrics, the direction of the weave corresponding to the most critical burn rate must be parallel to the 14-inch dimension. A minimum of 10 inches of the specimen must be used for timing purposes, and approximately 1½ inches must burn before the burning front reaches the timing zone. The specimen must be long enough so that the timing is stopped at least 1 inch before the burning front reaches the end of the exposed area.

The specimens must be supported horizontally and tested in draft free conditions. The surface that will be exposed when installed in the aircraft must face down for the test. The specimens must be ignited by a Bunsen or Tirrell burner. To be acceptable, the average burn rate of the three specimens must not exceed 4 inches per minute. Alternatively, if the specimens must not support combustion after the ignition flame is applied for 15 seconds or if the flame extinguishes itself and subsequent burning without a flame does not extend into the undamaged areas, the material is also acceptable.

7.0 *Test requirements*—7.0.1 *Buoyancy testing.* The flotation device, including all dress covers, and straps that would normally be used by a survivor in an emergency, must be tested in accordance with either subparagraph (a) or (b) of this paragraph, as applicable, or an equivalent test procedure. The test may be conducted using non-fresh water, or at a temperature other than 85° F., or both, provided the result can be converted to the standard water condition specified in paragraph 5.0.1. The test may be conducted in open (ocean or lake) or restricted (swimming pool) water. The test specimen of noninflatable devices, such as pillows or seat cushions, must either be preconditioned to simulate any detrimental effects on buoyancy resulting from extended service use or an increment must be added to the buoyancy standard in paragraph 5.0.1 sufficient to offset any reduction in buoyancy which would result from extended service use.

a. *Test procedures applicable to inflatable devices and to noninflatable devices made from closed cell material.* The device must be tested by submerging it in water so that no part of it is less than 24 inches below the surface. It must be shown that the buoyancy of the device is at least equal to the value specified in paragraph 5.0.1 after submersion for at least 8 hours, except that the test may be discontinued in less than 8 hours if buoyancy measurements taken at 4 successive 30-minute intervals show that the buoyancy of the device has stabilized at a value at least equal to the value specified in paragraph 5.0.1.

b. *Test procedures applicable to noninflatable devices made from open cell material.* The device must be completely submerged and either supporting a human subject or attached to a mechanical apparatus that simulates the movements characteristic of a nonswimmer. During the test, the device must be subjected to a squeezing action comparable to that caused by the movements characteristic of a nonswimmer. It must be shown that the buoyancy of the device is at least equal to the value specified in paragraph 5.0.1 after testing for at least 8 hours, except that the test may be discontinued in less than 8 hours if the buoyancy measurements taken at 4 successive 30-minute intervals show that the buoyancy of the device has stabilized at a value at least equal to the value specified in paragraph 5.0.1.

7.0.2 *Salt spray testing.* All metallic operating parts must be placed in an enclosed chamber and sprayed with an atomized salt solution for a period of 24 hours. The solution must be atomized in the chamber at a rate of three quarts per 10 cubic feet of chamber volume per 24-hour period. At the end of the test period, it must be demonstrated that the parts operate properly.

7.0.3 *Flame resistance testing.* Tests must be performed on nonmetallic materials in accordance with section 6.0.2 to substantiate adequate flame resistant properties.

7.0.4 *Extreme temperature testing.* Tests must be performed to demonstrate that the device is operable throughout the temperature range specified in paragraph 5.0.3. In performing these tests, preconditioning of test specimens must be accomplished to simulate conditions of immediate use of the device following an aircraft takeoff.

NOTE: An acceptable procedure for preconditioning may involve storage of the device for 8 hours at the extreme temperatures specified, followed by exposure to room temperature conditions for a period of time not to exceed 10 minutes.

[F.R. Doc. 66-10760; Filed, Oct. 4, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-EA-31]

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

Designation of Transition Area

On Pages 8596 and 8597 of the FEDERAL REGISTER for June 21, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Lawrenceville Municipal Airport, Lawrenceville, Va.

Interested persons 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., December 8, 1966.

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

Issued in Jamaica, N.Y., on September 15, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Lawrenceville, Va., transition area described as follows:

LAWRENCEVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 36°46'20" N., 77°47'45" W., of Lawrenceville Municipal Airport, Lawrenceville, Va.; and within 2 miles each side of the Lawrenceville, Va., VOR 118° radial extending from the 4-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset daily.

[F.R. Doc. 66-10761; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-44]

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

Alteration of Transition Area

On page 10885 of the FEDERAL REGISTER for August 16, 1966, the Federal Aviation Agency amended § 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Dayton, Ohio (Montgomery County), transition area.

Since then the Montgomery County Airport VOR instrument approach procedure final approach course was altered to the 146° magnetic radial, 145° true, an amendment is required to reflect the change in radials.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and it may be made effective as of the date of the final rule.

In view of the foregoing, the proposed amendment is hereby adopted effective 0001 e.s.t., October 13, 1966, as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Dayton, Ohio (Montgomery County), transition area the numbers, "135°" and insert in lieu thereof the numbers, "145°".

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

Issued in Jamaica, N.Y., on September 19, 1966.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 66-10762; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-80]

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

Alteration of Control Zones and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Eastover, S.C., control zone and the Sumter, S.C., control zone and transition area.

The Eastover control zone is described in § 71.171 (31 F.R. 2065). An extension to the control zone is described in part as "• • • and within 2 miles each side of the McEntire VOR 139° radial • • •." Because of the redefining of the final approach radial, it is necessary to redesignate this extension on the McEntire VOR 138° radial.

The Sumter control zone is described in § 71.171 (31 F.R. 2065). An extension to the control zone is described as "• • • within 2 miles each side of the Shaw VOR 010° and 235° radials extending from the 5-mile radius zone to 12 miles N and 10.5 miles SW of the VOR • • •." Because of the decommissioning of the Shaw VOR, it is necessary to alter the Sumter control zone by revoking this extension.

The Sumter transition area is described in § 71.181 (31 F.R. 2149, 5120). Extensions to the transition area are de-

scribed as "• • • within 5 miles SE and 8 miles NW of the Shaw VOR 234° radial extending from the Shaw 7-mile radius area to 12 miles SW of the VOR • • •" and "• • • within 5 miles NE and 8 miles SW of the McEntire VOR 139° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR • • •."

Because of the decommissioning of the Shaw VOR, it is necessary to alter the Sumter transition area by revoking the extension predicated on the Shaw VOR 243° radial. Because of the redefining of the final approach radial, it is necessary to redesignate the extension predicated on the McEntire VOR 139° radial to the McEntire 138° radial.

Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

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

In § 71.171 (31 F.R. 2065) the following control zones are amended to read:

EASTOVER, S.C.

Within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 138° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

SUMTER, S.C.

Within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and within 2 miles each side of the Shaw TACAN 033° and 213° radials extending from the 5-mile radius zone to 8 miles NE and 13 miles SW of the TACAN.

In § 71.181 (31 F.R. 2149) the Sumter, S.C., transition area (31 F.R. 5120) is amended to read:

SUMTER, S.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.); within 2 miles each side of the Shaw ILS localizer SW course extending from the Shaw 7-mile radius area to 12 miles SW of the Shaw OM; within an 8-mile radius of McEntire ANGB (latitude 32°55'-26" N. longitude 80°48'14" W.); within 5 miles NE and 8 miles SW of the McEntire VOR 138° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR; and within a 5-mile radius of Sumter Airport (latitude 33°59'39" N., longitude 80°21'45" W.).

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

Issued in East Point, Ga., on September 28, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-10763; Filed, Oct. 4, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-45]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to lower the designated ceiling of the Desert Mountains, Nev., Restricted Area R-4810 from flight level 300 to flight level 240.

Utilization records for the past year indicate that R-4810 is not being utilized to the maximum designated ceiling and the Department of the Navy concurs in lowering the ceiling to flight level 240.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and for this reason the amendment may be made effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.48 (31 F.R. 2321), R-4810 Desert Mountains, Nev., "Designated altitudes: Surface to flight level 300." is deleted and "Designated altitudes: Surface to flight level 240." is substituted therefor.

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

Issued in Washington, D.C., on September 28, 1966.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 66-10764; Filed, Oct. 4, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 7646; Amdt. 95-146]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective November 10, 1966, as follows:

1. By amending Subpart C as follows:

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From, to, and MEA

Haines, Alaska, LF/RBN; Burwash Landing, Y.T.LFR; #11,000. #For that airspace over U.S. territory.

Section 95.627 *Blue Federal airway 27* is amended to read in part:

•Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; 6,000. •3,000—MCA Nome LFR, northeastbound.

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

Gadsden, Ala., VOR; Geraldine INT, Ala.; •3,000. •2,400—MOCA.

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

Charles INT, S.C.; Johnsonville INT, S.C.; •5,000. •1,400—MOCA.
Johnsonville INT, S.C.; Myrtle Beach, S.C., VOR; 1,600.
Grand Rapids, Mich., VOR; Otsego INT, Mich.; 2,900.
Grand Rapids, Mich., VOR; Bellevue INT, Mich.; •2,600. •2,300—MOCA.
Lansing, Mich., VOR; Bellevue INT, Mich.; •2,500. •2,300—MOCA.
Ogden, Utah, VORTAC, COP 70 OGD; Jackson, Wyo., VOR; #22,000. MAA—30,000. #MEA is established with a gap in navigation signal coverage.
Ontario, Calif., VORTAC; Peach Springs, Ariz., VORTAC; •#23,000. •12,900—MOCA. MAA—45,000. #MEA is established with a gap in navigation signal coverage.
Peach Springs, Ariz., VORTAC, COP 115 PGS; Cortez, Colo., VOR; #18,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.
Cortez, Colo., VOR, COP 80 CEZ; Pueblo, Colo., VORTAC; #22,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.
Pueblo, Colo., VORTAC; Hill City, Kans., VORTAC; 18,000. MAA—45,000.

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

•Davis INT, S.C.; ••Planter INT, S.C.; •••3,000. •3,000—MRA. ••2,500—MRA. •••1,300—MOCA.

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

Spokane, Wash., VOR; Rockford DME Fix, Wash.; 6,500.
•Black Diamond INT, Wash., via S alter.; Humphrey INT, Wash., via S alter.; southeastbound 10,000; northwestbound 6,000. •7,500—MCA Black Diamond INT, eastbound.

Section 95.6003 *VOR Federal airway 3* is amended to delete:

Jacksonville, Fla., VOR, via W alter.; •O'Neil INT, Fla., via W alter.; ••1,500. •2,000—MRA. ••1,100—MOCA.
O'Neil INT, Fla., via W alter.; Brunswick, Ga. VOR; via W alter.; •1,500. •1,300—MOCA.

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

•Starfish INT, Ga., via E alter.; ••Catherine INT, Ga., via E alter.; •••3,000. •3,000—MRA. ••5,000—MRA. •••1,100—MOCA.
Catherine INT, Ga., via E alter.; •Keller INT, Ga., via E alter.; ••1,600. •5,500—MRA. ••1,500—MOCA.

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

From, to, and MEA
•Black Diamond INT, Wash.; Humphrey INT, Wash.; southeastbound 10,000; northwestbound 6,000. •7,500—MCA Black Diamond INT, eastbound.

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

Elijay INT, Ga.; Chatsworth INT, Ga.; 4,700.

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

Hazen, Nev., VOR, via S alter.; Lovelock, Nev., VOR, via S alter.; •8,000. •7,600—MOCA.
Bay Point INT, Calif.; •Rio INT, Calif.; southbound 5,000; northbound 4,000. •4,000—MCA Rio INT, southbound.
Roseville INT, Calif., via N alter.; •Newcastle INT, Calif., via N alter.; 4,000. •7,500—MCA Newcastle INT, northbound.
Newcastle INT, Calif., via N alter.; Blue Canyon INT, Calif., via N alter.; southbound 7,000; northbound 11,000.

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

Eden INT, Wis.; Oshkosh, Wis., VOR; •2,600. •2,200—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Litchfield, Mich., VOR; Milan INT, Mich.; •3,000. •2,400—MOCA.
Milan INT, Mich.; Carleton, Mich., VOR; •2,300. •2,000—MOCA.

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

•Plain City INT, Ohio; Appleton, Ohio, VOR; 3,000. •4,000—MRA.

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

•Cotton INT, La., via N alter.; Homer INT, La., via N alter.; ••2,000. •3,000—MRA. ••1,600—MOCA.

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

Sabine Pass, Tex., VOR, via S alter.; Marsh INT, Tex., via S alter.; •1,500. •1,200—MOCA.

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

Sabine Pass, Tex., VOR; Holly Beach INT, La.; •2,000. •1,200—MOCA.
Holly Beach INT, La.; White Lake, La., VOR; •2,000. •1,300—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Medford, Oreg., VOR; Milo INT, Oreg.; •7,000. •6,900—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

San Luis Obispo, Calif., VOR, via W alter.; Paso Robles, Calif., VOR, via W alter.; •5,000. •4,800—MOCA.

Section 95.6028 *VOR Federal airway 28* is amended to read in part:

Altamont INT, Calif.; Holt INT, Calif.; •4,500. •4,000—MOCA.
Holt INT, Calif.; Linden, Calif., VOR; •3,000. •2,000—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Cobb INT, Ga.; Fort Valley INT, Ga.; •2,200. •1,500—MOCA.
Fort Valley INT, Ga.; Myrtle INT, Ga.; •2,000. •1,700—MOCA.
Clinton INT, Ga.; Athens, Ga., VOR; •2,500. •2,300—MOCA.
Linville INT, N.C., via E alter.; Holston Mountain, Tenn., VOR, via E alter.; 7,200.
Albany, Ga., VOR, via W alter.; Montezuma INT, Ga., via W alter.; •2,200. •1,800—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Elijay INT, Ga., via W alter.; Chatsworth INT, Ga., via W alter.; 4,700.

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

Monticello INT, S.C.; Spartanburg, S.C., VOR; •2,500. •2,300—MOCA.

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

Sunset INT, S.C.; Cleveland INT, S.C.; •5,300. •5,100—MOCA.
Slayden INT, Miss.; Muscle Shoals, Ala., VOR; •3,000. •2,100—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Gordon INT, Ga.; •Anna INT, Ga.; ••2,100. •2,600—MRA. ••1,800—MOCA.
Anna INT, Ga.; Mitchell INT, Ga.; •2,100. •1,800—MOCA.
Mitchell INT, Ga.; Augusta, Ga., VOR; •2,000. •1,800—MOCA.
Geneva INT, Ga.; •Junction City INT, Ga.; ••2,400. •3,000—MRA. ••1,900—MOCA.
Junction City INT, Ga.; Roberta INT, Ga.; •2,400. •1,900—MOCA.

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

•Cotton INT, La.; Homer INT, La.; ••2,000. •3,000—MRA. ••1,600—MOCA.

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

Eufaula, Ala., VOR; Americus INT, Ga.; •2,100. •1,900—MOCA.
Sabine Pass, Tex., VOR; Marsh INT, Tex.; •1,500. •1,200—MOCA.

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

Albany, Ga., VOR, via E alter.; Montezuma INT, Ga., via E alter.; •2,200. •1,800—MOCA.
College INT, Ga., via E alter.; Harris, Ga., VOR, via E alter.; 6,200.
London, Ky., VOR, via E alter.; Loglick, Ky., VOR, via E alter.; •3,500. •2,700—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to delete:

Keeler, Mich., VOR; Jackson, Mich., VOR; •3,000. •2,300—MOCA.
Jackson, Mich., VOR; Salem, Mich., VOR; •3,000. •2,400—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended by adding:

Keeler, Mich., VOR; Litchfield, Mich., VOR; •2,800. •2,100—MOCA.
Litchfield, Mich., VOR; Milan INT, Mich.; •3,000. •2,400—MOCA.
Milan INT, Mich.; Carleton, Mich., VOR; •2,300. •2,000—MOCA.

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

•Santa Rosa INT, Tex.; ••Electra INT, Tex.; 2,700. •4,000—MRA. ••3,500—MRA.
Electra INT, Tex.; Wichita Falls, Tex., VOR; 2,700.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

Akron, Ohio, VOR; Crib INT, Ohio; 3,000.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

•Los Angeles, Calif., VOR, via W alter.; Topanga INT, Calif., via W alter.; westbound 5,000; eastbound 4,000. •2,400—MCA Los Angeles VOR, westbound.
Topanga INT, Calif., via W alter.; Ventura, Calif., VOR, via W alter.; 5,000.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

•Portland, Oreg., VOR; Groves INT, Wash.; eastbound ••7,000; westbound ••6,500. •4,700—MCA Portland VOR, eastbound. ••6,400—MOCA.

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

•Santa Rosa INT, Tex., via S alter.; ••Electra INT, Tex., via S alter.; 2,700. •4,000—MRA. ••3,500—MRA.
Electra INT, Tex., via S alter.; •Wichita Falls, Tex., VOR, via S alter.; 2,700. •3,000—MCA Wichita Falls VOR, southeastbound.

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

Knoxville, Tenn., VOR; •Blaine INT, Tenn.; 4,000. •5,000—MRA.
Blaine INT, Tenn.; Rutledge INT, Tenn.; 4,000.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Bigelow INT, Iowa; •Gruver INT, Iowa; ••6,000. •5,000—MRA. ••2,700—MOCA.
Gruver INT, Iowa; Mason City, Iowa, VOR; •5,000. •2,600—MOCA.

Section 95.6138 *VOR Federal airway 138* is amended to read in part:

Washington INT, Nebr.; Neola, Iowa, VOR; 3,500.

Section 95.6145 *VOR Federal airway 145* is amended to read in part:

Florence INT, N.Y.; Watertown, N.Y., VOR; •3,000. •2,400—MOCA.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Geneva INT, Ga.; •Junction City INT, Ga.; ••2,400. •3,000—MRA. ••1,900—MOCA.
Junction City INT, Ga.; Roberta INT, Ga.; •2,400. •1,900—MOCA.

Section 95.6155 *VOR Federal airway 155* is amended to read in part:

Lawrenceville, Va., VOR; Flat Rock, Va., VOR; 2,000.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

Worthington, Minn., VOR; Fairmont, Minn., VOR; •3,300. •2,800—MOCA.
Fairmont, Minn., VOR; Mankato, Minn., VOR; •3,000. •2,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Wolbach, Nebr., VOR; Bellwood INT, Nebr.; •4,000. •3,100—MOCA.

Section 95.6174 *VOR Federal airway 174* is amended to read in part:

From, to, and MEA

Henderson, W. Va., VOR; Clara INT, W. Va.; 4,000.

Section 95.6181 *VOR Federal airway 181* is amended to read in part:

Omaha, Nebr., VOR; Kennard INT, Nebr.; 3,500.

Section 95.6182 *VOR Federal airway 182* is amended to read in part:

*Portland, Oreg., VOR; Groves INT, Wash.; eastbound **7,000; westbound **6,500. *4,700—MCA Portland VOR, eastbound. **6,400—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Eden INT, Wis.; Oshkosh, Wis., VOR; *2,600. *2,200—MOCA.

Section 95.6192 *VOR Federal airway 192* is deleted.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

Omaha, Nebr., VOR, via W alter.; Blair INT, Nebr., via W alter.; 2,900.

Section 95.6219 *VOR Federal airway 219* is amended to read in part:

Sioux City, Iowa, VOR; *Gruver INT, Iowa; **5,000. *5,000—MRA. **2,900—MOCA.
Gruver INT, Iowa; Fairmont, Minn., VOR; *3,100. *2,700—MOCA.
Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,500—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Alma, Ga., VOR, via E alter.; Vienna, Ga., VOR, via E alter.; *2,100. *1,700—MOCA.

Section 95.6264 *VOR Federal airway 264* is amended by adding:

Socorro, N. Mex., VOR; Corona, N. Mex., VOR; 9,500.
Corona, N. Mex., VOR; Tucumcari, N. Mex., VOR; *11,000. *9,000—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Windsor INT, Va.; Norfolk, Va., VOR; 2,200.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

College INT, Ga.; Harris, Ga., VOR; 6,200.

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

Bessie INT, Okla.; Union INT, Okla.; *3,500. *3,100—MOCA.

Section 95.6279 *VOR Federal airway 279* is amended to read in part:

Columbus, Ohio, LF/RBN; Findlay, Ohio, VOR; *3,000. *2,500—MOCA.

Section 95.6299 *VOR Federal airway 299* is amended to read in part:

*Los Angeles, Calif., VOR; Topanga INT, Calif., westbound 5,000; eastbound 4,000. *2,400—MCA Los Angeles VOR, westbound.
Topanga INT, Calif.; Virginia INT, Calif.; 5,000.

Section 95.6307 *VOR Federal airway 307* is amended to read in part:

Sandspit, British Columbia, VOR; Annette Island, Alaska, VOR; *#5,000. *4,600—MOCA. #For that airspace over U.S. territory.

Section 95.6317 *VOR Federal airway 317* is amended by adding:

From, to, and MEA

Harbor Point INT, Alaska; Yakutat, Alaska, VOR; *9,000. *5,300—MOCA.
Yakutat, Alaska, VOR; Malaspina DME Fix, Alaska; *3,000. *2,000—MOCA.
Malaspina DME Fix, Alaska; Katalla INT, Alaska; *#12,000. *5,400—MOCA. #MEA is established with a gap in navigation signal coverage.
Katalla INT, Alaska; Castle INT, Alaska; *5,000. *4,000—MOCA.
Castle INT, Alaska; Eyak INT, Alaska; *3,000. *2,000—MOCA.
Eyak INT, Alaska; Hinchinbrook, Alaska, VOR; 5,000.
Hinchinbrook, Alaska, VOR; Storey INT, Alaska; *5,000. *4,000—MOCA.
Storey INT, Alaska; Whittier, Alaska, LF/RBN; eastbound *6,000; westbound *10,000. *5,000—MOCA.
Whittier, Alaska, LF/RBN; Anchorage, Alaska, VOR; *10,000. *8,000—MOCA.
Hinchinbrook, Alaska, VOR, via S alter.; Knight INT, Alaska, via S alter.; *5,000. *2,000—MOCA.
Knight INT, Alaska, via S alter.; Anchorage, Alaska, VOR, via S alter.; *9,000. *8,500—MOCA.

Section 95.6405 *Hawaii VOR Federal airway 5* is amended to read:

Kona, Hawaii, VOR; *Mynah INT, Hawaii; 5,000. *3,500—MCA Mynah INT, southeastbound.
Mynah INT, Hawaii; Alii INT, Hawaii; 2,000.
Alii INT, Hawaii; Makena INT, Hawaii; northwestbound *8,000; southeastbound *7,000. *6,100—MOCA.
Kona, Hawaii, VOR, via W alter.; *Reef INT, Hawaii, via W alter.; 5,000. *3,600—MCA Reef INT, southeastbound.
Reef INT, Hawaii, via W alter.; *Surf INT, Hawaii, via W alter.; 2,000. *5,500—MCA Surf INT, northwestbound.
Surf INT, Hawaii, via W alter.; Makena INT, Hawaii, via W alter.; *7,000. *6,100—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended to delete:

Int, 138° M rad, Lanai VOR and 200° M rad, Upolu Point, VOR; *Seahorse INT, Hawaii; **2,300. *4,500—MCA Seahorse INT, northbound. **1,200—MOCA.

Section 95.6411 *Hawaii VOR Federal airway 11* is amended by adding:

Reef INT, Hawaii; *Seahorse INT, Hawaii; 2,000. *4,500—MCA Seahorse INT, northbound.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

*Starfish INT, Ga.; **Catherine INT, Ga.; ***3,000. *3,000—MRA. **5,000—MRA. ***1,100—MOCA.
Catherine INT, Ga.; *Keller INT, Ga.; **1,600. *5,500—MRA. **1,500—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to delete:

Shuyak, Alaska, LF/RBN; Homer, Alaska, VOR; 6,000.

Section 95.6438 *VOR Federal airway 438* is amended by adding:

Kodiak, Alaska, VOR; Shuyak INT, Alaska; 4,000.
Shuyak INT, Alaska; Homer, Alaska, VOR; 6,000.
Kodiak, Alaska, VOR, via W alter.; Shuyak, Alaska, LF/RBN, via W alter.; 4,000.
Shuyak, Alaska, LF/RBN, via W alter.; Homer, Alaska, VOR, via W alter.; 6,000.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

From, to, and MEA

United States-Canadian border; Muzon INT, Alaska; *12,000. *4,600—MOCA.
Muzon INT, Alaska; Biorka Island, Alaska, VOR; *15,000. *4,000—MOCA.
Middleton Island, Alaska, VOR; Int. 248° M rad, Hinchinbrook VOR and 288° M rad, Middleton Island, VOR 8,500.
Int. 248° M rad, Hinchinbrook, VOR, and 288° M rad, Middleton Island, VOR; *Anchorage, Alaska, VOR; **9,000. *5,400—MCA Anchorage VOR, southeastbound. **8,500—MOCA.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Greenwood, S.C., VOR; Fort Mills, S.C., VOR; *2,400. *2,000—MOCA.

Section 95.6494 *VOR Federal airway 494* is amended to read in part:

Roseville INT, Calif.; *Newcastle INT, Calif.; 4,000. *7,500—MCA Newcastle INT, northbound.
Newcastle INT, Calif.; *Auburn INT, Calif.; southbound 7,000; northbound 11,000. *9,000—MCA Auburn INT, northeastbound.
Auburn INT, Calif.; Lake Tahoe, Calif., VOR; 11,000.

Section 95.6506 *VOR Federal airway 506* is amended by adding:

*Kodiak, Alaska, VOR; Black Cape INT, Alaska, northwestbound 10,000; southeastbound 4,500. *4,000—MCA Kodiak VOR, northwestbound.
Black Cape INT, Alaska; Bay INT, Alaska; *10,000. *9,600—MOCA.
Bay INT, Alaska; King Salmon, Alaska, VOR; 5,000.

Section 95.7005 *Jet Route No. 5* is amended to read in part:

From, to, MEA, and MAA

Lakeview, Oreg., VORTAC; Seattle, Wash., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7501 *Jet Route No. 501* is amended by adding:

Yakutat, Alaska, VOR; Hinchinbrook, Alaska, VOR; 18,000; 45,000.
Hinchinbrook, Alaska, VOR; Anchorage, Alaska, VOR; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: distance; from

V–25 is amended by adding:
San Luis Obispo, Calif., VOR, via W alter.; Paso Robles, Calif., VOR, via W alter.; 7; San Luis Obispo.

V–107 is amended by adding:
Los Angeles, Calif., VOR, via W alter.; Ventura, Calif., VOR, via W alter.; 23; Los Angeles.

V–210 is amended to read in part:
Peach Springs, Ariz., VOR; Grand Canyon, Utah, VOR; 57; Peach Springs.

V–317 is amended by adding:
Yakutat, Alaska, VOR; Hinchinbrook, Alaska, VOR; 119; Yakutat.

V–438 is amended by adding:
Kodiak, Alaska, VOR; Homer, Alaska, VOR; 66; Kodiak.

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

Issued in Washington, D.C., on September 26, 1966.

W. E. ROGERS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 66-10739; Filed, Oct. 4, 1966; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-474]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Expansion of Coverage to Overseas and Foreign Certificated Supplemental Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

Part 208 of the Board's Economic Regulations (14 CFR Part 208), which contains, inter alia, certain terms, conditions and limitations of interim certificates issued pursuant to section 7 of Public Law 87-528 and of certificates issued pursuant to section 401(d)(3) of the Act, was revised and reissued [1] in conjunction with the Board's decision in the domestic phase of the Supplemental Air Service Proceeding, Docket 13795 et al.[2] In order to correspond with the scope of authority granted to supplemental air carriers in that decision, the regulation as then adopted pertains only to authorizations to perform interstate air transportation.[3]

To correspond with authorizations being awarded as a result of the Board's final decision in the foreign and overseas phase of the Supplemental case, [4] which is being issued concurrently herewith, we are amending Part 208 to expand its coverage to certificated supplemental overseas and foreign air transportation. In view of the fact that the regulatory problems with respect to such authority were dealt with by the Board in the above-mentioned proceeding, further notice and public procedure on the amendments involved herein are unnecessary and not in the public interest. Accordingly, the Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208), effective November 26, 1966, as follows:

1. Amend the table of contents by adding § 208.32a and by revising § 208.33 to read as follows:

Sec.
208.32a Flight delays and substitute air transportation (foreign).
208.33 Flight delays and substitute air transportation (interstate and overseas).

2. Amend § 208.3 by revising paragraphs (c) and (t) thereof to read as follows:

§ 208.3 Definitions.

• • • • •

(c) "Supplemental air transportation" (other than operations subject to Part 295 of this subchapter) means charter flights in air transportation performed pursuant to (1) an interim certificate or authorization issued under section 7 of Public Law 87-528, or (2) a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska) or in foreign or overseas supplemental air transportation.

• • • • •

(t) "Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for the Department of Defense and when the performance of such air transportation is not to take place during a period longer than 3 weeks.

• • • • •

3. Amend § 208.32(d) to read as follows:

§ 208.32 Tariffs and terms of service.

• • • • •

(d) Each and every contract for a charter to be operated hereunder shall incorporate the provisions of §§ 208.10 through 208.15, inclusive, and 208.32a, 208.33, and 208.33a, where applicable, concerning insurance and substitute transportation.

• • • • •

4. Add a new § 208.32a entitled "Flight delays and substitute air transportation (foreign)" to read as follows:

§ 208.32a Flight delays and substitute air transportation (foreign).

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in foreign air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) *Substitute air transportation.* (1) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 48th hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this paragraph.

(2) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than 48 hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other carrier or foreign air carrier.

(3) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of 48 hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(4) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this paragraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(b) *Incidental expenses.*[5] (1) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the 6th hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this paragraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(2) Such payments shall be made at the rate of $16 for each full 24-hour period of delay following the scheduled departure time. However, the sum of $8 shall be paid for each passenger delayed 6 hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8 shall be paid for each passenger delayed in installments of $4 for the first and second succeeding 6-hour period of delay, or any fractional part thereof. If the delay continues beyond

[1] Regulation ER-454, adopted on Mar. 11, 1966, and published in 31 F.R. 4771.

[2] Order E-23350.

[3] Between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia.

[4] Order E-24237.

[5] Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4 for each further 6-hour period of delay, or any fractional part thereof: *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of paragraph (a) of this section.

5. Amend the title of § 208.33 to read as follows:

§ 208.33 Flight delays and substitute air transportation (interstate and overseas).

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n), 407, 417, Federal Aviation Act, 76 Stat. 143, 49 U.S.C. 1371; 76 Stat. 144, 49 U.S.C. 1371; 72 Stat. 766, 49 U.S.C. 1377; 76 Stat. 145, 49 U.S.C. 1387; and sec. 7, Public Law 87-528, 76 Stat. 146)

By the Civil Aeronautics Board.

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

[F.R. Doc. 66-10805; Filed, Oct. 4, 1966; 8:48 a.m.]

[Reg. ER-475]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Redefinition of "Charter Flight" To Include Inclusive Tour Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

The Board has determined in the Reopened Transatlantic Charter Investigation (All-expense Tour Phase), Docket 11908, et al., to grant inclusive tour charter authority to Capitol Airways, Inc., Saturn Airways, Inc., and any supplemental air carrier subsequently certificated in the transatlantic market in that proceeding.[1] Such authority involves the charter of supplemental carrier aircraft to tour operators who in turn sell the inclusive tours to individual members of the general public.[2] It therefore becomes necessary to contemporaneously expand the definition of "charter flight," as contained in Part 295 of the Economic Regulations, to include inclusive tour charters.[3] Inasmuch as the question of whether such charters should be authorized in the transatlantic market has been fully litigated in Docket 11908, et al., we believe that further notice and public procedure on this amendment are unnecessary and not in the public interest.

Accordingly, the Board hereby amends Part 295 of its Economic Regulations effective November 26, 1966, as follows:

1. By amending § 295.2(b) to read as follows:

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

(b) "Charter flight" means air transportation performed by a direct air carrier on a time, mileage, or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency);

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services); or

(iii) By a tour operator as defined by Part 378 of this chapter;

or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services).

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

* * * * * *

2. By revising § 295.5(a) to read as follows:

§ 295.5 Records and record retention.

(a) Prior to performing any supplemental air transportation pursuant to this part, the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof: *Provided*, That this requirement shall not apply to inclusive tour charters.

* * * * * *

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n); 76 Stat. 143, 144; 49 U.S.C. 1371)

By the Civil Aeronautics Board.

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

[F.R. Doc. 66-10806; Filed, Oct. 4, 1966; 8:48 a.m.]

[1] Order E-24240.

[2] Part 378 of the Board's Special Regulations, which contains the regulatory provisions governing inclusive tour operations, is being amended concurrently herewith to cover transatlantic inclusive tours.

[3] In view of the extensive application and reporting requirements imposed by Part 378, the operation of inclusive tour charters is being exempted from the condition that a "Statement of Supporting Information" be executed prior to any supplemental air transportation performed pursuant to Part 295.

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-16]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

Expansion of Coverage to Overseas and Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

Part 378 of the Board's Special Regulations (14 CFR Part 378), which contains the regulatory provisions governing the operation of inclusive tour charters, was originally issued[1] in conjunction with the Board's decision in the domestic phase of the Supplemental Air Service Proceeding, Docket 13795, et al.[2] In order to correspond with the scope of authority granted to supplemental air carriers in that decision, the regulation as then adopted pertains only to inclusive tours in interstate air transportation.

To correspond with authorizations being awarded as a result of the Board's final decisions in the foreign and overseas phase of the Supplemental case[3] and in the Reopened Transatlantic Charter Investigation (All-Expense Tour Phase), Docket 11908, et al.,[4] which are being issued concurrently herewith, we are amending Part 378 to expand its coverage to inclusive tours in overseas and foreign air transportation. In view of the fact that the regulatory problems with respect to such authority were dealt with by the Board in the above-mentioned proceedings, and because parties to the rule making were heretofore given the opportunity to comment on this matter,[5] further notice and public procedure on the amendments involved herein are unnecessary and not in the public interest.

Accordingly, the Board hereby amends Part 378 of its Special Regulations effective November 26, 1966, as follows:

1. By revising § 378.1 to read as follows:

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers and tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general

[1] Regulation No. SPR-14, adopted Mar. 11, 1966, and published in 31 F.R. 4779.

[2] Order E-23350.

[3] Order E-24237.

[4] Order E-24240.

[5] Part 378 as originally proposed pertained to interstate and overseas air transportation (Notice of Proposed Rule Making SPDR-6, Jan. 5, 1965, 30 F.R. 281). Moreover, the proposed regulation was amended to cover foreign air transportation (Supplemental Notice of Proposed Rule Making, SPDR-6B, Oct. 11, 1965, 30 F.R. 13077). Comments concerning both of these notices were received, as set forth in SPR-14, supra, and have been considered by the Board.

public utilizing aircraft chartered from supplemental air carriers. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provision of any of the Board's regulations, unless the context so requires.

2. By revising § 378.2(a) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Inclusive tour charter" means the charter of an entire aircraft by a tour operator for the carriage by a supplemental air carrier of persons traveling in air transportation on inclusive tours.

* * * * *

(Secs. 101(3), 204(a), 401, 409, 414, Federal Aviation Act of 1958, as amended (72 Stat. 737; 49 U.S.C. 1301; 72 Stat. 743; 49 U.S.C. 1324; 72 Stat. 754 as amended by 76 Stat. 143; 49 U.S.C. 1371; 72 Stat. 768; 49 U.S.C. 1379; 72 Stat. 770; 49 U.S.C. 1384) and sec. 7, Public Law 87-528 (76 Stat. 146; 49 U.S.C. 1371))

By the Civil Aeronautics Board.

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

[F.R. Doc. 66-10807; Filed, Oct. 4, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Propylene Glycol Mono- and Diesters of Fats and Fatty Acids as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing propylene glycol mono- and diesters of fats and fatty acids as an optional ingredient for use in or in conjunction with shortening in bread:

No comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of June 17, 1966 (31 F.R. 8497), and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 17.1 (a) (1) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(1) Shortening, in which or in conjunction with which may be used one or any combination of two or more of the following:

(i) Lecithin, hydroxylated lecithin complying with the provisions of § 121.1027 of this chapter (either of which may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained).

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of § 121.1113 of this chapter, or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, the amount does not exceed 10 percent by weight of the combination.

* * * * *

Because of cross-references, this amendment to the standard for bread (§ 17.1) has the effect of making the subject substance a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 27, 1966.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 66-10814; Filed, Oct. 4, 1966; 8:49 a.m.]

PART 27—CANNED FRUITS AND FRUIT JUICES

Orange Juice Products; Further Postponement of Certain Labeling Requirements

An order was published in the FEDERAL REGISTER of December 31, 1965 (30 F.R. 17164), postponing the labeling requirements for orange juice products prescribed by § 27.107 (d) and (e) and § 27.111 (c) and (d) until September 30, 1966.

The Commissioner of Food and Drugs has received a request from the Florida Canners Association, Post Office Box 780, Winter Haven, Fla. 33881, on behalf of producers of pasteurized orange juice and packers of concentrated orange juice and orange juice from concentrate, to further postpone the above-cited labeling requirements until December 31, 1966. A copy of the request is on file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

The Association states that due to unforeseen, uncontrollable factors, (i.e., market conditions and acts of nature), producers and packers have large inventories of caps and juice products bearing caps and labels which, unless the subject labeling requirements are postponed, will become obsolete resulting in significant economic loss.

Good reason therefor appearing: *It is ordered*, That the labeling requirements prescribed by § 27.107 (d) and (e) and by § 27.111 (c) and (d) be further postponed until December 31, 1966, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 30, 1966.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 66-10868; Filed, Oct. 4, 1966; 8:52 a.m.]

PART 51—CANNED VEGETABLES

Identity Standards Regarding Optional Use of Butter as Seasoning Ingredient for Certain Canned Vegetables

Correction

In F.R. Doc. 66–10638, appearing at page 12715 of the issue for Thursday, September 29, 1966, the heading for § 51.1 should read as follows:

§ 51.1 Canned peas; identity; label statement of optional ingredients.

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4097]

[Wyoming 0325194]

WYOMING

Partial Revocation of Reclamation Project Withdrawal

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

1. The departmental order of December 29, 1938, withdrawing lands for the Upper Snake River Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 118 W.,
Sec. 28, E½SE¼;
Sec. 33, W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼.

The areas described aggregate approximately 480 acres in the Bridger National Forest, of which the SE¼SE¼, sec. 28, and SE¼SE¼, sec. 33, are withdrawn for water power purposes.

2. At 10 a.m. on November 4, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights, and the provisions of existing withdrawals.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10780; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4098]

[New Mexico 191]

NEW MEXICO

Partial Revocation of Public Water Reserve 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 843; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

GROUP I—PATENTED LANDS

T. 34 S., R. 22 W.,
Sec. 11, NE¼SE¼, S½SE¼;
Sec. 14, NW¼NE¼.

GROUP II—UNPATENTED LANDS

T. 23 S., R. 16 W.,
Sec. 25, NW¼NW¼.
T. 34 S., R. 22 W.,
Sec. 12, SE¼NW¼, N½SW¼;
Sec. 14, lot 1.

The areas described aggregate 160 acres of patented lands and 193.19 acres of public domain.

The lands in T. 23 S., R. 16 W. are located in extreme southern Grant County, some 10 miles east of Lordsburg, N. Mex. The soils are sandy loams in texture and of medium to shallow depth. Vegetal cover consists of tobosa grass with scattered yucca. The lands in T. 34 S., R. 22 W. are located in the extreme southwestern corner of Hidalgo County, some 75 miles southwest of Lordsburg, N. Mex. The terrain is rough and the soils are shallow to medium in depth. Vegetal cover consists of oak and mesquite brush with curly mesquite grass and scattered cacti on the slopes to sycamore and oak trees in the canyon floor.

2. At 10 a.m. on November 4, 1966, the public domain, identified as Group II above, shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 4, 1966, shall be considered as simultaneously filed at the that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open for location for nonmetalliferous minerals at 10 a.m. on November 4, 1966. It has been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land shall be addressed to Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10781; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4099]

[Arizona 08582, 035718]

ARIZONA

Partial Revocation of National Forest Administrative Site Withdrawals

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

1. Public Land Order No. 1195 of July 25, 1955, and the Departmental order of July 10, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

Arizona 035718

T. 17 N., R. 6 E.,
Sec. 7, NE¼NE¼NE¼SW¼SE¼.

Arizona 08582

T. 21 N., R. 7 E.,
Sec. 28, E½NE¼SW¼NW¼, and NE¼SE¼SW¼NW¼.

The areas described aggregate approximately 8.13 acres in Coconino County.

2. At 10 a.m., on November 4, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10782; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4100]

[BLM 080779]

LOUISIANA

Addition to Breton National Wildlife Refuge and Revocation of Executive Order of September 24, 1847

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

1. Subject to valid existing rights, the following dsecribed lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and added to and made a part of the Breton National Wildlife Refuge:

CHANDELEUR ISLANDS

That part of the islands lying north of a line bearing N. 73°30' E., and S. 73°30' W., through a point that is S. 36° E., 3 miles distant from Chandeleur Lighthouse (the geographic position of which lighthouse is latitude 30°02.9' N., and longitude 88°52.3' W., from Greenwich Meridian).

The area described contains approximately 1,920 acres.

2. The Executive Order of September 24, 1847, reserving Chandeleur Island for lighthouse purposes, is hereby revoked.

All the lands are a part of the Breton National Wildlife Refuge.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66–10783; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4101]

[Washington 03124]

WASHINGTON

Withdrawal for Flood Control

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Corps of Engineers, Department of the Army, for construction, operation, and maintenance of the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN

T. 5 N., R. 25 E.,
Sec. 14, SE¼NE¼, that part lying south of the existing right-of-way line of Washington State Highway 8 E.

The area described contains 9.21 acres in Benton County.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10784; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4102]

[Utah 0149649]

UTAH

Withdrawal for National Forest Recreation Area

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

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for a recreation area of the Department of Agriculture:

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

Dowd Springs Picnic Area and Rest Stop

T. 2 N., R. 20 E.,
Sec. 29, W½SW¼NE¼, and E½SE¼NW¼.

The areas described aggregate 40 acres in Daggett County.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10785; Filed, Oct. 4, 1966; 8:46 a.m.]

[Public Land Order 4103]

[ES-0704]

ARKANSAS

Withdrawal for Protection of National Forest Scenic Trail

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

Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for protection of the Choctaw Trail:

FIFTH PRINCIPAL MERIDIAN

OUACHITA NATIONAL FOREST

Choctaw Trail (Skyline Drive)

T. 1 S., R. 30 W.,
Sec. 30, W½SW¼SW¼, SE¼SW¼SW¼, S½SW¼NW¼SW¼;
Sec. 31, SE¼NW¼, S½SE¼NE¼NW¼, SW¼NW¼NE¼NW¼, SW¼NW¼, S½NW¼NW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼.

T. 1 S., R. 31 W.,
Sec. 7, SW¼SE¼SW¼NW¼, SW¼NW¼SW¼NW¼, S½N½NW¼SE¼;
Sec. 15, NW¼NE¼SW¼, SE¼NE¼SW¼;
Sec. 17, N½S½SE¼NW¼, N½NE¼SE¼;
Sec. 18, N½NE¼NW¼NE¼;
Sec. 22, N½N½NW¼SE¼, S½NE¼NW¼SE¼, NE¼NE¼SE¼SE¼;
Sec. 23, SW¼SW¼SW¼NE¼;
Sec. 24, S½SW¼SW¼, S½NW¼SW¼SW¼.

T. 1 S., R. 32 W.,
Sec. 4, S3/4S½SW¼;
Sec. 6, S½SE¼;
Sec. 8, N½NW¼;
Sec. 9, N½S½NW¼, N½SW¼NE¼, N½S½SW¼NE¼;
Sec. 11, S½SW¼NE¼NW¼, N½N½S½SE¼;
Sec. 12, S½S½NE¼NW¼, S½S½NW¼NE¼, N½N½SE¼SE¼, S½NE¼SE¼SE¼.

The areas described aggregate 685.38 acres in Polk County.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10786; Filed, Oct. 4, 1966; 8:47 a.m.]

[Public Land Order 4104]

[Arizona 09390]

ARIZONA

Partial Revocation of National Forest Roadside Zone Withdrawal

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

Public Land Order No. 3152 of July 30, 1963, and Public Land Order No. 3584 of March 31, 1965, withdrawing national forest lands as road side zones, are hereby revoked so far as they affect the following described land:

GILA AND SALT RIVER MERIDIAN

A strip of land 300 feet on each side of the centerline of the following roads through the subdivision listed below:

U.S. Highways 89 and 89A, Roadside Zone

T. 21 N., R. 8 E.,
Sec. 7, NE¼NE¼.

The area described contains approximately 40 acres in Coconino County. The land is patented.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1966.

[F.R. Doc. 66-10787; Filed, Oct. 4, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Determinations Regarding Quotas, Allotments, Normal Yields, and Referendum on Quotas for 1967 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1967 crop of rice, to determine and proclaim the national acreage allotment for the 1967 crop of rice, to apportion among States and counties the national acreage allotment for the 1967 crop of rice, to establish county normal yields for the 1967 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1967 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1966 the Secretary determines that the total supply of rice for the 1966–67 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1966, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1967. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1967 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1962 through 1966, produce an amount of rice adequate, together with the estimated carryover from the 1966–67 marketing year, to make available a supply for the 1967–68 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1966.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1967 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1967 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353(a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1967 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under sec. 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1967 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the 5 calendar years, 1962 through 1966, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1967 but who have not produced rice in the State in any one of the years, 1962 through 1966, on the basis of the applicable apportionment factor set forth herein: *Provided,* That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1967 but on which rice was not planted during any of the years, 1962 through 1966, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c)(2) of section 353 of the act either is not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area," wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned

among the States and the county acreage allotments shall be apportioned to farms on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of this section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in this subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(0) of the act provides that the "normal yield" of rice for 1967 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1962 through 1966 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1962 through 1966 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1962 through 1966 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

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

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

Section 602 (g) of the Food and Agriculture Act of 1965 (Public Law 89–321) provides that, notwithstanding any other provision of law, the Secretary may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops in order to establish or maintain vegetative cover or other approved practices for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program. This section also repeals section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, as amended, referred to above, but preserves all rights accruing thereunder to persons who entered into contracts or agreements prior to such repeal.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1967 crop of rice, including national, State, and county reserves, and announcing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 29, 1966.

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

[F.R. Doc. 66-10849; Filed, Oct. 4, 1966; 8:52 a.m.]

Consumer and Marketing Service

[7 CFR Part 948]

[Area 1]

IRISH POTATOES GROWN IN COLORADO

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

§ 948.253 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1967, will amount to $500.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent ($0.01) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1967, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: September 30, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10845; Filed, Oct. 4, 1966; 8:51 a.m.]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Notice of Proposed Free and Restricted Percentages for 1966–67 Fiscal Year

Notice is hereby given of a proposal to establish, for the 1966–67 fiscal year, beginning August 1, 1966, free and restricted percentages of 52 and 48 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Filbert Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates (inshell weight basis) for the 1966–67 fiscal year.

(1) Production of 22.20 million pounds;

(2) Total requirements for 1966 crop merchantable filberts of 9.39 million pounds, which is the sum of an inshell trade demand of 9.50 million pounds and provision for inshell handler carryover on July 31, 1967, of 1.3 million pounds, less the inshell handlers carryover on August 1, 1966, of 1.41 million pounds not subject to regulation; and

(3) A total supply of merchantable filberts subject to regulation of 18.22 million pounds.

On the basis of the foregoing estimates, free and restricted percentages of 52 percent and 48 percent, respectively, appear to be appropriate for the 1966–67 season.

The proposal is as follows:

§ 982.216 Free and restricted percentages for merchantable filberts during the 1966–67 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1966:

Free percentage	52
Restricted percentage	48

Dated: September 30, 1966.

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

[F.R. Doc. 66-10844; Filed, Oct. 4, 1966; 8:51 a.m.]

[7 CFR Part 1038]

[Docket No. AO 194-A14]

MILK IN ROCK RIVER VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rockford, Ill., September 21, 1966, pursuant to notice thereof issued September 14, 1966 (31 F.R. 12104).

The material issues on the record of the hearing related to:

1. The percentage of total Grade A milk receipts which must be sold in the marketing area on routes to qualify as a pool plant.

2. Whether an emergency exists with respect to issue No. 1 which requires the elimination of a recommended decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The percentage of total Grade A milk receipts which must be made as route disposition in the marketing area to qualify a plant as a pool plant should be increased from 10 percent to 25 percent.

As a consequence of the termination of the Chicago milk order on May 1, 1966, three plants became regulated as pool plants by the Rock River Valley milk order. Although their principal sales area is the territory previously regulated by the Chicago milk order, their disposition in the Rock River Valley marketing area is sufficient to qualify them as pool plants under this order. All three of these plants are operated by the same handler. Two of the plants qualified because of their disposition on routes in the Rock River Valley marketing area and the other qualified because 50 percent or more of its Grade A milk receipts was shipped to the plants making route disposition in the marketing area.

Each of the two distributing plants, which qualifies as a pool plant under the order by reason of having 10 percent of its total Grade A milk receipts disposed of on routes in the marketing area, has less than 20 percent of its total Grade A milk receipts so disposed. The witness for the handler who operates these three plants and the representatives of the producer cooperatives which supply the major part of his milk requirements testified that they anticipate each of these plants would be regulated by the Milwaukee order if relieved of regulation under this order. Further, each of them testified in support of the proposal to increase the requirements for pool plant status which relates to the percentage of sales made in the marketing area. There was no opposition to this proposal.

The handler who operates these three plants also operates five other plants which formerly were regulated under the Chicago order and now are regulated under the Milwaukee order. About 2,000 dairy farmers supply these eight plants with their fluid milk requirements. These dairy farmers are located in the States of Illinois and Wisconsin and are interspersed with one another. Prior to the termination of the Chicago order these eight plants paid the same uniform price to producers except for adjustments due to plant location. Also, Chicago was and continues to be his primary market for fluid milk sales.

Under present conditions with five of these plants regulated under Milwaukee and three under Rock River Valley the uniform blend prices to producers vary considerably even though the class prices at these locations are the same under both orders. The Rock River Valley order provides for the marketwide blending of returns to producers while the Milwaukee order provides for individual-handler blending of returns. Plants regulated under the Rock River Valley order utilize in the aggregate a much higher proportion of their receipts in Class I use than does this handler at the five plants regulated under the Milwaukee order. Consequently, since the termination of the Chicago order, this handler's payment to his Rock River Valley producers has averaged 22 cents per hundredweight more than to his Milwaukee producers. For May and June milk the Rock River Valley producers received 17 cents and 13 cents per hundredweight, respectively, more than the Milwaukee producers. However, in July and August this difference widened to 26 cents and 30 cents, respectively, in favor of the Rock River Valley producers.

Since this handler's utilization at the three plants regulated by the Rock River Valley order is approximately the same as the market average utilization by all Rock River Valley handlers, the removal of these plants from the market pool would not affect the uniform price significantly. Hence, producers who supply handlers which have served the Rock River Valley market historically would not be affected by a change in the regulated status of these three plants.

If all eight plants of this handler had been regulated under the Milwaukee order the price to all of his producers would have been uniform, except for any adjustment due to plant location. This would restore the alignment of prices paid to his producers that existed prior to the termination of the Chicago order. Since this handler has one primary sales area and all his producers supply that one area, it is appropriate that they share equally in the handler's sales of Class I and Class II milk.

Although the proponents testified that it is their intent that each of the plants relieved of full regulation by the Rock River Valley order will become regulated by the Milwaukee order, regulation under that order will depend on each plant's performance in relation to that market. The producer proponents and the han-

dler affected recognized the possibility that one or more of the affected plants might not be fully regulated under any order. If that occurred, such a plant would still be partially regulated under the Rock River Valley order. As a partially regulated plant, the operator would have the option of either making a payment on Class I sales made inside the marketing area at a rate equal to the difference between the Class I and blend prices or paying its own producers according to its use of milk based on Rock River Valley class prices.

The proposed requirement for pool plant qualification based on route sales in the marketing area equal to 25 percent of a plant's total Grade A receipts will fully regulate only those handlers whose principal sales area is encompassed by the Rock River Valley marketing area. All handlers regulated prior to May 1, 1966, on the basis of their route disposition in the marketing area have at least 50 percent of their total Grade A milk receipts disposed of as Class I sales in the area. The increased pooling requirement will remove from pool status those plants whose primary sales area for fluid milk products is in another area. By confining pool status to plants which dispose of 25 percent or more of their Grade A receipts in the Rock River Valley marketing area, orderly marketing will be achieved within this marketing area and appropriate partial regulation will apply to plants with relatively small sales in the area.

2. Emergency action: The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The conditions in the market are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and the filing of exceptions thereto would delay unnecessarily the removal of the price disparity which has developed.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendment. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

The amendment contained in the attached order would cause a redistribution of funds among producers. Such an amendment should not be made without giving notice to the persons affected. Thus, at this late date, it should not be made effective on milk delivered during September 1966. However, to correct the disparity in prices to producers as soon as possible the order should be amended effective October 1, 1966.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions was filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rock River Valley Marketing Area" and "Order Amending the Order, Regulating the Handling of Milk in the Rock River Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Determination of representative period. The month of June 1966, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rock River Valley marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 30, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order [1] Amending the Order Regulating the Handling of Milk in the Rock River Valley Marketing Area

§ 1038.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rock River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof the handling of milk in the Rock River Valley marketing area

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

shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1038.11(a) is revised to read as follows:

§ 1038.11 Pool plant.

* * * * *

(a) A distributing plant from which not less than 50 percent of the total Grade A milk receipts is disposed of during the month on routes and not less than 25 percent of such receipts is disposed of in the marketing area on routes.

* * * * *

[F.R. Doc. 66-10846; Filed, Oct. 4, 1966; 8:52 a.m.]

[7 CFR Ch. XI]

[CRPA Docket No. 1]

COTTON RESEARCH AND PROMOTION

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate orders (7 CFR Part 1205), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision of the Department, with respect to a proposed order on cotton research and promotion. Any order that may result from this proceeding will be effective pursuant to the provisions of the Cotton Research and Promotion Act (80 Stat. 279), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. To be considered, exceptions must be filed not later than October 14, 1966. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the order is based was held in Memphis, Tenn., on August 22–24, Dallas, Tex., on August 25–26, Phoenix, Ariz., on August 29–30, and Atlanta, Ga., on September 1–2, pursuant to a notice of hearing which was published in the FEDERAL REGISTER on August 5, 1966 (31 F.R. 10532). The notice contained a proposed cotton research and promotion order prepared and submitted to the Secretary of Agriculture by the National Cotton Council of America.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order, including:

(a) Definitions of the commodity, cotton-producing States and regions, producer, cotton handlers, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance, and procedures of a Cotton Board, which shall be the administrative agency for the program;

(c) Powers and duties of the Cotton Board, including authority and procedures for the Cotton Board to establish and carry our plans or projects for advertising and sales promotion of cotton and its products and research and development projects and studies with respect to cotton and its products;

(d) Authority for the Cotton Board to incur expenses and to designate handlers to collect assessments at the rate of $1 per bale of cotton handled and procedures applicable to producer refunds;

(e) Establishment of reporting and related recordkeeping requirements; and

(f) Additional terms and conditions as set forth in the notice of hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Since 1959, about 14 to 15 million bales of cotton have been produced annually on approximately a half-million farms located in all southern States from Virginia to California. Approximately 50 percent of the crop is grown in States located in the southwestern and western part of the country, about 35 percent in southcentral area States, and only about 15 percent in States in the southeast, where the textile mill industry is concentrated. Exports of cotton from the United States since 1959 have ranged from about 7.2 million bales in the 1959 marketing year to about 2.9 million bales in the 1965 marketing year. Thus, it is necessary to transport a large proportion of the crop across State lines to domestic mills or to ports for export. The yarns, woven goods, and other products of domestic mills are shipped to manufacturers of cotton apparel and goods, located principally in the industrial Northeastern and Mid-Atlantic States, or to foreign manufacturers. The consumer products made of cotton are packaged, stored, and shipped to outlets in all of the 50 States, or to foreign outlets. It is readily apparent that cotton moves in large part in the channels of interstate and foreign commerce and any cotton which does not move in such channels directly burdens or affects interstate commerce in cotton and cotton products. Hence, it is concluded that all cotton produced and handled in the United States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

(2) In the years since World War II, U.S. cotton and the products thereof have been confronted with intensive competition, both at home and abroad, from other fibers, primarily man-made fibers, and from foreign-grown cotton. The great inroads on the market and uses for U.S. cotton which have been made by man-made fibers have been largely the result of extensive research and promotion of such fibers and their products which have not been effectively matched by cotton research and promotion. The production and marketing of cotton by numerous individual farmers makes it difficult to develop and carry out adequate and coordinated programs of research and promotion necessary to the maintenance and improvement of the competitive position of, and market for, cotton. Without an effective and coordinated method for assuring cooperative and collective action in providing for and financing such programs, cotton farmers are unable adequately to provide or obtain the research and promotion necessary to develop, maintain and improve markets for cotton.

The order would tend to effectuate the declared policy of the act by authorizing and enabling the establishment of an orderly procedure for the development, financing through the collection of $1 per bale on all cotton marketed in the United States, and carrying out an effective and continuous coordinated program of research and promotion designed to strengthen cotton's competitive position and to develop, maintain and expand domestic and foreign markets and uses for U.S. cotton.

(3) (a) "Secretary" should be defined to include the Secretary of Agriculture of the United States, and in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal reference for the statutory authority pursuant to which the order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined as it is in the act to ensure that when it is used in the order it has the same meaning.

"Cotton" should be defined as all upland cotton harvested in the United States, including, except for purposes of the $1 per bale assessment, the cottonseed of such cotton and the products derived from such cotton and its seed.

"Fiscal period" should be defined as the 12-month budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, decides that some other 12-month period would be more suitable for budgetary purposes.

"Cotton Board" should be defined as the administrative body established by the order to administer the provisions of the order.

"Producer" should be defined as meaning any person who shares in a cotton crop actually harvested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlords of a

share tenant, share tenant, or share-cropper. Under this definition a person who purchases a crop of cotton in the field prior to harvesting is not considered the "producer" of that crop.

"Handler" should be defined as any person who handles cotton, including the Commodity Credit Corporation. Certain obligations relating to collection of assessments and reporting will be placed on handlers designated by the Cotton Board pursuant to regulations issued by the Board.

"Handle" should be defined to mean to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton. This definition is to so define "handle" as to assure that all upland cotton grown in the United States is subject to the order. Failure to include all upland cotton would impair the efficacy of the order to effectuate the purpose of the act.

"United States" should be defined as it is in the act.

With reference to the definition of "Cotton-producing State," section 17(f) of the act defines that term as meaning any State in which the average annual production of cotton during the 5 years 1960–64 was 20,000 bales or more, except that any State producing cotton whose production during such period was less than such amount shall under regulations prescribed by the Secretary be combined with another State or States producing cotton in such manner that such average annual production of such combination of States totaled 20,000 bales or more, and the term "cotton-producing State" shall include any such combination of States. It is recognized that less than 20,000 bales are produced annually in each of the States of Florida, Nevada, Illinois, Virginia, and Kentucky. These States should be combined with adjacent States so as to include every State which produced cotton during the statutory period within a specified "cotton-producing State." The States and combinations of States should be as follows:

Alabama-Florida.	New Mexico.
Arizona.	North Carolina-Virginia.
Arkansas.	Oklahoma.
California-Nevada.	South Carolina.
Georgia.	Tennessee-Kentucky.
Louisiana.	Texas.
Mississippi.	
Missouri-Illinois.	

These combinations of States are logical and reasonable because they recognize that for purposes of representation on the Cotton Board the interests and concerns of cotton producers in adjacent areas are more likely to be similar than would be the case if those areas were widely removed from one another.

"Marketing" should be defined as it is in the act.

"Cotton-producer organization" should be defined as any organization which has been certified by the Secretary pursuant to the provision of the order governing such certification. It is necessary to define this term because cotton-producer organizations have a right under the act to nominate members and alternate members of the Cotton Board and a right to select the governing body of the organization or association which will contract with the Cotton Board to develop and carry out the research and promotion program.

"Contracting organization or association" should be defined as the organization or association with which the Cotton Board has entered into a contract or agreement for research and promotion pursuant to the provisions of the act and of the order.

"Cotton-producing region" should be defined in terms of four regions, each containing specified cotton-producing States grouped because of their geographical proximity and common interests, as follows: Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina; Midsouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky; Southwest Region: Oklahoma and Texas; Western Region: Arizona, California-Nevada, and New Mexico. Use of these regions will help insure balanced and experienced representation on the Cotton Board for all cotton producers at all times.

"Marketing year" should be defined in the order as the 12-month period ending on July 31 because this is the normal marketing year for cotton programs. Any termination or suspension of the order under section 9(b) of the act is required to be made effective at the end of the marketing year in which the referendum is held.

"Part" should be defined to mean the cotton research and promotion order and all rules, regulations and supplementary orders issued pursuant to the act and the order. The order itself should constitute a subpart of such part. This use of such terms is in conformity with the practices of the Office of the Federal Register.

(b) There should be established a Cotton Board to administer the terms and provisions of the order. The Cotton Board should be composed of representatives of cotton producers, each of whom should have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State; or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by such producers in a manner directed by the Secretary. The provision for an alternate for each Board member is designed to give assurance that the producers in each cotton-producing State will at all times have a qualified person available to represent their State on the Board.

Each cotton-producing State should be represented on the Board by at least one member, as is required by the act. Provision should be made for an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period to be used for determining Board membership. This period will be specified in the Secretary's regulations. This provision is intended to carry out the act's provision that the representation of cotton producers on the Board for each cotton-producing State shall reflect, to the extent practicable, the proportion which that State's marketings of cotton bears to the total marketings of cotton in the United States.

These membership provisions will provide a Cotton Board of about 20 members which should be adequate to represent producer interests throughout the Cotton Belt without being too large or unwieldy.

The initial members of the Cotton Board and their alternates should be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Except for these initial members and alternates, the term of office should be 3 years. This will provide an adequate period to enable members and alternates to gain experience and be in a position to make a greater contribution to the Board and to the producer interests of their States and regions. The staggering of the expiration dates will assure that approximately two-thirds of the members and alternates representing each region will be experienced, which is important to continuity in the administration of the order, and it will provide the opportunity for reasonable rotation of Board members. Each member and alternate member of the Cotton Board should serve until his successor is selected and has qualified in order to ensure a full complement of members and alternates at all times.

Eligible producer organizations within each cotton-producing State should be required to caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member of the Cotton Board to be selected to represent the cotton producers of such cotton-producing State. The requirement to caucus is necessary in order to provide maximum opportunity for agreement among the nominating producer organizations upon the smallest possible number of nominees from each cotton-producing State, so that the ultimate selection by the Secretary will be from persons who have been nominated on the basis of their capability and willingness to represent the entire producer interest of the State. The nominations should be made within such period of time and in such manner as the Secretary prescribes. The period of time for submitting nominations should be adequate to permit the eligible producer organizations to comply with the requirement that they caucus with a view to reaching joint agreement on nominees. The term "qualified person" is necessary in order to permit rejection of any nominees by the Secretary who may be found to be clearly disqualified from performing as a Board member or alternate, e.g., lack of mental or physical capacity, con-

viction of a crime, or performance of other acts clearly in conflict with performance of duties. If joint (unanimous) agreement is not reached with respect to the nominees, each eligible producer organization should have the right to nominate two qualified persons for any position on which there was no agreement. Since all eligible producer organizations are required to caucus for the purpose of reaching joint agreement with respect to nominees, participation in the caucusing should be a condition precedent to the exercise of the right to submit separate nominees. This provision is necessary in order to assure attendance at caucuses and to encourage full deliberation and agreement.

From the nominations which are submitted to him, the Secretary shoud be required to select the members of the Cotton Board and an alternate for each such member on the basis of the representation herein prescribed.

Any person selected by the Secretary as a member or as an alternate member of the Cotton Board should be required to qualify by filing a written acceptance with the Secretary promptly after being notified of such selection. This is a necessary requirement to assure that any person selected has consented to accept the responsibilities of office.

Any vacancy occasioned by the failure of any person selected as a member or alternate member of the Cotton Board to qualify, or by the death, removal, resignation, or disqualification of any member or alternate member of the Board, should be filled by nominating and selecting a successor for the unexpired term in the manner provided for the nomination and selection of other Board members and alternates. This provision is necessary to assure maximum producer control of the composition of Board membership at all times. The word "disqualification" should be interpreted as having reference to circumstances of the kind which would have precluded a determination that the person was a "qualified person" to be selected as a member or alternate member of the Cotton Board.

There should be provision for an alternate member of the Cotton Board, during the absence of the member for whom he is the alternate, to act in the place and in the stead of such member and to perform such other duties as the Board may assign in furtherance of its activities. In the event of the death, removal, resignation, or disqualification of a member, his alternate should serve in his place until a successor for such member is selected and qualified. In the event both a member of the Cotton Board and his alternate are unable to attend a Board meeting, the Board should be authorized to designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting. These provisions are necessary in order to assure that full representation will be enjoyed by every cotton-producing State and region at every meeting of the Cotton Board, in the person either of a duly nominated and selected alternate from the same State, or if not available, from the cotton-producing region of which that State is a part.

At an assembled meeting of the Cotton Board, all votes should be cast in person and a majority of the members, or alternates acting for members, should constitute a quorum. Any action of the Board should require the concurring votes of at least a majority of those present and voting. In order to facilitate the transaction of routine and noncontroversial business by the Board without entailing the expense of attendance at assembled meetings, provision should be made for the Board to take action upon the concurring votes of a majority of its members by mail, telegraph, or telephone. In order to provide a written record of any action taken by telephone, each member should promptly confirm his vote in writing.

Evidence was presented at the hearing that members of the Cotton Board, and alternates when acting as members, should be willing to serve without compensation. However, since they will incur certain expenses in connection with their Board duties, provision should be included in the order for reimbursement of these necessary expenses, as approved by the Board.

(c) The act provides in section 7(a) for the selection by the Secretary of a Cotton Board and defining its powers and duties which include only specified powers. These powers should be enumerated in the order and thus would serve to notify the Board and other interested persons as to the extent of its powers. To enable the Secretary to discharge his responsibilities under the act, the order should make explicit that the rule making power of the Cotton Board is subject to his approval.

In administering a program such as herein set forth, the Cotton Board would have many duties. To assist the Board in carrying out its responsibilities, it is desirable that its important duties be set forth in the order.

In order to carry out its business in an orderly manner, the Board should select from among its members a chairman and such other officers as it deems necessary and should define their duties. The Board should also have authority to appoint or employ such persons as it may need to carry out its operational functions, and to determine their compensation and duties. The Board's staff should be held to a minimum so that the maximum amount of funds available may go directly into research and promotion.

It is the duty of the Cotton Board, as provided in the act, to enter into contracts or agreements for cotton research and promotion with a contracting organization or association whose nature and duties are specified in section 7(g) of the act. These contracts or agreements require the approval of the Secretary. Any such contract or agreement is required to contain certain provisions: that the contracting organization shall submit annually to the Cotton Board a program of research, advertising, and sales promotion projects, together with a budget showing the estimated cost of such projects; that any such projects shall become effective upon approval by the Secretary; that the contracting organization shall keep accurate records of all its transactions; that it shall make annual reports to the Cotton Board of activities carried out; that it shall make an accounting for funds received and expended; and that it shall make such other reports as the Secretary may require. The governing body of the contracting organization will consist of cotton producers selected after the order becomes effective by the cotton producer organizations certified by the Secretary pursuant to section 14 of the act. The producers of each cotton-producing State should to the extent practicable have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of each State bears to the total cotton marketed by the producers of all cotton-producing States. Such an organization should be a separate entity and should not be a part of, or affiliated with, another organization. While the contracting organization has primary responsibility for the cotton research and promotion projects, it is subject at all times to the approval and supervision of the Cotton Board and the Secretary and should be subject to such controls and safeguards, including audits, as will enable the Cotton Board and the Secretary to fulfill their responsibilities under the act. For example, transfers of funds from one project to another should require the approval of the Cotton Board and the Secretary, in order that their approval of the projects themselves may continue to be meaningful.

As provided in section 7 of the act, the Cotton Board should be required to review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with the Board's recommendations with respect to the approval thereof by the Secretary. So, too, the Cotton Board should be required to submit to the Secretary for his approval budgets, including reasonable reserves, on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto. The "reasonable reserve" should include set asides to meet anticipated requests by producers for refunds and to maintain a cushion to assure the continued operation of the program in accordance with commitments.

The act also requires the Cotton Board to maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate ac-

counting with respect to the receipt and disbursement of all funds entrusted to it.

It is desirable to repeat these various statutory provisions in the order for ready reference.

The Cotton Board should be required to cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary. This is desirable as a matter of sound business practice.

The Cotton Board should be required to give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings. The ultimate determination as to whether activities carried out under the act will effectuate its purposes is the statutory responsibility of the Secretary and such a requirement is necessary to facilitate his discharge of this responsibility.

The Cotton Board should have the duty to act as intermediary between the Secretary and any producer or handler. Initial consideration by the Board of any such matters is desirable, since the Board is charged with the administration of the terms of the order and will have readily available to it any facts or information which might be needed to evaluate and resolve any questions or problems which may be presented.

The Cotton Board should be required to submit to the Secretary such information as he may request. Section 7(f) of the act requires the Board to submit such reports as he may prescribe.

The Cotton Board should in the manner prescribed in section 7(g) of the act establish or provide for: (1) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act; and (2) the establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient. This provision is necessary because the provisions of sections 6 (a) and (b) of the act are merely permissive, whereas the proposed order authorizes both research and promotion activities.

Research and promotion activities are authorized both in the United States and in foreign countries. However, research activities under the order should not duplicate or replace the programs already being carried out, or which may hereafter be carried out, by the U.S. Department of Agriculture, the land-grant colleges, or private groups.

(d) The record shows that in carrying out its responsibilities it will be necessary for the Cotton Board to incur certain expenses for its proper maintenance and functioning. The Cotton Board should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of the act and order, and that the funds to cover such expenses shall be paid from assessments received pursuant to the order. These expenses should be distinguished from expenses incidental to enforcement of the order, conducting referenda, or for personnel of the Department of Agriculture, which are not payable out of assessment funds.

Section 7 of the act requires the inclusion, inter alia, in the order of the following provision: The producer or other person for whom the cottom is being handled shall pay to the handler of cotton designated by the Cotton Board pursuant to regulations issued under the order and such handler of cotton shall collect from the producer or other person for whom the cotton, including cotton owned by the handler is being handled, and shall pay to the Cotton Board, an assessment prescribed by the order, on the basis of bales of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under the order, during any period specified by him. To facilitate the collection and payment of such assessments, the Cotton Board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures utilized in any State or area, except that no more than one such assessment shall be made on any bale of cotton. The rate of assessment prescribed by the order shall be $1 per bale of cotton handled.

The record evidence indicates that the assessment is applicable to all cotton handled. It is thus applicable to all cotton sold or marketed. Inasmuch, as the great bulk of cotton produced is sold or marketed, as a general matter it is applicable to all cotton produced.

The Cotton Board designates the "collecting" handler. The act confers on the Cotton Board the power to designate the handler or handlers responsible for collecting and paying over to the Board the producer assessments. This enables the Cotton Board to develop and carry out the most effective and practical system of collection and to make any changes which may be necessary in the future to meet any new or changed conditions. This it must do by regulation. The intent of the act is that the assessments are to be borne directly or indirectly by the producer of the cotton and therefore he is the one authorized to obtain a refund thereof and the order so provides. Nevertheless, the failure or refusal of a handler designated by the Cotton Board to collect assessments from producers and pay over to the Cotton Board such assessments will not excuse or exempt such handler from making full payment to the Cotton Board for all cotton handled.

The designated handler who actually collects from the producer and the handler designated by the Cotton Board to collect and pay over the assessment to the Cotton Board may or may not be the same person. However, the Board should give paramount consideration in the matter of handler designation to the facilitation of collection and payment.

There are differences in marketing practices and procedures in different States or areas. The Cotton Board may designate different handlers or classes of handlers to recognize such differences, if to do so will facilitate collection and payment and is otherwise feasible.

The record shows that there are a number of feasible methods or points of collection. The evidence shows the desirability of collection procedures which will minimize the amount of paper work, records and expense involved in the collection and remitting processes; the need for a procedure to provide producers with evidence that payment has been made; and the need for prompt collection and remission of the funds to the Cotton Board.

Section 11 of the act provides that any cotton producer against whose cotton any assessment is made under authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in the order shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. The act also provides that any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period, not less than 90 days from the date of collection, prescribed by the Board and approved by the Secretary, and that any such refund shall be made within 60 days after demand therefor. The record shows that this provision makes it voluntary with the producer whether he desires to support the program and pay the dollar per bale assessment. The record is also clear that the decision of whether to participate or not to participate is for the producer to decide and that the Board should take appropriate action to prevent any attempt by any handler or organization to attempt to defeat the program by influencing refund requests. The act appropriately requires that any producer desiring a refund shall make the request personally. It should be entirely independent of and not at the place of business of the handler collecting the $1 per bale on his cotton because the intense competition for business among handlers could easily defeat the purpose of the act and order.

The record evidence indicates that the refund procedure should be made as simple as possible. The proof of payment should not be onerous; it should not place an undue burden on the producer. Perhaps he need only show that he sold, or ginned, or otherwise marketed his cotton. Or perhaps the assessment procedure will provide for the giving of a simple receipt showing payment to all producers. In any event, the

procedure of securing a refund should be spelled out in regulations issued by the Cotton Board. Application forms for refunds should be made readily available to any producer upon written request to the Board. The Board may also want to consider making such forms available at a government office in each cotton-producing county. Certainly, no regulation should contain any impossible, complex, or even onerous condition. The assessment and refund procedure should provide every producer of cotton sold or marketed with simple proof of payment satisfactory to the Cotton Board and the entitlement to refund on simple application. No interest shall be allowed on such refund.

Section 7(h) of the act provides that no funds collected by the Cotton Board under the order shall in any manner be used for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the order. Funds collected from producers by assessment should be used only in the furtherance of cotton research and promotion. The provision should be repeated in the order for purposes of emphasis.

(e) The section of the order on reports should provide that each handler subject to the order may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following: (1) Number of bales handled; (2) number of bales on which an assessment was collected; (3) name and address of person from whom he has collected the assessment on each bale handled; (4) date collection was made on each bale handled. This provision is necessary to assure that each handler, whether or not a collecting handler, may be required to make such report as may be necessary for the effective administration of the order by the Cotton Board in accordance with the provisions of section 6(c) of the act.

The order should provide that each handler subject to the order shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of the order and regulations issued thereunder, including such records as are necessary to verify any reports required, and that such records shall be retained for at least 2 years beyond the marketing year of their applicability. The requirement that records be retained for 2 years beyond the marketing year of their applicability is necessary to provide a reasonable period for access to original records to verify any matter pertaining to the operation of the program.

Further details on reports, books, and records would be prescribed in the regulations issued after the Cotton Board has designated the handler or handlers responsible for collecting the producer assessments. The hearing record shows clearly the desirability of collection and reporting procedures which (1) would minimize the amount of paperwork, records, and expense involved in the collection and remitting processes, and (2) provide for prompt collection and remission of the funds to the Cotton Board.

Section 6(c) of the act provides that all information obtained from the books, records, or reports of handlers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving the order. It further provides that the foregoing provision shall not be deemed to prohibit: (1) The issuance of general statements based upon the reports of a number of handlers subject to the order, which statements do not identify the information furnished by any person; or (2) the publication by direction of the Secretary of the name of any person violating the order, together with a statement of the particular provisions of the order violated by such person. This provision should be included in the order to assure the confidentiality of information acquired by the Secretary and the Cotton Board, e.g., that required to be reported by handlers under the order. In addition, the order should provide that all information with respect to refunds made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board. Any producer has a right under the act and order to request a refund of any assessment paid by him and he should be able to exercise this right without public disclosure. This would not preclude the Cotton Board or the Secretary from issuing general statements with respect thereto, e.g., volume of refunds in a county, area, or State, if such statements do not identify refunds made to any producer and would serve a useful purpose in appraising or administering the program.

(f) Section 14 of the act prescribes certain information to be submitted to the Secretary by cotton producer organizations in order that a determination and certification can be made with respect to the eligibility of each such organization to participate in the making of nominations for members and alternate members of the Cotton Board. The information that is required to be submitted should be set forth in the order for the benefit of cotton producer organizations and other interested parties.

Section 9(a) of the act provides that the Secretary shall, whenever he finds the order or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of the order or such provision thereof. This provision should be included in the order to apprise cotton producers and other interested parties of the circumstances under which the Secretary is obligated to suspend the order or any provision of the order.

Section 9(b) of the act provides that the Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving the order, to determine whether cotton producers favor the termination or suspension of the order, and that he shall suspend or terminate the order at the end of the marketing year whenever he determines that suspension or termination of the order is approved or favored by a majority of the producers of cotton voting in the referendum who, during a representative period determined by the Secretary have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum. This assures to producers the right to terminate or suspend the order if they so desire. This provision should be included in the order to apprise cotton producers of the procedure available to them to cause the termination or suspension of the order.

Provision should be included that upon the termination of the order the Cotton Board would recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, should become trustees of all of the funds and property then in the possession or under control of the Board, including claims, liquidated or potential, for any funds unpaid or property not delivered, or any other claim existing at the time of such termination. The said trustees should (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any existing contracts or agreements; (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title, right and interest to all of the funds, property, and claims vested in the Board or the trustees. Any person to whom funds, property, or claims are transferred or delivered should be subject to the same obligation imposed upon the Cotton Board and upon the trustees. Any residual funds not required to defray the necessary expenses of liquidation should be turned over to the Secretary to be disposed of, in the manner or to the extent practicable, in the interest of continuing one or more of the cotton research and promotion programs previously authorized.

Such proceedings after termination would establish an orderly and economical liquidation procedure in the event of termination of the order and assure cotton producers that any funds left after defraying expenses of liquidation would be used for essentially the same purposes for which collected.

Provision should be made in the order that unless otherwise expressly provided by the Secretary, the termination of the

order or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of the order or any regulation issued thereunder, or (b) release or extinguish any violation of the order or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation. This provision should be included to make it clear that rights, duties, obligations, and liabilities which arise under the order or regulations will be determined by the provision of the order and regulations then in effect and will not be affected by later termination or amendment of the order or regulations.

The order should provide that no member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member of alternate, except for acts of dishonesty or wilful misconduct. This provision is necessary to protect members and alternate members of the Cotton Board from personal liability when they are performing their duties conscientiously. Otherwise, it might be difficult to obtain competent personnel to serve.

The order should provide that if any provision of the order is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this order or the applicability thereof to other persons or circumstances shall not be affected thereby. In the event any provision of the order should be found invalid, it is the intent of this savings clause to permit the program to operate insofar as practicable under the remaining provisions.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons could, not later than September 13, 1966, file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. That time was later extended to September 14. Briefs were filed by or on behalf of: (1) The National Cotton Council of America; and (2) Robert B. Delano, C. H. DeVaney, J. D. Hays, Marvin L. Morrison, and Boswell Stevens.

Each point included in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the recommended decision.

General findings. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) All cotton produced and handled in the United States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.

Recommended order. The order hereinafter set forth is recommended as the detailed and appropriate means by which the foregoing conclusions may be implemented.

Any order that may be issued pursuant to the act requires approval of cotton producers in a referendum. Section 8 of the act provides that no order issued shall be effective unless the Secretary determines that the issuance of such order is favored by not less than two-thirds of the producers voting in such referendum, or by a majority of producers voting if that majority produced at least two-thirds of the cotton represented in the referendum.

If a proposed order is approved by the Secretary and subsequently by cotton producers in a referendum, it is contemplated that the $1 per bale assessment will start at the beginning of the ginning season for the 1967 crop.

DEFINITIONS

§ 1205.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1205.302 Act.

"Act" means the Cotton Research and Promotion Act (Public Law 89–502, 89th Congress, approved July 13, 1966, 80 Stat. 279).

§ 1205.303 Person.

"Person" means any individual, partnership, corporation, association, or any other entity.

§ 1205.304 Cotton.

"Cotton" means all upland cotton harvested in the United States, and except as used in §§ 1205.308, 1205.331, and 1205.332, includes cottonseed of such cotton and the products derived from such cotton and its seed.

§ 1205.305 Fiscal period.

"Fiscal period" is the 12-months budgetary period and means the calendar year unless the Cotton Board, with the approval of the Secretary, selects some other 12-months budgetary period.

§ 1205.306 Cotton Board.

"Cotton Board" means the administrative body established pursuant to § 1205.318.

§ 1205.307 Producer.

"Producer" means any person who shares in a cotton crop actually harvested on a farm, or in the proceeds thereof, as an owner of the farm, cash tenant, landlord of a share tenant, share tenant, or sharecropper.

§ 1205.308 Handler.

"Handler" means any person who handles cotton, including the Commodity Credit Corporation.

§ 1205.309 Handle.

"Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

§ 1205.310 United States.

"United States" means the 50 States of the United States of America.

§ 1205.311 Cotton-producing State.

"Cotton-producing State" means each of the following States and combinations of States:

Alabama-Florida;	New Mexico;
Arizona;	North Carolina-Virginia;
Arkansas;	Oklahoma;
California-Nevada;	South Carolina;
Georgia;	Tennessee-Kentucky
Louisiana;	Texas.
Mississippi;	
Missouri-Illinois;	

§ 1205.312 Marketing.

"Marketing" includes the sale of cotton or the pledging of cotton to the Commodity Credit Corporation as collateral for a price support loan.

§ 1205.313 Cotton-producer organization.

"Cotton-producer organization" means any organization which has been certified by the Secretary pursuant to § 1205.337.

§ 1205.314 Contracting organization or association.

"Contracting organization or association" means the organization or association with which the Cotton Board has entered into a contract or agreement pursuant to § 1205.328(c).

§ 1205.315 Cotton-producing region.

"Cotton-producing region" means each of the following groups of cotton-producing States:

(a) Southeast Region: Alabama-Florida, Georgia, North Carolina-Virginia, and South Carolina;

(b) Midsouth Region: Arkansas, Louisiana, Mississippi, Missouri-Illinois, and Tennessee-Kentucky;

(c) Southwest Region: Oklahoma and Texas;

(d) Western Region: Arizona, California-Nevada, and New Mexico.

§ 1205.316 Marketing year.

"Marketing year" means a consecutive 12-month period ending on July 31.

§ 1205.317 Part and subpart.

"Part" means the cotton research and promotion order and all rules, regulations and supplemental orders issued pursuant to the act and the order, and the aforesaid order shall be a "subpart" of such part.

COTTON BOARD

§ 1205.318 Establishment and membership.

There is hereby established a Cotton Board composed of representatives of cotton producers, each of whom shall have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing State, as certified pursuant to § 1205.337, or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible producer organizations, from nominations made by producers in the manner authorized by the Secretary. Each cotton-producing State shall be represented by at least one member and by an additional member for each 1 million bales or major fraction (more than one-half) thereof of cotton produced in the State and marketed above 1 million bales during the period specified in the regulations for determining Board membership.

§ 1205.319 Term of office.

The members of the Board and their alternates shall serve for terms of 3 years, but the initial members and alternates shall be selected to represent the cotton-producing States in each of the cotton-producing regions for terms expiring on December 31, 1968, 1969, or 1970, so that, as nearly as practicable, the terms of one-third of the members and their alternates from cotton-producing States in any such region expire each year. Each member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1205.320 Nominations.

All nominations authorized under § 1205.318 shall be made within such period of time and in such manner as the Secretary shall prescribe. The eligible producer organizations within each cotton-producing State, as certified pursuant to § 1205.337, shall caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be selected to represent the cotton producers of such cotton-producing State. If joint agreement is not reached with respect to the nominees for any such position each such organization may nominate two qualified persons for any position on which there was no agreement.

§ 1205.321 Selection.

From the nominations made pursuant to §§ 1205.318 and 1205.320 the Secretary shall select the members of the Board and an alternate for each such member on the basis of the representation provided for in §§ 1205.318 and 1205.319.

§ 1205.322 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1205.323 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and selected in the manner specified in §§ 1205.318, 1205.320, and 1205.321.

§ 1205.324 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and qualified. In the event both a member of the Board and his alternate are unable to attend a Board meeting, the Board may designate any other alternate member from the same cotton-producing State or region to serve in such member's place and stead at such meeting.

§ 1205.325 Procedure.

A majority of the members of the Board, or alternates acting for members, shall constitute a quorum and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings all votes shall be cast in person. For routine and noncontroversial matters which do not require deliberation and the exchange of views, the Board may also take action upon the concurring votes of a majority of its members by mail, telegraph or telephone, but any such action by telephone shall be confirmed promptly in writing.

§ 1205.326 Compensation and reimbursement.

The members of the Board, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the Board, incurred by them in the performance of their duties under this subpart.

§ 1205.327 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) Subject to the approval of the Secretary, to make rules and regulations to effectuate the terms and provisions of this subpart including the designation of the handler responsible for collecting the producer assessment authorized by § 1205.331, which designation may be of different handlers or classes of handlers to recognize differences in marketing practices in any State or area;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 1205.328 Duties.

The Board shall have the following duties:

(a) To select from among its members a chairman and such other officers as may be necessary for the conduct of its business, and to define their duties;

(b) To appoint or employ such persons as it may deem necessary and to determine the compensation and to define the duties of each;

(c) With the approval of the Secretary, to enter into contracts or agreements for the development and submission to it of research and promotion plans or projects authorized by § 1205.329, and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of the costs thereof with funds collected pursuant to § 1205.331, with an organization or association whose governing body consists of cotton producers selected by the cotton producer organizations certified by the Secretary under § 1205.337, in such manner that the producers of each cotton-producing State will, to the extent practicable, have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of such State bears to the total cotton marketed by the producers of all cotton-producing States, subject to adjustments to reflect lack of participation in the program by reason of refunds under § 1205.332. Any such contract or agreement shall provide that such contracting organization or association shall develop and submit annually to the Cotton Board, for the purpose of review and making recommendations to the Secretary, a program of research, advertising, and sales promotion projects, together with a budget, or budgets, which shall show the estimated cost to be incurred for such projects, and that any such projects shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contracting organization shall keep accurate records of all its transactions, which shall be available to the Secretary and Board on demand, and make an annual report to the Cotton Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(d) To review and submit to the Secretary any research and promotion plans or projects which have been developed and submitted to it by the contracting organization or association, together with its recommendations with respect to the approval thereof by the Secretary;

(e) To submit to the Secretary for his approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of advertising and promotion and research and development projects as estimated in the budget or budgets submitted to it by the contracting organization or association, with the Board's recommendations with respect thereto;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he

may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit to the Secretary;

(h) To give the Secretary the same notice of meetings of the Board as is given to members in order that his representative may attend such meetings;

(i) To act as intermediary between the Secretary and any producer or handler;

(j) To submit to the Secretary such information as he may request.

RESEARCH AND PROMOTION

§ 1205.329 Research and promotion.

The Cotton Board shall in the manner prescribed in § 1205.328(c) establish or provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products, which plans or projects shall be directed toward increasing the general demand for cotton or its products in accordance with section 6(a) of the act;

(b) The establishment and carrying on of research and development projects and studies with respect to the production, ginning, processing, distribution, or utilization of cotton and its products in accordance with section 6(b) of the act, to the end that the marketing and utilization of cotton may be encouraged, expanded, improved, or made more efficient.

EXPENSES AND ASSESSMENTS

§ 1205.330 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. The funds to cover such expenses shall be paid from assessments received pursuant to § 1205.331.

§ 1205.331 Assessments.

Each cotton producer or other person for whom cotton is being handled shall pay to the handler thereof designated by the Cotton Board pursuant to regulations issued by the Board and such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board, at such times and in such manner as prescribed by regulations issued by the Board, an assessment at the rate of $1 per bale of cotton handled, for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under this subpart, except that no more than one such assessment shall be made on any bale of cotton.

§ 1205.332 Producer refunds.

Any cotton producer against whose cotton any assessment is made under the authority of the act and collected from him and who is not in favor of supporting the research and promotion program as provided for in this subpart shall have the right to demand and receive from the Cotton Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. Any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. Such time period shall give the producer at least 90 days from the date of collection to submit the refund form to the Board. Any such refund shall be made within 60 days after demand therefor.

§ 1205.333 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1205.334 Reports.

Each handler subject to this subpart may be required to report to the Cotton Board periodically such information as is required by regulations, which information may include but not be limited to, the following:

(a) Number of bales handled;

(b) Number of bales on which an assessment was collected;

(c) Name and address of person from whom he has collected the assessment on each bale handled;

(d) Date collection was made on each bale handled.

§ 1205.335 Books and records.

Each handler subject to this subpart shall maintain and make available for inspection by the Cotton Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least 2 years beyond the marketing year of their applicability.

§ 1205.336 Confidential treatment.

(a) All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which he or any officer of the United States is a party, and involving this subpart. Nothing in this § 1205.336 shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of handlers subject to this subpart, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this subpart, together with a statement of the particular provisions of this subpart violated by such person.

(b) All information with respect to refunds made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board.

CERTIFICATION OF COTTON PRODUCER ORGANIZATION

§ 1205.337 Certification of cotton producer organization.

Any cotton producer organization within a cotton-producing State may request the Secretary for certification of eligibility to participate in nominating members and alternate members to represent such State on the Cotton Board. Such eligibility shall be based in addition to other available information upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(a) Geographic territory within the State covered by the organization's active membership;

(b) Nature and size of the organization's active membership in the State, proportion of total of such active membership accounted for by farmers, a map showing the cotton-producing counties in such State in which the organization has members, the volume of cotton produced in each such county, the number of cotton producers in each such county, and the size of the organization's active cotton producer membership in each such county;

(c) The extent to which the cotton producer membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of the act.

The primary consideration in determining the eligibility of an organization shall be whether its cotton farmer membership consists of a sufficiently large number of the cotton producers who produce a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. Any cotton producer organization found eligible by the Secretary under this § 1205.337 will be certified by the Secretary, and his determination as to eligibility is final.

MISCELLANEOUS

§ 1205.338 Suspension and termination.

(a) The Secretary will, whenever he finds that this subpart or any provision

thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving this subpart, to determine whether cotton producers favor the termination or suspension of this subpart, and he shall suspend or terminate such subpart at the end of the marketing year whenever he determines that its suspension or termination is approved or favored by a majority of the producers of cotton voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum.

§ 1205.339 Proceedings after termination.

(a) Upon the termination of this subpart the Cotton Board shall recommend not more than five of its members to the Secretary to serve as trustees, for the purpose of liquidating the affairs of the Cotton Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Cotton Board under any contracts or agreements entered into by it pursuant to § 1205.328(c); (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this § 1205.339.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this § 1205.339 shall be subject to the same obligation imposed upon the Cotton Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practicable, in the interest of continuing one or more of the cotton research or promotion programs hitherto authorized.

§ 1205.340 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder, or (b) release or extinguish any violation of this subpart or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1205.341 Personal liability.

No member or alternate member of the Cotton Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or alternate, except for acts of dishonesty or wilful misconduct.

§ 1205.342 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

Dated: September 30, 1966.

S. R. SMITH,
Administrator.

[F.R. Doc. 66-10847; Filed, Oct. 4, 1966; 8:52 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 12]

COFFEE IMPORT QUOTAS

Imports from Nonmember Countries of International Coffee Agreement of 1962

The Department of the Treasury has been informed by the Department of State that the International Coffee Council on September 6, 1966, approved Resolution No. 117 applying the limitations of Article 45(2) of the International Coffee Agreement of 1962 (14 UST 1911) to imports of coffee produced in nonmember countries as soon as practicable after October 1, 1966. Pursuant thereto annual imports of coffee into the United States from nonmember countries of the International Coffee Organization will be limited to a quantity not in excess of the average annual imports from those countries for the years 1960, 1961, and 1962.

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority conferred upon the President by section 2, subsection (1) of the International Coffee Agreement Act of 1965 (19 U.S.C. 1356a(1)), which authority was delegated to the Secretary of the Treasury by Executive Order No. 11229, dated June 14, 1965 (30 F.R. 7741) it is proposed to add a new section to the Customs Regulations designated as § 12.71 to provide for the Administration of the quota provisions along lines requested by the Department of State.

The terms of the proposed amendment, in tentative form, are as follows:

Part 12 of the Customs Regulations is amended by adding new § 12.71 as follows:

§ 12.71 Import quotas on coffee produced in nonmember countries of the International Coffee Organization.

(a) The following import quotas for the 12-month period beginning on November 1 in any year on coffee, expressed in pounds of green coffee, produced in nonmember countries of the International Coffee Organization are established pursuant to article 45(2) of the International Coffee Agreement for the following countries:

Country	*Quota in pounds of green coffee*
Bolivia	1,850,800
Guinea	1,454,200
Honduras	28,026,400
Kenya	11,765,800
Liberia	2,511,800
Paraguay	2,644,000
Yemen	1,850,800

(b) All coffee not specifically identified as a product of or shipment from a member country (and therefore accompanied by a certificate of origin or certificate of reexport) and not charged to the quota of one of the countries listed in paragraph (a) of this section shall be charged to an annual basket quota of 6,610,000 pounds of green coffee. Coffee from any one of the countries named in paragraph (a) of this section shall be charged to the basket quota after the specific quota for that country has been filled.

(c) Coffee in any of the forms covered by items 160.10, 160.20, and 160.21, Tariff Schedules of the United States, are chargeable to the above quotas. In converting from one form of coffee to another, the following factors prescribed in Article 2 of the International Coffee Agreement shall be employed:

1 pound of roasted coffee equals 1.19 pounds of green coffee.

1 pound of soluble coffee equals 3.00 pounds of green coffee.

1 pound of coffee berries equals 0.50 pound of green coffee.

1 pound of parchment coffee equals 0.80 pound of green coffee.

1 pound of the dried coffee solids contained in liquid coffee equals 3.00 pounds of green coffee.

(d) The following shipments will not be chargeable to import quotas:

(1) Shipments of 27 pounds or less of green or other crude coffee; 23 pounds or less of roasted coffee; or 9 pounds or less of soluble coffee.

(2) Coffee covered by a certificate of reexport issued by a member country through which such coffee has been shipped to the United States.

(3) Coffee imported into Puerto Rico or coffee grown in Puerto Rico and shipped to other areas of the United States.

It is proposed to apply the quotas to coffee entered, or withdrawn from warehouse, for consumption on and after November 1, 1966. However, coffee shipped to the United States prior to the date of the publication of this notice in the FEDERAL REGISTER and arriving in the United States after November 1, 1966, will not be subject to the quota restrictions set out above.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved October 3, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-10905; Filed, Oct. 4, 1966; 11:03 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Proposed Revision of Form

The Board of Governors is considering the adoption of a revision of Form F.R.Y-5 [1] for use by a bank holding company in registering with the Board pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841ff).

[1] Filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System or to any Federal Reserve Bank.

The proposed revised form, like its predecessor, is designed to assure that a bank holding company furnish in its registration statement the information required by section 5(a) of the Act (12 U.S.C. 1844).

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 31, 1966.

Dated at Washington, D.C., this 28th day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10776; Filed, Oct. 4 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16068]

MULTIPLE OWNERSHIP OF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. Comments and reply comments in this proceeding are now due October 3, 1966, and December 1, 1966. On September 21, 1966, National Broadcasting Co., Inc. filed a petition requesting an extension of time to file comments to November 1, 1966 (Columbia Broadcasting System, Inc. filed a statement in support of the request). It is stated that petitioner wishes additional time to study the voluminous report recently filed (in preliminary form) by United Research, Inc. The petition also states that counsel for the Council For Television Development (the group financing the United Research study) has no objection to the requested extension although it intends to file its comments by October 3.

2. It appears that good cause exists for the extension, and that it will not materially delay disposition of the proceeding. *Accordingly, it is ordered*, This 29th day of September 1966, that the time for filing comments herein is extended to and including November 1, 1966, and the time for filing reply comments herein is extended to and including December 5, 1966; and the petition of National Broadcasting Co., Inc., is granted.

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

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10842; Filed, Oct. 4, 1966; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

DRIED FISH

Importation; Available Certifications by Government of Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity: Fish, dried.

MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-10865; Filed, Oct. 4, 1966; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Reclamation application, U-069117, for withdrawal and reservation of lands for damsites, reservoirs, and potential farm units in connection with the Dixie Project, was published as F.R. Doc. No. 62-1042, on pages 952-3 of the issue for February 1, 1962. The applicant agency has canceled its application insofar as it affects the following described lands:

SALT LAKE MERIDIAN

T. 41 S., R. 13 W.,
Sec. 27, W½NW¼;
Sec. 28, NE¼NE¼, NW¼SE¼.
T. 42 S., R. 13 W.,
Sec. 8, NW¼NE¼;
Sec. 11, lots 1, 4-8, inclusive;
Sec. 15, E½E½;
Sec. 27, E½W½;
Sec. 29, W½W½;
Sec. 30, E½E½;
Sec. 31, lots 7 to 12, inclusive, SE¼;
Sec. 34, E½W½.
T. 43 S., R. 13 W.,
Sec. 4, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 6, lots 1-12, inclusive, W½E½.
T. 41 S., R. 14 W.,
Sec. 34, NW¼SE¼;
Sec. 35, lots 1-4, inclusive, E½NW¼.
T. 42 S., R. 14 S.,
Sec. 3, lots 2, 3, 8;
Sec. 4, lots 1, 3, 4, 9, 10, S½NW¼, N½SW¼;
Sec. 8, lots 1-4 inclusive, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 9, NW¼NW¼;
Sec. 33, E½NE¼, SE¼.
T. 43 S., R. 14 W.,
Sec. 1;
Sec. 4, NW¼NW¼, S½NW¼, SW¼;
Sec. 9, NW¼, N½SW¼, SE¼SW¼;
Sec. 19, E½SW¼, SE¼;
Sec. 22, N½;
Secs. 25, 26;
Sec. 27, S½S½;
Sec. 28, S½S½;
Sec. 29, NW¼, S½;
Sec. 30, E½;
Sec. 31, lots 5, 6, NE¼;
Secs. 33, 34, 35.
T. 42 S., R. 15 W.,
Sec. 14, SW¼NE¼;
Sec. 15, NW¼NW¼;
Sec. 19, lot 1, NE¼, E½NW¼;
Sec. 20, W½NW¼; NW¼SW¼.
T. 43 S., R. 15 W.,
Sec. 7, lots 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11, lot 11;
Sec. 14, NE¼, N½NW¼, SW¼NW¼;
Sec. 15, S½NE¼, S½;
Sec. 22, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 25, W½NW¼, NW¼SW¼;
Secs. 26, 27, 34, 35.
T. 41 S., R. 16 W.,
Sec. 30, lot 1;
Sec. 31, NE¼NE¼.
T. 42 S., R. 16 W.,
Sec. 7, lots 1-6 inclusive, S½NE¼, E½NW¼, N½SE¼;
Sec. 8, W½SW¼, SE¼SW¼;
Sec. 9, lots 1-5, inclusive;
Sec. 17, lots 3-8 inclusive;
Sec. 18, lots 6-14, SE¼;
Sec. 21, lots 1-4, 6-8, inclusive, SW¼NE¼, E½NW¼, NW¼SE¼;
Sec. 24, N½NE¼;
Sec. 25, lots 7, 8;
Sec. 26, lot 4;
Sec. 35, W½NW¼, N½SW¼.
T. 43 S., R. 16 W.,
Sec. 12, lots 3, 4, 9, N½NW¼, SW¼NW¼;
Sec. 13, SE¼SW¼, S½SE¼.
T. 42 S., R. 17 W.,
Sec. 12, NW¼NW¼, S½NW¼, SW¼.

The areas described aggregate 16,920.17 acres.

Therefore, pursuant to the reguations contained in 43 CFR, Subpart 2311, such lands, at 10 a.m. on October 30, will be relieved of the segregative effect of the above-mentioned application.

R. D. NIELSON,
State Director.

[F.R. Doc. 66-10802; Filed, Oct. 4, 1966; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. C-249]

FREDERICK N. WEDEL

Notice of Loan Application

Frederick N. Wedel, Post Office Box 193, Bodega Bay, Calif. 94923, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 40.9-foot registered length wood vessel to engage in the fishery for salmon and Dungeness crabs.

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

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10798; Filed, Oct. 4, 1966; 8:47 a.m.]

[Docket No. B-392]

SALVATORE AND PROVIDENZA CURCURU

Notice of Loan Application

Salvatore and Providenza Curcuru, 33 Hodgkins Street, Gloucester, Mass. 01930, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 90-foot registered length wood vessel to engage in the fishery for groundfish.

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

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

SEPTEMBER 30, 1966.

[F.R. Doc. 66-10799; Filed, Oct. 4, 1966; 8:47 a.m.]

DEPARTMENT OF STATE

Agency for International Development

ASSOCIATE ASSISTANT ADMINISTRATOR FOR PRIVATE ENTERPRISE

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961, I hereby delegate the following functions:

To the Associate Assistant Administrator for Private Enterprise, authority under sections 221(b)(1) and 222(b)(2) of the Foreign Assistance Act of 1961 to authorize and issue all Specific Risk Investment Guaranties and the Extended Risk Guaranty now pending issuance in connection with the Siam Kraft Paper Co., Ltd., paper mill project in Thailand.

This delegation of authority shall be effective immediately.

Dated: September 27, 1966.

WILLIAM S. GAUD,
Administrator, Agency for International Development.

[F.R. Doc. 66-10797; Filed, Oct. 4, 1966; 8:47 a.m.]

Office of the Secretary

[Delegation of Authority 111; Public Notice 250]

LEGAL ADVISER AND DEPUTY LEGAL ADVISERS

Delegation of Authority To Determine and Certify to Secretary of Treasury Certain Claims

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 5 U.S.C. 151c) I hereby delegate to the Legal Adviser and the Deputy Legal Advisers the authority vested in the Secretary of State by the Act of February 27, 1896, Ch. 34, 29 Stat. 32, 31 U.S.C. 547, to determine the amounts due claimants from funds held in trust for citizens of the United States or others, which have been received by the Secretary of State from foreign governments, and certify the same to the Secretary of the Treasury.

This delegation of authority shall be effective immediately.

Dated: September 26, 1966.

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-10825; Filed, Oct. 4, 1966; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHAS. PFIZER & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6J2016) has been filed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, proposing the issuance of a regulation to provide for the safe use of a milk-clotting enzyme, derived from *Endothia parasitica* by a pure culture fermentation process, in cheese production.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10816; Filed, Oct. 4, 1966; 8:49 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0532) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94801, proposing the establishment of tolerances for residues of the insecticide 1,2-dibromo-2,2-dichloroethyldimethyl phosphate in or on raw agricultural commodities, as follows:

3 parts per million in or on chard, grapefruit, lemons, oranges, spinach, tangerines, and turnip tops.

1 part per million in or on broccoli, brussels sprouts, cabbage, cauliflower, lettuce, and strawberries.

0.5 part per million in or on beans (succulent and dry forms), cucumbers, eggplants, melons (conteloups, honey dew, muskmelons, watermelons, and others), peas (succulent and dry forms), peppers, pumpkins, rice, soybeans (succulent and dry forms), summer squash, tomatoes, and winter squash.

The analytical methods proposed in the petition for determining residues of this insecticide are that of microcoulometric gas chromatography and electron capture gas chromatography.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10817; Filed, Oct. 4, 1966; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Extension of Temporary Tolerance

A temporary tolerance of 1 part per million for residues of the insecticide *exo*-3-chloro-*endo*-6-cyano-2-norbornanone *O*-(methylcarbamoyl)oxime in or on apples and pears, which was established at the request of Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25303, expired August 25, 1966, and the company has requested a 1-year extension to permit additional tests.

The Commissioner of Food and Drugs has determined that extension of this temporary tolerance will protect the public health; therefore, an extension has been granted which will expire August 25, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(j)), and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10818; Filed, Oct. 4, 1966; 8:49 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B1065) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of phosphate esters of the reaction product of nonylphenol condensed with 9 or 50 moles of ethylene oxide, as optional components of food-packaging adhesives.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10819; Filed, Oct. 4, 1966; 8:49 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2073) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2527 *Antistatic and/or antifogging agents in food-packaging materials* to provide for the safe use of the following substances as antistatic and/or antifogging agents in polyolefin, polyvinyl chloride, and polystyrene food-contact articles:

Phosphate ester of the reaction product of nonylphenol condensed with 9 moles of ethylene oxide.

Phosphate esters of the reaction product of tridecyl alcohol condensed with 6 or 9 moles of ethylene oxide.

Phosphate ester of the reaction product of lauryl alcohol condensed with 4 moles of ethylene oxide.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10820; Filed, Oct. 4, 1966; 8:50 a.m.]

GENERAL ANILINE & FILM CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2074) has been filed by General Aniline & Film Corp., Dyestuff & Chemical Division, 140 West 51st Street, New York, N.Y. 10020, proposing an amendment to § 121.2536 *Filters, resin-bonded* to provide for the safe use of the phosphate ester of the reaction product of nonylphenol condensed with 9 moles of ethylene oxide, as an optional adjuvant substance in the production of resin-bonded filters used in producing, manufacturing, processing, and preparing food.

Dated: September 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10821; Filed, Oct. 4, 1966; 8:50 a.m.]

NORSE CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6A2018) has been filed by Norse Chemical Corp., 2121 Norse Avenue, Cudahy, Wis. 53110, proposing an amendment to § 121.1056 *Disodium EDTA* to provide for the safe use of disodium EDTA as a sequestering agent in aqueous solutions of artificial sweeteners which are generally recognized as safe.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10822; Filed, Oct. 4, 1966; 8:50 a.m.]

SYNTEX LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additive Chlormadinone Acetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Syntex Laboratories, Inc., 701 Welch Road, Palo Alto, Calif. 94304, has withdrawn its petition (FAP 5D1634) notice of which was published in the FEDERAL REGISTER of January 22, 1965 (30 F.R. 727), proposing the issuance of a regulation to provide for the safe use of chlormadinone acetate (6-chloro-Δ^6-17-acetoxyprogesterone) in the feed of beef and dairy heifers and beef cows for the synchronization of estrus (heat).

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10823; Filed, Oct. 4, 1966; 8:50 a.m.]

WESTERN DAIRY PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additive Stannic Oxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Western Dairy Products, Inc., 118 World Trade Center, San Francisco, Calif. 94111, has withdrawn its petition (FAP 5A1789), notice of which was published in the FEDERAL REGISTER of July 30, 1965 (30 F.R. 9551), proposing the issuance of a regulation to provide for the safe use of stannic oxide as a tracer at a level of 0.1 percent in sodium caseinate used in cooked comminuted meat products.

The withdrawal of this petition is without prejudice to a future filing.

Dated: September 26, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 66-10824; Filed, Oct. 4, 1966; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-156]

UNIVERSITY OF WISCONSIN

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-74. The amendment authorizes the University of Wisconsin to receive and possess, but not to use, 3.75 kilograms of contained uranium 235 in modified TRIGA type fuel elements, as described in the licensee's application for license amendment dated July 13, 1966.

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 this proceeding 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 regulation (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, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated July 13, 1966, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above 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 20th day of September 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[License No. R-74; Amdt. 7]

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, paragraph 2.B. of License No. R-74, as amended, issued to the University of Wisconsin, is hereby amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Ch. 1, Part 70, 'Special Nuclear Material,' to receive, possess and use in connection with the operation of the reactor 16 grams of plutonium contained in plutonium-beryllium neutron sources and up to 7.0 kilograms of contained uranium 235; and to receive and possess, but not to use 3.75 kilograms of contained uranium 235 in modified TRIGA type fuel element bundles; and"

Date of issuance: September 20, 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-10759; Filed, Oct. 4, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17037]

AIR EXPRESS CHARGE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on October 3, 1966, is postponed to October 17, 1966, 10 a.m., e.d.s.t., Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., September 30, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-10808; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17613]

ALOHA AND HAWAIIAN SHOW CAUSE ORDER [1]

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 1, 1966, at 10 a.m., e.d.s.t., Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., September 29, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10809; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17657]

EXECUTIVE JET AVIATION, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 13, 1966, at 10 a.m., e.d.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., September 29, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10810; Filed, Oct. 4, 1966; 8:48 a.m.]

[Docket No. 17727]

W.A.A.C. (NIGERIA) LTD.

Notice of Prehearing Conference

Application for renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 12, 1966, at 10 a.m., e.d.s.t., Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., September 30, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10811; Filed, Oct. 4, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16864; FCC 66M-1307]

ARTHUR POWELL WILLIAMS

Order Continuing Prehearing Conference

In re application of Arthur Powell Williams; Docket No. 16864, File No. BR-1852; for renewal of license of Station KLAV, Las Vegas, Nev.

On the unopposed oral request of counsel for applicant: *It is ordered*, This 28th day of September 1966, that the prehearing conference is rescheduled from October 5 to October 14, 1966, at 9 a.m., in Washington, D.C.

Released: September 29, 1966.

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

[F.R. Doc. 66-10833; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 16879-16881, FCC 66M-1306]

AUDUBON BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Audubon Broadcasting Corp., Westwego, La.; Docket No. 16879, File No. BP-17113; Holmes Broadcasting, Inc., Westwego, La.; Docket No. 16880, File No. BP-17114; West Jefferson Broadcasting, Inc., Gretna, La.; Docket No. 16881, File No. BP-17115; for construction permits.

It is ordered, This 26th day of September 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 13, 1966, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 29, 1966.

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

[F.R. Doc. 66-10834; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 15668, 15708; FCC 66R-373]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Memorandum Opinion and Order Enlarging Issues

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill.; Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill.; Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

1. The above-captioned applicants seek construction permits for a new UHF television broadcast station to operate on Channel 38 in Chicago, Ill. By order (FCC 64-961, released Oct. 23, 1964) Chicagoland TV Co.'s (Chicagoland) application was designated for comparative hearing with the applications of Kaiser Industries Corp. and Warner Bros. Pictures, Inc.[1] Subsequently, by order (FCC 64-1076, released Nov. 20, 1964) the mutually exclusive application of the Chicago Federation of Labor and Industrial Union Council (Federation) was consolidated for hearing with the previously designated applications. Presently before the Board is a petition to enlarge issues filed July 18, 1966, by Federation.[2] The petition seeks addition of issues to determine (a) whether there is reasonable assurance that Chicagoland's proposed antenna site will be available; (b) whether the application of Chicagoland is a contingent application; (c) whether Chicagoland misrepresented its true intentions with respect to its proposed antenna location, structure and cost; and (d) whether Chicagoland has been so negligent, careless and inept in the prosecution of its application as to seriously reflect upon its ability to fulfill the duties and responsibilities of a Commission licensee.

2. The instant petition was filed more than 18 months after the hearing issues were first published in the FEDERAL REGISTER. Accordingly, "good cause" for the untimely filing of the petition must be shown before the Board may consider the

[1] Order E-24066, August 11, 1966.

[1] The application of Kaiser Industries Corp. was dismissed by the Hearing Examiner in a memorandum opinion and order (FCC 64M-1278) released Dec. 23, 1964. The application of Warner Bros. Pictures, Inc., was dismissed by order of the Hearing Examiner (FCC 65M-296), released Mar. 15, 1965.

[2] Also before the Board are the Broadcast Bureau's comments, filed Aug. 3, 1966; opposition, filed Aug. 5, 1966, by Chicagoland; reply, filed Aug. 15, 1966, by Federation; motion for leave to file supplement to opposition to petition to enlarge issues and supplement to opposition to petition to enlarge issues, filed Aug. 10, 1966, by Chicagoland; supplement to reply to opposition to petition to enlarge issues, filed Sept. 1, 1966, by Federation; comments on supplement to reply to opposition to petition to enlarge issues, filed Sept. 13, 1966, by Chicagoland; and reply to Chicagoland's "comments on supplement to reply to opposition to petition to enlarge issues," filed Sept. 19, 1966, by Chicagoland. The latter three pleadings were neither requested nor authorized pursuant to Rule 1.294(d), and will not be considered.

merits of the allegations contained therein. Federation maintains that the facts giving rise to the requested issues were not fully disclosed until the June 24, 1966, cross-examination of Frederick Livingston, one of Chicagoland's partners; that the transcript of this testimony (which Federation alleges is inconsistent with the earlier testimony of Chicagoland's other partner, Thomas L. Davis) was not available until the first week in July; and that its petition was filed promptly thereafter. Our review of the record supports Federation's assertion that Livingston's testimony is essential to its requests. Under these circumstances we are satisfied that Federation has shown good cause for the late filing of its petition. Flower City Television Corp., FCC 62R–39, 24 RR 242.

3. Briefly stated, Federation's request for a site availability issue is premised upon its allegations: (a) That the antenna site specified in Chicagoland's application (the Kemper Building) has been leased to Essaness TV Associates (Essaness), permittee of Channel 44 in Chicago, for a period of 5 years commencing January 1, 1967; (b) that the Commission recently granted Essaness' application modifying its construction permit to specify its transmitter and antenna sites at the same location proposed by Chicagoland; (c) that Essaness has not agreed to share its facilities with Chicagoland; and (d) that in the event its application is granted, Chicagoland cannot commence operations as proposed in its application unless and until Essaness moves its antenna site and Chicagoland acquires that site. Chicagoland does not contest these allegations but argues that it proposed a site with reasonable assurance, made in good faith, that it will be available for the intended purpose. In support of its position Chicagoland states: (a) That Essaness intends to move its antenna and transmitter to the Hancock Building when that building becomes ready for the erection of television towers in the fall of 1967; (b) that Essaness has agreed to permit Chicagoland to assume its lease with the owners of the Kemper Building as of the time Essaness moves to the Hancock Building; and (c) that Chicagoland will not need the Kemper Building site before Essaness' contemplated move to the Hancock Building. In support of its contentions Chicagoland submitted a letter agreement between itself and Essaness evidencing Essaness' willingness to allow Chicagoland to assume the unexpired portion of its lease of the Kemper Building site, "if the space is not then needed by Essaness * * * and subject to the approval of the lessor and the FCC," [3] and a letter from the rental agent of the Kemper Building advising Chicagoland that if Essaness moves, they would consider an arrangement whereby Chicagoland could occupy the site.

4. From the foregoing facts it is evident that the availability of Chicagoland's proposed antenna site is conditioned upon completion of the Hancock Building;[4] Esseness' move to the Hancock Building; and Commission approval of the relocation of Essaness' transmitter and antenna sites to that building. Livingston's testimony indicates Chicagoland has no alternative antenna site and that it would not be able to commence operations as proposed in its application until Essaness moves from the Kemper Building. Because of the serious questions raised by these contingencies the Board sees no alternative but to add the site availability issue.[5]

5. Our addition of the site availability issue obviates the need for an issue to determine whether Chicagoland's application is of a contingent nature since, as noted by the Broadcast Bureau,[6] the failure of Chicagoland to prevail on the site availability issue would result in the denial of its application.

6. Federation's request for misrepresentation and ineptness issues is based on its contentions: (a) That Chicagoland's partners gave inconsistent testimony in response to questions whether Chicagoland proposed an arrangement whereby it would "stack" its antenna with that of Essaness, and whether it had ever received a cost estimate for such a stacked antenna; (b) that Chicagoland failed to disclose its application was of a contingent nature; [7] (c) that Chicagoland's partners were lacking in candor when they stated that RCA's deferred payment letter of June 17, 1966, included $20,000 for the installation of the stacked antenna, since the quotation letter from the rigging company giving the $20,000 estimate is dated June 20, 1966; (d) that Chicagoland failed to advise the Commission of its plan to rely on a stacked antenna; (e) that Chicagoland failed to include in its cost estimate the erection and installation of its antenna (as proposed in its application); and (f) that Chicagoland did not comply with section II paragraph 22 of FCC Form 301 when it failed to submit a copy of the Essaness lease assumption agreement with its application.

7. We have reviewed these allegations in light of the responsive pleadings and the record, and are of the opinion that addition of the misrepresentation and ineptness issues is not warranted. At a hearing session held in May 1966, Davis indicated considerable uncertainty as to what Chicagoland's antenna proposal would be if it received a construction permit prior to the time Essaness moved from the Kemper Building. Counsel for Chicagoland stated on the record that under such circumstances Chicagoland would install its antenna as originally proposed in its application and would mount the Essaness antenna above it in a stacked arrangement. Subsequently, on July 24, 1966, Livingston testified that based on his earlier conversations with Essaness' president he thought Chicagoland would be able to share the Kemper Building facilities but that it was later determined that such an interim arrangement would not be necessary. There is no evidence contradicting Chicagoland's claim that the stacked antenna arrangement was only a contingent plan and that it was discarded between the time Davis testified and the time of Livingston's testimony. Viewed in this light there is no material inconsistency between the partners' testimony concerning Chicagoland's plan for a stacked antenna.

8. At the May 17, 1966, hearing session it was discovered that Chicagoland had failed to include the cost of installing its antenna (as proposed in its application) in its preoperation expenses. On May 18, 1966, Davis testified that on the previous evening he contacted RCA and obtained a cost estimate of $20,000 which he believed included the stacked antenna. Subsequently, Livingston testified that Chicagoland had never obtained a cost estimate for the stacked antenna from RCA, but that at RCA's suggestion this cost was obtained from a rigging company and added to the RCA equipment letter dated June 17, 1966.[8] Chicagoland admits the existence of some inconsistency in the testimony of its partners but maintains that it resulted from a misunderstanding on the part of Davis, who thought the original $20,000 estimate from RCA included the stacked antenna, and that Chicagoland never intended to deceive the Commission. While the record evidences some confusion on the part of Chicagoland's partners regarding the antenna cost estimates, we do not believe these deficiencies to be of such magnitude or made with deceptive purposes as to warrant the addition of either a misrepresentation or an ineptness issue.[9]

Accordingly, it is ordered, This 29th day of September 1966, that the motion for leave to file supplement to opposition to enlarge issues, filed August 10, 1966, by Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., is granted; and

[3] The letter agreement submitted with the opposition was unsigned. On Aug. 10, 1966, a supplement to its opposition in order to submit a signed copy of the agreement. Chicagoland's motion will be granted.

[4] The record contains a letter from Sudler & Co., rental agents for the Hancock Building, which states that the building will be available on or about Jan. 1, 1968.

[5] Chicagoland's argument that it will not need the Kemper Building site until 1968 is premised upon its projection of the duration of this proceeding and fails to take into account any possibility of a disposition thereof prior to 1968.

[6] The Bureau supports Federation's request for a site availability issue, but believes that the evidence does not support addition of the misrepresentation and ineptness issues.

[7] Whether Chicagoland's application is contingent is dependent in large measure upon the resolution of the site availability issues and until that is determined, this allegation cannot serve as a basis for the addition of the other issues.

[8] This information was obtained on June 17, 1966 and conveyed to RCA on that date. Subsequently, the rigging company confirmed the estimate in a letter dated June 20, 1966. The foregoing explains the alleged lack of "candor" charged by Federation.

[9] We agree with Chicagoland that par. 22 of sec. II, FCC Form 301 pertains to the disclosure of contracts relating to the ownership and control of proposed stations and does not require the disclosure or submission of agreements pertaining to proposed antenna sites.

It is further ordered, That the petition to enlarge issues filed July 18, 1966, by Chicago Federation of Labor and Industrial Union Council, 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 issue:

To determine whether there is reasonable assurance that the antenna site proposed by Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., will be available for its proposed use.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10835; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 16340, 16341; FCC 66R-372]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Memorandum Opinion and Order Enlarging Issues

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP-16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP-16625; for construction permits.

1. Each of the above applicants presently operates an AM station in its respective community. Each is seeking herein a change of frequency (to 810 kc/s) and increased power. The applications are mutually exclusive, and the principal issue designated is which of the two should be preferred under section 307(b) of the Act. The designation order was released on December 8, 1965; evidentiary hearings were held on March 8 and 9, 1966; the record was closed on the latter date; and, on June 6, 1966, the Hearing Examiner released an initial decision, FCC 66D-30, proposing to grant the application of WQIZ, Inc. (WQIZ), and deny the application of the Edgefield-Saluda Radio Co. (WJES).

2. On May 31, 1966, prior to the release of the initial decision but well after the record was closed, WJES filed the subject petition to enlarge issues.[1] This petition,[2] filed more than 5 months after designation and more than 2 months after the closing of the record, is clearly late. Moreover, as urged by WQIZ and the Bureau, petitioner's showing of good cause for its tardiness is wholly unpersuasive since it is clear to the Board that with the exercise of due diligence, petitioner could have obtained its "newly discovered" evidence shortly after January 20, 1966, when the hearing exhibits were exchanged. Accordingly, no portion of the petition may be granted unless the likelihood of proving the respective allegations therein is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business. Cf. West Central Ohio Broadcasters, Inc., FCC 66R-344, released September 8, 1966.[3] It is stressed at the outset that petitioner's burden in the instant case is a heavy one; this is so not only because of the lateness of the petition, but also because additional issues would be warranted only if they are of a disqualifying nature. Thus, the principal question here is which of two communities is more deserving of the facilities sought; consequently allegations not going to matters disqualifying in nature are irrelevant to the disposition of the proceeding.

3. In all, petitioner seeks the addition of six factual issues against WQIZ, most of which have "character" overtones. In general, petitioner requests issues to determine whether its opponent has (a) made misrepresentations and failed to disclose material facts; (b) prosecuted the subject application in bad faith; (c) operated Station WQIZ at substantial variance from the operation represented to the Commission; (d) operated Station WQIZ in a manner inimical to the town of St. George, S.C.; and (e) operated Station WQIZ unattended contrary to the provisions of § 73.93 of the rules. Additionally, petitioner seeks a technical issue concerning WQIZ's antenna system. The requested issues will be treated seriatim.

4. In contending for an issue to determine whether WQIZ has been operating "inimicable to the interests of the town of St. George, S.C.," petitioner relies upon (a) various copies of articles and editorials from the Times, a weekly newspaper owned by Clarence E. Jones, the president and sole owner of WQIZ; and (b) two letters, signed by Jones, from the face of which it can be contended that Jones bears certain religious prejudices. As to (a), as pointed out by the Broadcast Bureau in its comments, no showing has been made that WQIZ has discriminated against local merchants either in the allotment of broadcast time or in the assessment of charges for services; that WQIZ has broadcast programs or editorialized in a manner defamatory to the members of any religious or racial group; or that WQIZ has not afforded opportunity for the presentation of opposing viewpoints on controversial matters. Nor are there any factual allegations, supported by affidavits of persons with knowledge, that WQIZ is not meeting the needs and interests of the residents of St. George.[4] As to (b), Jones, in an affidavit submitted with WQIZ's opposition, states that he wrote the letters submitted by WJES when overly tired and under an emotional strain, that he regrets these actions, and that he harbors no feelings of prejudice or religious bigotry. This explanation is accepted by the Board.

5. Despite the admonition of section 1.65 of the Rules requiring applicants to submit amendments within 30 days if the information contained in the application is no longer substantially accurate, WQIZ has failed, WJES contends, to report substantial and significant changes in the WQIZ operation. Although WQIZ's application states that it has and will have a staff consisting of six fulltime employees and one part time employee, WQIZ has reduced its staff to one fulltime employee—Jones—and one part time employee. This fact was discovered, WJES states, by Franklin D. R. McClure, a partner in WJES, on a visit to St. George on May 11, 1966. With respect to hours of operation, WJES alleges that although WQIZ's application indicates that the hours of operation will be the same as that shown in the WQIZ license—from local sunrise to local sunset—during the months of March and April 1966, WQIZ went off the air at 4 p.m. each day, thus denying the locality of an outlet during an important part of the broadcast day. WJES also alleges that significant changes in WQIZ's programing have been unreported to the Commission. It points out that the WQIZ application states that there will be no change in programing from that originally proposed for its present facilities, and that the original application indicates that its wire presentations would total 13.13 percent. In addition WQIZ indicated in that application that it had a contract with United Press International Teletype News Service. However, WJES states, McClure, on a visit to St. George on April

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[10] Board Member Pincock dissenting.

[1] The following pleadings are also before the Board: (a) Opposition, filed on July 15, 1966, by WQIZ; (b) Broadcast Bureau's comments, filed on July 15, 1966; (c) reply to (b), filed on Aug. 3, 1966, by WQIZ; and (d) reply to (a) and (b), filed on Aug. 4, 1966, by WJES.

[2] Although WJES has not labeled its petition a petition to reopen the record, a request for such relief—in light of the closing of the record—is inherent in its request for enlargement of the issues.

[3] In the past where petitions were filed late and no good cause was shown, the Board has often followed a practice of denying the petition on procedural grounds and, where appropriate, allowing the relief requested on the Board's own motion. We believe it would improve and expedite our disposition of these untimely petitions to modify this approach and, in cases where the public interest demands that the merits of such a deficient petition be considered, to initiate a practice of considering the late-filed petition to the extent that serious public interest questions are raised. However, we will act favorably on such petitions only when the petition satisfies the likelihood test set forth above. As stated in Valley Telecasting Co. *v.* FCC, 118 U.S. App. D.C. 410, 336 F. 2d 914, 917 (1965), wherein the court of appeals indicated that allegations of injury to the public could be measured by a more exacting standard if such allegations were not raised at an appropriate stage of the proceeding, "[o]rderliness, expedition, and finality in the adjudicatory process are appropriate weights in the scale, as reflecting a public policy which has authentic claims of its own."

[4] In response to the above charges, WQIZ submitted a list of various public service programs broadcast by the station and a list of numerous organizations and groups for which WQIZ has broadcast non-commercial spot announcements. WQIZ also submitted a statement signed by 30 St. George businessmen expressing support for the station.

14, 1966, determined that no wire programing was being carried on Station WQIZ, and McClure "has reason to believe" that this situation existed for at least several months before March 1966; moreover, it is contended, WQIZ's news programs consisted only of reading from a Charleston, S.C., newspaper. Further lack of candor by WQIZ is shown, WJES asserts, by the length of time it took for WQIZ to inform the Commission of certain changes in the antenna ground system of its station. WQIZ's original application, which was granted on April 19, 1962, indicated that WQIZ was to utilize easements and place the ground system on land adjacent to that owned by Jones. An easement for the land was obtained on August 14, 1961, but on August 19, 1961, this easement was released and Jones agreed to remove his ground wires from the property; in June of 1964, Jones advised the Commission that he was utilizing a ground system within the WQIZ property. An affidavit from McClure attests to personal knowledge of the foregoing facts.

6. In response to these allegations, Jones, in his affidavit, concedes that the station no longer has a six-man staff, but states that it is his "hope and expectation" that if the subject application is granted, the staff will be enlarged to its previous size. Jones also concedes that WQIZ does not presently have teletype news services, but states that he continues to propose such news service if his application is granted. With respect to WQIZ's ground system, Jones states that the release of easement was executed simply to protect the owner of the property, that it was never exercised, that the location of the ground system was as shown in the application, and that when the ground system was subsequently moved, it was done pursuant to Commission consent.

7. No showing has been made that WQIZ's ground system was moved without Commission consent, and Jones' explanation of the release of easement is adequate. However, WQIZ neither denies nor explains the allegations concerning the reduction of its hours of operation. With regard to its staff and programing, while WQIZ apparently intends to operate in the manner proposed in its application, there have been significant changes in past and existing operations which WQIZ has failed to report. There is no indication of when these changes occurred or how long they have been in effect. Commission policy requires licensees to report significant changes in programing. Report and order, FCC 65–686, 5 RR 2d 1773, 1776. Additionally, since WQIZ's application makes specific representations with regard to its existing and proposed operations, serious questions are raised as to whether WQIZ has failed to comply with § 1.65 of the rules. Moreover, if these changes had already been made at the time WQIZ filed its subject application, a question of misrepresentation would be present. Issues inquiring into these matters appear warranted and will therefore be added.

8. WJES alleges that WQIZ's 810 kc/s proposal appears to be designed as an inducement for profitable sale rather than operation. In support of this allegation, WJES submitted a "notice of private sale," signed by Jones, wherein reference to its pending application is made, and a letter, signed by Jones on January 22, 1966, to a prospective buyer which also mentions the pending application. The Broadcast Bureau, in its comments, supports the addition of a trafficking issue, contending that a clause in the notice of private sale which states that the "contract is binding on a buyer only if the 5 kw. application is approved" conditions the sale on the outcome of the instant proceeding, and raises substantial questions as to whether Jones intends to construct the proposed facilities and whether he has prosecuted the pending application for the purpose of selling the station at an increased price. Jones, in his affidavit, concedes that he has, in the past, attempted to sell Station WQIZ. However, Jones points out that he has owned the station for over three years, and states that the subject application was not filed for the purpose of selling the station, that the existence of the application had no connection with the proposed sale, and that he has discontinued his efforts to sell the station. In its reply, WQIZ states that the language contained in the notice of sale, relied upon by the Bureau, refers only to the contract for the purchase of new equipment, not the contract for the sale of the station.

9. The Board agrees with the Bureau that if a substantial question were raised as to whether WQIZ filed the subject application merely for the purpose of selling the station at an enhanced price, a trafficking issue would be warranted. See Edina Corp., FCC 66R–238, 4 FCC 2d 36, 61. However, there is no allegation, supported by affidavits of persons with knowledge, that Jones intended to sell the station at the time he filed the application or that WQIZ does not intend to construct its proposed facilities and operate thereon indefinitely. The mere fact that Jones attempted to sell the station and mentioned the subject proposal while the application was pending is not sufficient to raise questions as to his intent in applying for improved facilities, particularly in view of Jones' unequivocal denial that the subject application had anything to do with the attempt to sell the station, and the fact that he no longer has the station on the market.[5] Cf. Central Broadcasting Corporation, FCC 66R–117, 3 FCC 2d 115.

10. WJES alleges that Station WQIZ is being operated completely unattended, contrary to the Commission's rules. WJES states that on May 11, 1966, Jones met McClure at a restaurant, and gave him a guided tour of the station; that during that tour McClure saw no other person at the station except Jones' wife, who unlocked the door and entered the building, presumably to make a half-hourly reading; that Jones told McClure that the station was being operated by "automation," from 3 to 5 p.m.; and that during the tour, Jones turned on the lights in the control room and turned them off when the two departed. Jones, in his affidavit, denies the allegation that WQIZ has been operated on an unattended basis, contending that the studio and transmitter of WQIZ are located in the same building with the residence of Jones and wife; that, although McClure did not see her, Mrs. Jones was in the building monitoring the station from the control room and was never outside the building;[6] and that although Jones turned off lights in certain rooms, the lights in the transmitter and control rooms, which are adjacent to each other, were left on so that Mrs. Jones could properly perform the duties of an operator. McClure, in an affidavit submitted with WJES's reply, again states that the lights in the control room were turned off and Mrs. Jones was not in the room.

11. Section 73.93 of the Commission's rules requires a licensed operator to be in charge of the transmitting apparatus and to be on duty at the transmitter location, if remote control is not authorized. The affidavits submitted are conflicting as to whether this rule was being complied with. In view of this conflict and because of the interrelationship of this matter and the allegations concerning WQIZ's programing and staffing changes, hearing issues to determine whether WQIZ has operated unattended will be added.

12. WJES asserts that WQIZ will not be able to achieve the minimum radiation efficiency of 175 mv/m per 1 kilowatt of power, as required by § 73.189 of the rules. In support of this contention, petitioner submitted an engineering affidavit to the effect that the proposed WQIZ antenna is capable of radiating no more than 171.5 mv/m per kilowatt. In response, WQIZ submitted an engineering affidavit showing that the antenna would develop a field of 174 mv/m or 175.2 mv/m, depending upon which of the petitioner's two estimated no-loss field strengths are used. As pointed out by the Bureau in its comments, the designation order contains a condition requiring that before program tests are authorized, WQIZ shall submit sufficient field intensity measurement data to establish that the proposed antenna system complies with the minimum efficiency requirements of section 73.189 of the rules. Thus, the Commission was aware of this problem at the time of designation. Moreover, even if petitioner's contention that WQIZ's proposed antenna system would only develop 171.5 mv/m is accurate, the amount of departure is only 2 percent below the minimum required field, and it is not beyond the realm of possibility that the minimum value can be attained, depending upon the manner in which the antenna system is constructed and adjusted.

[5] The Board agrees with WQIZ that the notice of sale did not make the sale of the station conditional on the outcome of the instant proceeding.

[6] Mrs. Jones, in an affidavit, substantiates these allegations.

13. WJES contends that the burden of proceeding with the introduction of evidence and the burden of proof should be placed upon WQIZ with regard to any added issues. Since the pertinent information raised by the issues added herein is peculiarly within the knowledge of WQIZ, it will be given the burden of proof on these issues. However, since the additional issues relate to serious questions of conduct and resulted from charges made by WJES, WJES will have the burden of proceeding with the initial presentation of evidence. See D & E Broadcasting Co., 1 FCC 2d 78, 5 RR 2d 475 (1965); and Elyria-Lorain Broadcasting Co., FCC 65-857, 6 RR 2d 191 (1965).

Accordingly, it is ordered, This 28th day of September 1966, That the petition of the Edgefield-Saluda Radio Co. to enlarge hearing issues, filed on May 31, 1966, is granted to the extent indicated herein, and denied in all other respects; that this proceeding is remanded to the Hearing Examiner for a reopening of the record, further hearing, and the preparation of a supplemental initial decision consistent with this opinion; and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether there has been with respect to Station WQIZ (and, if so, the attendant facts and circumstances) unattended operation, reduction in hours of operation, reduction in staff, and/or substantial changes in programing of WQIZ; and to determine in connection therewith whether WQIZ, Inc., has misrepresented its operation to the Commission in its application, pleadings or testimony, has failed to report significant changes in operation contrary to the provisions of § 1.65 of the rules and/or the Commission's policy requiring licensees to report substantial changes in programing, and/or has operated Station WQIZ in a manner contrary to the provisions of § 73.93 of the Commission's rules;

(b) To determine in light of the evidence adduced under the foregoing issue, whether WQIZ, Inc., possesses the requisite qualifications to be a Commission licensee.

It is further ordered, That the Edgefield-Saluda Radio Co. is directed to proceed with the initial presentation of evidence with respect to the issues added herein, WQIZ, Inc., then to proceed with the introduction of its evidence and to have the burden of proof with respect to the added issues.

Released: September 28, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-10836; Filed, Oct. 4, 1966; 8:51 a.m.]

[1] Board Member Kessler concurring in the result only and Board Member Nelson absent.

[Docket Nos. 16340, 16341; FCC 66M-1310]

EDGEFIELD-SALUDA RADIO CO. (WJES) AND WQIZ, INC. (WQIZ)

Order Scheduling Prehearing Conference

In re applications of Franklin D. R. McClure, Jessie Claude Casey, James H. Satcher, and Van E. Edwards, Jr., doing business as the Edgefield-Saluda Radio Co. (WJES), Johnston, S.C.; Docket No. 16340, File No. BP-16489; WQIZ, Inc. (WQIZ), Saint George, S.C.; Docket No. 16341, File No. BP-16625; for construction permits.

The Hearing Examiner having under consideration the memorandum opinion and order of the Review Board in the above-entitled proceeding, released September 28, 1966 (FCC 66R-372), remanding the proceeding to the Hearing Examiner for reopening of the record, further hearing on enlarged issues, and preparation of a supplemental initial decision;

It is ordered, This 29th day of September 1966, that the record herein is hereby reopened and that a prehearing conference is hereby scheduled to convene at 10 a.m., October 14, 1966, at the Commission's offices, Washington, D.C.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 66-10837; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket No. 16889; FCC 66-863]

HAWAIIAN PARADISE PARK CORP. AND FRIENDLY BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues

In re application of Hawaiian Paradise Park Corp. (Assignor); and Friendly Broadcasting Co. (Assignee); Docket No. 16889, BALCT-293, BALTS-185; for assignment of licenses of Stations KTRG-TV and KUT-67, Honolulu, Hawaii.

At a session of the Federal Communications Commission held at its office in Washington, D.C., on the 28th day of September 1966.

1. The Commission has before it the above application as amended. It requests the assignment of the license of Station KTRG-TV, Honolulu, Hawaii, from the Hawaiian Paradise Park Corp. to the Friendly Broadcasting Co.

2. Examination of the application indicates that the assignee proposes a major change in the program format to that of a substantial amount of Japanese programing with a limited amount of other foreign language programing. This proposal raises a number of substantial and material questions of fact to be resolved by the hearing which we are ordering. Some of these questions are: (1) The adequacy of the assignee's survey to support the proposed programing. (2) The need and interest of the station's principal community and service area for the proposed programing.

3. There are other questions to be resolved at the hearing. Such an application presents difficult problems of control and supervision. In this regard, we note that the Eaton stations have a history of rule violations, and that this history raises a question of the adequacy of the supervision and control of the operation of the Eaton stations.

4. In light of this past history and of the proposed programing at KTRG and of the distance of the facility from Eaton's principal business address (Washington, D.C.), substantial and material questions of fact remain as to the assignee's proposals for control and supervision of the KTRG television facilities.

5. The Commission finds that except as indicated by the issues specified below, the assignee is legally, technically, and financially qualified to operate Station KTRG as proposed. However, in view of the outstanding substantial and material questions of fact previously mentioned, the Commission is unable to find that a grant of the aforementioned application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing on the issues set forth below.

6. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the adequacy of the assignee's survey of needs and whether this survey of needs supports the assignee's proposed programing.

2. To determine the adequacy of assignee's proposed measures for control and supervision at KTRG.

3. To determine whether a grant of the above application will serve the public interest, convenience, and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicants herein, pursuant to § 1221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of

such notice as required by § 1.594(g) of the rules.

Released: September 30, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10838; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket No. 16663; FCC 66M-1303]

LAMAR LIFE INSURANCE CO.

Order Scheduling Prehearing Conference

In re applications of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of television station WLBT and auxiliary services, Jackson, Miss.

Upon the Hearing Examiner's own motion; *It is ordered*, This 29th day of September 1966, that there will be a prehearing conference in this proceeding on October 10, 1966, 9:00 a.m., in the Commission's Offices, Washington, D.C.

Released: September 29, 1966.

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

[F.R. Doc. 66-10839; Filed, Oct. 4, 1966; 8:51 a.m.]

[Docket Nos. 16301, 16312; FCC 66M-1309]

SAWNEE BROADCASTING CO. (WSNE) AND HALL COUNTY BROADCASTING CO. (WLBA)

Order Scheduling Further Prehearing Conference

In re applications of John T. Pittard, trading as Sawnee Broadcasting Co. (WSNE), Cumming, Ga.; Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co. (WLBA), Gainesville, Ga.; Docket No. 16312, File No. BP-16606; for construction permits.

A further prehearing conference in the above-entitled proceeding will be held on Thursday, October 13, 1966, beginning at 9 a.m., in the offices of the Commission, Washington, D.C.

The matters to be considered will include but will not be limited to (1) the type and scope of the exhibits which Hall County Broadcasting Co. (WLBA) will offer in response to the financial issues adopted by the Review Board in its corrected memorandum opinion and order adopted September 22, 1966, released September 27, 1966; (2) the date for the exchange of such exhibits; and (3) the date for further evidentiary hearing.

[1] Commissioner Hyde dissenting and Commissioner Lee absent.

It is so ordered, This the 29th day of September 1966.

Released: September 30, 1966.

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

[F.R. Doc. 66-10840; Filed, Oct. 4, 1966; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-49; 1st Supp. Order]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Household Goods Investigation

By order of August 23, 1966, the Commission on its own motion instituted an investigation to determine whether the rates maintained by the North Atlantic Mediterranean Freight Conference and its member lines on the movement of household goods for the Department of State in relation to those applicable to the movement of household goods shipped in the Conference trade by the military are contrary to sections 16, 17, and 18(b)(5), Shipping Act, 1916; and whether the maintenance of such rates and the failure of the Conference and its member lines to act upon the request of the Department of State for rate adjustments constitute a violation of section 15 of said Act.

On August 26, 1966, the Waterman Steamship Corp. was admitted to membership in the North Atlantic Mediterranean Freight Conference and on that date the Conference tariff was revised to name said carrier as a participant therein.

Now therefore it is ordered, That the Waterman Steamship Corp., 19 Rector Street, New York, N.Y. 10006, be named as a respondent in this proceeding, that notice of this order be published in the FEDERAL REGISTER and that a copy thereof and all other notices in this proceeding be served upon all respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-10812; Filed, Oct. 4, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CS67-1—CS67-3]

J. C. BARNES OIL CO., ET AL.

Findings and Order

SEPTEMBER 27, 1966.

J. C. Barnes Oil Co. (Operator), Docket No. CS67-1; Adobe Oil Co., Docket No. CS67-2; and Leonard Latch, et al., Docket No. CS67-3; findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, severing and terminating proceeding, and canceling FPC gas rate schedules.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications and in the Appendix hereto.

Applicants' presently effective certificates and FPC gas rate schedules for sales from the Permian Basin area to be continued under small producer certificates are listed in the Appendix hereto. The certificates will be terminated and the rate schedules canceled.

Applicant in Docket No. CS67-1 proposes to continue a sale made pursuant to J. C. Barnes (Operator), et al., FPC Gas Rate Schedule No. 4 which was heretofore unconditionally authorized to be made at a rate in excess of the area base rate prescribed in Opinion No. 468. J. C. Barnes filed a notice of change in rate under his FPC Gas Rate Schedule No. 4 which change is suspended in Docket No. RI63-296.[1] Applicant in Docket No. CS67-3 has heretofore filed an increase in rate under his FPC Gas Rate Schedule No. 1 which was suspended in Docket No. RI60-328[2] and is effective subject to refund. The proceeding in Docket No. RI63-296 will be terminated and Applicants' other rate proceeding will remain pending.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications has been received.

At a hearing held on September 22, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of service under the authorization hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and in the Appendix hereto, will be made in interstate commerce subject to the jurisdiction of

[1] Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1, et al.

[2] Consolidated in the initial proceeding in Docket No. AR61-1, et al.

the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) Applicants are or will be independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin, which sales will be continued under the small producer certificates issued hereinafter should be terminated, and the related FPC gas rate schedules should be cancelled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI63–296 should be severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61–1, et al., and terminated.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the Appendix hereto and in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission, and particularly.

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act, and

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued herein shall be effective on the date of this order.

(F) The proceeding pending in Docket No. RI63–296 is severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR 61–1, et al., and terminated.

(G) The issuance and termination of certificates and the cancellation of rate schedules herein shall not relieve Applicants from compliance with orders which have been or may by issued in Applicants' pending rate proceedings and in Docket Nos. AR 61–1, et al., including refund obligations, and from the submission of refund reports for sales made at rates in excess of the applicable area base rates between September 1, 1965, and the date of this order.

By the Commission.

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

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule No.	Terminated certificate docket No.
C867–1 7–25–66	J. C. Barnes Oil Co. (Operator).	[1] 3 [2] 4	G–7103,[3] G–14334,[4]
C867–2 7–20–66	Adobe Oil Co.		
C867–3 7–5–66	Leonard Latch, et al.	[5] 1	G–19443.

[1] On file as J. C. Barnes, et al., FPC Gas Rate Schedule No. 3.
[2] Certificate issued to J. C. Barnes, et al.
[3] On file as J. C. Barnes (Operator), et al., FPC Gas Rate Schedule No. 4. An increased rate under this rate schedule is suspended in Docket No. RI63–296.
[4] Certificate issued to J. C. Barnes (Operator), et al.
[5] An increased rate under this rate schedule is in effect subject to refund in Docket No. RI60–328.

[F.R. Doc. 66–10767; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67–67]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67–67 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a gas pipeline, the installation and operation of metering, regulating, and other appurtenant facilities, and the sale and delivery of natural gas to the Gas Service Co. (Gas Service) for resale and distribution by Gas Service to consumers in and about the cities of Ash Grove, Walnut Grove, and Willard, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specificially, Applicant seeks authorization to tap its 16-inch pipeline in the NE¼ of sec. 22, T. 28 N., R. 23 W., Greene County, Mo.; to construct and operate approximately 27 miles of 6- and 4-inch pipeline from the tap location to the vicinity of the communities to be served; to install and operate metering, regulating, and appurtenant facilities at three locations along this pipeline and to there sell and deliver gas to Gas Service for such resale and distribution.

The third year peak day and annual natural gas requirement is estimated to be 968 Mcf and 108,500 Mcf, 14.73 p.s.i.a., respectively.

The total estimated cost of the proposed facilities is $469,400, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure,

a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10768; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-74]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 21, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67-74 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities necessary to augment certain existing facilities utilized for the receipt and transportation of gas in the Wasson area of Yoakum County, Tex., as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant states that the proposed facilities will implement the receipt and utilization at its Wasson plant of an additional 33 M^3 cf/d of gas under an amended contract between Applicant and Shell Oil Co. and Coltexo Corp.

The facilities for which Applicant seeks certificate authorization to construct and operate consist of approximately 1.1 miles of 20-inch O.D. pipeline, 0.6 mile of 10¾-inch O.D. pipeline, one (1) 20-inch O.D. and one (1) 10¾-inch O.D. check meter. Applicant also proposes to construct and operate, under authority of § 2.55(a) of the Commission's general policy and interpretations, additional purification and dehydration facilities to provide an increase of 33 M^3 cf/d design inlet capacity in its existing Wasson plant.

The total estimated cost of Applicant's proposed construction is $3,010,559, and will be financed out of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10769; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-68]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two measuring stations for the receipt and transportation of natural gas to be purchased from Petroleum Management, Inc., produced from the Buckner Field, Richland Parish, La., and Joe G. Strahan, produced from the Richland Field Area in Richland, Caldwell, Ouachita, and Franklin Parishes, La.

The total estimated cost of the proposed facilities is $3,547, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10770; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-66]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-66 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by §157.7(b) of the regulations under the act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the calendar year 1967 and operate meter stations, lateral pipelines, and taps on Applicant's existing natural gas transmission system to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from an independent producer or other similar seller authorized by the Commission to make a sale to the Applicant for resale in interstate commerce.

The application states that the facilities for which authorization is sought are required in order to enable Applicant to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas located in the vicinity of its system.

Total estimated cost of Applicant's proposed construction is not to exceed $2,000,000, with no single project expenditure to exceed $500,000, and will be financed with funds on hand for construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time re-

quired herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10771; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. RP67-10]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 27, 1966.

Pursuant to § 2.59 of the Commission's rules (18 CFR 2.59), notice is hereby given that on September 23, 1966, Texas Gas Transmission Corp. filed stipulation as to rates which reflect its proposed changes reducing rates and charges in each rate schedule presently in effect. The proposed decrease aggregates approximately $4,238,000 based upon estimated 1966 billing quantities and represents primarily the reduction in Federal income tax resulting from the company's flow-through of its use of liberalized depreciation as a tax deduction. The reduced rates are proposed to become effective October 1, 1966.

The stipulation also provides for filing of net rate reductions by Texas Gas to give effect to reductions in the rates of its suppliers, effective on October 1, 1966, and for flow-through of refunds received from its suppliers.

The stipulation further provides that Texas Gas will not effectuate an increase in any of the jurisdictional rates being reduced herein prior to July 1, 1968, after statutory suspension, if any.

Copies of the proposed rate changes and the agreement have been served by Texas Gas upon its customers and State Commissions.

Comments may be filed with the Commission on or before October 20, 1966.

JOSEPH H. GUTRIDE,
Secretary.

F.R. Doc. 66-10772; Filed, Oct. 4, 1966; 8:45 a.m.]

[Docket No. CP67-71]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 19, 1966, Texas Gas Transmission Corp. (Applicant), 3800 Frederica Street, Owensboro, Ky., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities in Haywood County, Tenn, for the transportation in interstate commerce for sale for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate one side valve and a positive meter in Haywood County, Tenn., which will establish a new delivery point for an existing customer, the city of Brownsville, Tenn. (Brownsville), for resale in the community of Providence, Haywood County, Tenn. (Providence).

The estimated annual and peak day requirements for Providence are 1,800 Mcf and 20 Mcf, respectively. The application states that no increase in the contract demand of Brownsville is proposed for this service.

The total estimated cost of the proposed facilities is $2,470, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10773; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket Nos. CP67-72, CP67-73]

TEXAS GAS UTILITIES CO.

Notice of Application

SEPTEMBER 28, 1966.

Take notice that on September 19, 1966, Texas Gas Utilities Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP67-72 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the exportation of natural gas to the Republic of Mexico. Concurrently with the above-mentioned application Applicant filed in Docket No. CP67-73 an application for a Presidential Permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the maintenance and operation of facilities to export gas at the international boundary between the United States of America and the Republic of Mexico. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

Applicant states that its predecessor in interest, Border Pipe Line Co. (Border), presently sells and delivers natural gas to American Smelting & Refining Co. (American) for exportation pursuant to authority granted both Border and American by the Commission in Docket No. G-228, on October 10, 1942, and maintains and operates facilities to export gas by authority of a Presidential Permit also issued by the Commission in Docket No. G-228 on October 10, 1942. American transports the gas into Mexico for use by its subsidiary, Compania Mineral Asarco, S. A.

Applicant further states that pursuant to an assignment, dated June 29, 1966, Border assigned and conveyed its interest to Applicant in the sale to American.

Applicant specifically seeks authorization to continue the sale and delivery of natural gas to American for exportation to Mexico at a point on the international boundary approximately 7 miles south of Laredo, Tex., as described above. The application states that the natural gas used in the exportation will come from fields in the State of Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10774; Filed, Oct. 4, 1966; 8:46 a.m.]

[Docket Nos. CP67-69, CP67-70]

UNITED GAS DISTRIBUTION CO.

Notice of Application

SEPTEMBER 27, 1966.

Take notice that on September 19, 1966, United Gas Distribution Co. (Applicant), Post Office Box 2461, Houston, Tex. 77001, filed in Docket No. CP67-69 an application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing the exportation of natural gas to the Republic of Mexico. Concurrently with the above application, Applicant has also filed in Docket No. CP67-70 an application for a permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the operation and maintenance of facilities on the international border between the United States and Mexico for the exportation of natural gas to Mexico. The proposals involved are more fully set forth in the aforementioned applications which are on file with the Commission and open to public inspection.

Applicant proposes, subject to the approval of the Securities and Exchange Commission, to take over the Distribution Division of United Gas Corp. (United). The application states that on August 9, 1966, Applicant and United entered into a form of purchase agreement wherein United agreed to sell and Applicant agreed to purchase United's Distribution Division, including all properties, records, and contracts pertaining to the exportation of gas for which authorization is here sought.

The application states that United, subsequent to the enactment of the Natural Gas Act in 1938, pursuant to section 3 of said Act, applied for authorization to continue the exportation of natural gas to Compania de Gas Nuevo Laredo, S.A. (CGNL) for sale for resale in the city of Nuevo Laredo, Mexico, which exportation and sale had been conducted by United and the predecessors of United since 1923. The Commission granted authorization in Docket No. G–103 on September 10, 1940 (2 FPC 803). United also applied for and obtained the requisite Presidential permit which was dated July 9, 1940. Subsequently, upon the execution of a new contract between United and CGNL a new authorization and permit were granted on January 26, 1945, 4 FPC 840, and November 29, 1944, respectively, in Docket No. G–103.

Specifically, Applicant proposes to operate and maintain facilities at the international border with Mexico between Laredo, Tex., and Nuevo Laredo, Mexico. Applicant states that all the gas supplies for CGNL will come from fields located in the State of Texas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 24, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–10775; Filed, Oct. 4, 1966; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 78]

PORTION OF KINGSBURY ORDNANCE PLANT, LA PORTE, IND.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Chicago Regional Office, dated June 7, 1966, the property comprising 747.735 acres and 41 buildings, identified as a portion of the former Kingsbury Ordnance Plant, La Porte, Ind., and more particularly described in the conveyance document has been transferred by deed effective June 6, 1966, to the State of Indiana.

2. The above identified property was transferred to the State of Indiana for the use and benefit of the Department of Natural Resources for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: September 27, 1966.

CURTIS A. ROOS,
Acting Assistant Commissioner for Property Disposal, Property Management and Disposal Service.

[F.R. Doc. 66–10813; Filed, Oct. 4, 1966; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 September 29, 1966, through October 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10791; Filed, Oct. 4, 1966; 8:47 a.m.]

[NY–4393]

FIRST STANDARD CORP.

Order Suspending Trading

SEPTEMBER 28, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of First Standard Corp. 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 September 29, 1966, through October 8, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–10792; Filed, Oct. 4, 1966; 8:47 a.m.]

[File No. 70–4417]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Transfer of Portion of Earned Surplus to Common Capital Stock Account

SEPTEMBER 28, 1966.

Notice is hereby given that Mississippi Power & Light Co. ("Mississippi"), P.O. Box 1640, Jackson, Miss. 39205, an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $7,000,000 principal amount of First Mortgage Bonds, ------ percent Series due November 1, 1996. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated September 1, 1944, between Mississippi and Irving Trust Co. and Fredrick G. Herbst (E. J. McCabe, Successor), Trustees, as heretofore supplemented and as to be further supplemented by a Ninth Supplemental Indenture to be dated November 1, 1966.

The net proceeds from the sale of the bonds will be used (i) to retire short-term notes to banks made or to be made by Mississippi as temporary financing of its current construction program, estimated at about $51,900,000 for the year 1966 of which about $37,085,000 has been expended through July 31, 1966, and (ii) for other corporate purposes.

As of July 31, 1966, the earned surplus of Mississippi amounted to $14,413,792. Mississippi proposes to transfer $6,200,000 of its earned surplus to its common Capital Stock Account thereby increasing the stated value of its 3,100,000 outstanding shares of no par common stock from $49,600,000 to $55,800,000.

Fees and expenses relating to the proposed sale of bonds are estimated at $45,000, including legal fees of $17,500 and accountant's fees of $2,500. The fee of counsel for the underwriters, to be paid by the successful bidders, is esti-

mated at $6,000. Fees and expenses which may become payable in connection with the proposed increase in stated capital are expected to be nominal, and no special fees will be paid to regularly retained counsel.

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 October 21, 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 issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10793; Filed, Oct. 4, 1966; 8:47 a.m.]

[812-1999]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Purchase of Securities During an Underwriting

SEPTEMBER 28, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $1 million principal amount convertible subordinated debentures due 1986 ("the debentures") which Sanders Associates, Inc. ("the Issuer"), proposes to issue. The proposed purchase is a portion of an offering of $17,500,000 principal amount of debentures expected to be offered to the public as soon as the registration statement on Form S-1 of the Issuer, filed September 13, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.20 percent of the Applicant's assets as of September 9, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 1.95 percent of the Applicant's assets as of September 9, 1966.

Notice is further given that any interested person may, not later than October 10, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-10794; Filed, Oct. 4, 1966; 8:47 a.m.]

[File No. 70-4416]

NEW ENGLAND ELECTRIC SYSTEM, ET AL.

Notice of Proposed Increase in Authorized Amounts of Promissory Notes Issued by Subsidiary Companies to Banks and/or to Holding Company

SEPTEMBER 28, 1966.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, and certain of its public-utility subsidiary companies ("the borrowing companies"), namely, Massachusetts Electric Co. ("Mass Electric"), New England Power Co. ("NEPCO"), Central Massachusetts Gas Co. ("Central"), Mystic Valley Gas Co. ("Mystic Valley") and Wachusett Gas Co. ("Wachusett"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12 of the Act and Rules 42(b)(2), 45 and 50(a)(2) and (3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Commission on February 23, 1966 (Holding Company Act Release No. 15410), authorized the borrowing companies, among other subsidiary companies of NEES, to issue to banks and/or to NEES, not later than December 31, 1966, their short-term notes in a maximum aggregate amount outstanding at any one time of $44,765,000. It is now proposed that the borrowing companies will issue $5 million additional amount of such notes not later than such date, for interim financing of construction expenditures, or reimbursement of their treasuries for expenditures for such purpose, as follows:

Mass Electric	[1] $1,500,000
NEPCO	[1] 3,000,000
Central	[2] 100,000
Mystic Valley	[2] 300,000
Wachusett	[2] 100,000
	$5,000,000

[1] Notes to be issued to: NEES and/or The First National Bank of Boston, Mass.

[2] Notes to be issued to: First National City Bank, New York, N.Y.

Each proposed note will bear interest at not in excess of the prime rate (currently 6 percent per annum) in effect at

the time of issue, will mature on or prior to March 31, 1967, and will be prepayable at any time, in whole or in part, without premium, and in all respects will contain the same terms and conditions as the notes heretofore authorized by the Commission.

Incidental services in connection with the proposed issuance of notes will be performed at actual cost by New England Power Service Co., an associate service company; such cost is estimated not to exceed $200 for each company.

It is stated that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than October 19, 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 issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10795; Filed, Oct. 4, 1966; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Adamsville Shirt Mfg. Co., Adamsville, Tenn.; 9-8-66 to 9-7-67 (ladies' blouses).

The Arrow Co., division of Cluett, Peabody & Co., Inc., Albertville, Ala.; 9-8-66 to 9-7-67 (men's shirts).

The Bennettsville Co., Division of Florence Manufacturing Co., Inc., 200 Rogers Street, Bennettsville, S.C.; 9-12-66 to 9-11-67; 10 learners (ladies' dresses).

Glenn Berry Manufacturers, Inc., 126 North River Street, Commerce, Okla.; 9-20-66 to 9-19-67 (men's army fatigues).

Gross Galesburg Co., Charlton, Iowa; 9-19-66 to 9-18-67 (men's outerwear jackets).

Industrial Garment Manufacturing Co., Route No. 2, Palestine, Tex.; 9-12-66 to 9-11-67 (men's work pants).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; 9-8-66 to 9-7-67 (men's and boys' slacks).

Henry I. Siegel Co., Inc., Fulton, Ky.; 9-24-66 to 9-23-67 (men's and boys' pants).

Stapleton Garment Co., Stapleton, Ga.; 9-23-66 to 9-22-67 (men's trousers and ladies' slacks).

Levi Strauss & Co., 802½ West Erwin Street, Tyler, Tex.; 9-12-66 to 9-11-67 (men's and boys' jeans).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; 9-30-66 to 9-29-67 (men's slacks).

Williamson-Dickie Manufacturing Co., Post Office Box 377, Bainbridge, Ga.; 9-12-66 to 9-11-67 (men's and boys' pants).

The following plant expansion certificates were issued authorizing the number of learners indicated.

The Arrow Co., Division of Cluett, Peabody & Co., Inc., Albertville, Ala.; 9-8-66 to 3-7-67; 60 learners (men's shirts).

Macon Garment Co., Red Boiling Springs, Tenn.; 9-12-66 to 3-11-67; 80 learners (men's pants).

Prairie Manufacturing Co., East Prairie, Mo.; 9-12-66 to 3-11-67; 20 learners (men's and boys' pants).

Vista Slack Corp., 660 L Street, Chula Vista, Calif.; 9-12-66 to 3-11-67; 10 learners (men's slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended)

Good Luck Glove Co., Rosiclare, Ill.; 9-12-66 to 3-11-67; 100 learners for plant expansion purposes (work gloves).

St. Johnsbury Glovers, Inc., 18 Railroad Street, St. Johnsbury, Vt.; 9-21-66 to 9-20-67; 10 learners for normal labor turnover purposes (knit and leather gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended)

Beauty Maid Mills, Inc., Post Office Box 631, Statesville, N.C.; 9-9-66 to 9-8-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties, gowns, and slips).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah; 8-25-66 to 2-24-67; 15 learners for plant expansion purposes (ladies' and children's panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended)

Bissinger's, Inc., 205 West Fourth Street, Cincinnati, Ohio; 9-6-66 to 1-31-67; 10 learners for plant expansion purposes in the occupation of candy creations assembler, for a learning period of 320 hours at the rate of $1.15 an hour (candy creations).

The following student-worker certificates were issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Southwestern Union College, Keene, Tex.; 9-7-66 to 8-31-67; authorizing the employment of: (1) 6 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker, camera and plate room technician and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 2 student-workers in the clerical occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semiskilled occupations, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-10789; Filed, Oct. 4, 1966; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Crest Stores Co., variety stores from 9–17–66 to 9–16–67: Boone, N.C.; Brevard, N.C.; North Wilkesboro, N.C.

Eagle Stores Co., Inc., variety stores: 222 Sunset Avenue, Asheboro, N.C. (9–15–66 to 9–14–67); 1–11 West Main Street, Martinsville, Va. (9–3–66 to 9–2–67).

W. T. Grant Co., variety stores: 77–85 Congress Street, Rumford, Maine (9–12–66 to 9–11–67); No. 5, New Bedford, Mass. (9–12–66 to 9–11–67); 8 Airport Plaza, Hazlet, N.J. (9–14–66 to 9–13–67); 1113 Washington Pike, Bridgeville, Pa. (9–15–66 to 9–14–67); Crafton-Ingram Shopping Center, Pittsburgh, Pa. (9–16–66 to 9–15–67); 345 Market Street, Sunbury, Pa. (9–3–66 to 9–2–67).

Harry's Food Stores, Inc., food store; 135 Twohig, San Angelo, Tex.; 9–12–66 to 9–2–67.

Harts Super Markets, food store; No. 1, Branson, Mo.; 9–3–66 to 9–2–67.

S. S. Kresge Co., variety stores: No. 305, Chicago, Ill. (9–3–66 to 9–2–67); No. 549, Lansing, Mich. (9–14–66 to 9–13–67); No. 4573, Ypsilanti, Mich. (9–6–66 to 9–5–67); No. 520, Minneapolis, Minn. (9–3–66 to 9–2–67); No. 4567, Cleveland, Ohio (9–16–66 to 9–15–67); No. 644, Dayton, Ohio (9–21–66 to 9–20–67).

McCrory-McClellan-Green Stores, variety stores: No. 1135, Louisville, Ky. (9–3–66 to 9–2–67); No. 1202, Baltimore, Md. (9–16–66 to 9–15–67); No. 664, Lynn, Mass. (9–27–66 to 9–26–67); No. 506, Ypsilanti, Mich. (9–9–66 to 9–8–67); No. 1059, Portsmouth, Ohio (9–6–66 to 9–5–67); No. 317, East York, Pa. (9–14–66 to 9–13–67); No. 325, Fairless Hills, Pa. (9–14–66 to 9–13–67); No. 139, Bristol, Tenn. (9–3–66 to 9–2–67).

Morgan & Lindsey, Inc., variety stores from 9–3–66 to 9–2–67: No. 3090, Arabi, La.; No. 3065, Baton Rouge, La.; No. 3083, Morgan City, La.; No. 3057, New Orleans, La.; No. 3068, New Orleans, La.; No. 3019, Ruston, La.; No. 3086, Sulphur, La.; No. 3050, West Monroe, La.; No. 3064, Hattiesburg, Miss.; No. 3051, Jackson, Miss.; No. 3082, Laurel, Miss.

G. C. Murphy Co., variety stores: No. 134, Baltimore, Md. (9–12–66 to 9–11–67); No. 147, Baltimore, Md. (9–12–66 to 9–11–67); No. 238, Baltimore, Md. (9–12–66 to 9–11–67); No. 267, Baltimore, Md. (9–12–66 to 9–11–67); No. 268, Glen Burnie, Md. (9–12–66 to 9–11–67); No. 271, Bethlehem, Pa. (9–12–66 to 9–11–67); No. 108, Mercer, Pa. (9–13–66 to 9–12–67).

J. J. Newberry Co., variety stores: 11 Dexter Avenue, Montgomery, Ala. (9–8–66 to 9–7–67); No. 425, Atlanta, Ga. (9–23–66 to 9–22–67); No. 237, Winchester, Ky. (9–1–66 to 8–31–67); No. 360, Alma, Mich. (9–12–66 to 9–11–67); No. 244, Okmulgee, Okla. (9–14–66 to 9–13–67); 110 East State Street, Kennett Square, Pa. (9–13–66 to 9–12–67); No. 509, Houston, Tex. (9–16–66 to 9–15–67).

Rayless Department Stores, Inc., department stores; 835–941 Broad Street, Augusta, Ga. (9–15–66 to 9–14–67); 342 North Main Street, Hendersonville, N.C. (9–17–66 to 9–16–67); 220–22 Main Street, Salisbury, N.C. (9–17–66 to 9–16–67); 312–320 East Broad Street, Richmond, Va. (9–3–66 to 9–2–67).

Rockford Dry Goods Co., department store; State and Main Streets, Rockford, Ill.; 9–14–66 to 9–13–67.

Skinner, Chamberlain & Co., department store; 225 South Broadway, Albert Lea, Minn.; 9–3–66 to 9–2–67.

Sunshine Department Stores, Inc., department store; 795 Marietta Street NW., Atlanta, Ga.; 9–15–66 to 9–14–67.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Branson Heights Supermarket, Inc., food store; No. 2, Branson, Mo.; stock boy, bag boy, clean-up boy; 10 percent for each month; 9–3–66 to 9–2–67.

Eagle Stores Co. variety store; No. 27, Collinsville, Va.; sales clerk, stock clerk; 10 percent for each month; 9–3–66 to 9–2–67.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 599, Mableton, Ga. (sales clerk, between 0.2 percent and 10 percent, 9–14–66 to 9–13–67); No. 1131, Baltimore, Md. (between 7.4 percent and 10 percent, 9–12–66 to 9–11–67); No. 902, Barre, Vt. (between 3.5 percent and 10 percent, 9–12–66 to 9–11–67).

H.E.B. Food Store, food stores for the occupations of bottle boy, package boy, sack boy, 10 percent for each month, from 9–12–66 to 9–11–67: No. 108, Corpus Christi, Tex.; No. 100, Laredo, Tex.

Hested Stores Co., variety store; Sterling, Colo.; sales clerk, stock clerk; between 3.1 percent and 10 percent; 9–19–66 to 9–18–67.

S. S. Kresge Co., variety stores for the occupation of sales clerk: No. 4019, Champaign, Ill. (between 3.9 percent and 10 percent, 9–3–66 to 9–2–67); No. 780, Midland, Tex. (between 0.8 percent and 4.5 percent, 9–13–66 to 9–12–67); 1135 Market Street, Wheeling, W. Va. (10 percent for each month, 9–3–66 to 9–2–67).

McCrory-McLellan-Green Stores, variety stores: No. 3501, Northport, Ala. (sales clerk, stock clerk, between 6.6 percent and 10 percent, 9–6–66 to 9–2–67); No. 709, Sierra Vista, Ariz. (sales clerk, stock clerk, office clerk, between 4.3 percent and 10 percent, 9–14–66 to 9–13–67); No. 331, East Dover, Del. (sales clerk, cashier, between 4.0 percent and 10 percent, 9–15–66 to 9–14–67); No. 354, Salisbury, Md. (sales clerk, between 1.1 percent and 10 percent, 9–14–66 to 9–13–67).

Morgan & Lindsey, Inc., variety stores for the occupations of sales clerk, stock clerk: No. 3046, Alexandria, La. (between 6.0 percent and 10 percent, 9–16–66 to 9–15–67); No. 3085, Gulfport, Miss. (between 4.2 percent and 10 percent, 9–3–66 to 9–2–67); No. 3107, Picayune, Miss. (between 4.3 percent and 10 percent, 9–3–66 to 9–2–67).

Neisner Brothers, Inc., variety stores for the occupations of sales clerk, stock clerk, office clerk: No. 135, Arcadia, Fla. (between 9.8 percent and 10 percent, 9–16–66 to 9–15–67); No. 80, Deltona, Fla. (between 7.7 percent and 10 percent, 9–19–66 to 9–18–67); No. 79, South Miami, Fla. (10 percent for each month, 9–19–66 to 9–18–67); No. 314, Newton, N.J. (between 0.9 percent and 10 percent, 9–19–66 to 9–18–67); No. 307, Williamsport, Pa. (between 0.8 percent and 10 percent, 9–12–66 to 9–11–67).

Wade's Super Market, Inc., food store; Dublin, Va.; bag boy, checker, stock clerk, carry-out boy, wrapper; between 2.7 percent and 10 percent, 9–3–66 to 9–2–67.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Pursuant to the provisions of 29 CFR 519.9, any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., this 26th day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66–10790; Filed, Oct. 4, 1966; 8:47 a.m.]

[Administrative Order 595]

REGIONAL DIRECTORS ET AL.

Authorization To Grant or Deny Certificates

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor there-

under (41 CFR Parts 50–201 and 202), I hereby:

A. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing employment of full-time students, student-learners, apprentices, handicapped persons, and handicapped clients in sheltered workshops, as provided in 29 CFR Parts 519, 520, 521, 524, and 525 and as provided in 41 CFR Parts 50–201 and 202 and to take such other action as may be necessary or appropriate therewith: (1) The Regional Directors and Deputy Regional Directors within their respective regions, (2) the District Directors within their respective districts, and (3) the Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

B. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of full-time students, learners, and student-workers at special minimum wage rates as provided in 29 CFR Parts 519, 522, and 527 and pursuant to 41 CFR Part 50–202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Assistant Administrator for Wage Determinations and Regulations, (2) the Director of the Division of Wage Determinations, and (3) the Chief of the Branch of Special Minimum Wages.

C. Designate and appoint as my authorized representative the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at special minimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: The Regional Director and Assistant Regional Director for Puerto Rico and the Virgin Islands.

D. Revoke and withdraw Administrative Order No. 579 (28 F.R. 11524).

All other authority to grant or deny applications for, or to sign or issue certificates pursuant to section 14 of the Fair Labor Standards Act of 1938 is hereby revoked and withdrawn.

Part 528 of Title 29 of the Code of Federal Regulations, which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 519, 520, 521, 522, 523, 524, and 527, is unaffected by this administrative order.

Signed at Washington, D.C., this 30th day of September 1966.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 66-10850; Filed, Oct. 4, 1966; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 972]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 30, 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

No. MC 117574 (Sub-No. 151) (Amendment), filed May 17, 1966, published FEDERAL REGISTER issue of June 23, 1966, amended September 23, 1966, and republished as amended, this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories* for use in the installation and operation of items named in (1) and (2) above, from St. Bethlehem, Tenn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, North Carolina, and the District of Columbia. NOTE: The purpose of this republication is to change the origin point shown as Clarksville, Tenn., in the previous publication to St. Bethlehem, Tenn., which point is 4 miles out of Clarksville. Common control may be involved.

HEARING: Remains as assigned October 24, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Earl S. Dowell.

No. MC 59728 (Sub-No. 15) (Republication), filed May 6, 1966, published FEDERAL REGISTER issue of May 26, 1966, and republished, this issue. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio 44306. By application filed May 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Indianapolis, Ind., and the Indiana State line; over Interstate Highway 74, serving no intermediate points, as an alternate route for operating convenience only, and serving the termini for the purpose of joinder only. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served September 26, 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 *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Indianapolis, Ind., to points in that part of Ohio, on and south of U.S. Highway 40, and subject to the restriction that such authority shall not be severable by sale or otherwise, from the authority set forth in applicant's present certificate No. MC 59728 (Sub-No. 7); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127915 (Sub-No. 1) (Republication), filed March 4, 1966, published FEDERAL REGISTER issue of April 7, 1966, and republished, this issue. Applicant: C & W TRUCKING, INC., 2017 East Colfax Avenue, Denver, Colo. Applicant's representative: Raymond B. Danks, 401 First National Bank Building, Denver, Colo. By application filed March 4, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over regular routes, of potato chips and snack food and their containers, for the account of Red Seal, Inc., of Denver, Colo., and Cheyenne, Wyo., over U.S. Highways 85 and 87, serving no intermediate points. An order of the Commission, Operating Rights Board No. 1, dated August 31, 1966, and served September 27, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *food-*

stuffs from Denver, Colo., to Cheyenne, Wyo., and *returned shipments* of the above commodities from Cheyenne, Wyo., to Denver, Colo., under a continuing contract with Red Star, Inc., of Denver, Colo., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 906 (Sub-No. 40) (Notice of filing of petition for waiver of Rule 1.101 (e) of the Commission's general rules of practice for leave to file this petition for removal of a restriction in the certificate), filed July 13, 1966. Petitioner: CONSOLIDATED FORWARDING CO., INC., St. Louis, Mo. Petitioner's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Petitioner holds authority in MC 906 (Sub-No. 40) to conduct operations as a motor common carrier, transporting, 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. Restriction: The service authorized herein is restricted against service on traffic that originates or is handled through interchange at point in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and is destined to points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, or on similar movements in the reverse direction. Between Kansas City, Kans., and Marshall, Mo.: From Kansas City over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to Higginsville, Mo., and thence over Missouri Highway 20 to Marshall, and return over the same route.

Service is authorized without restriction to and from all intermediate points; intermediate and off-route points in Wyandotte County, Kans.; off-route points in that part of Missouri bounded by a line beginning at Sweet Springs and extending along Missouri Highway 127 to junction Missouri Highway 20, thence along Missouri Highway 20 to junction Missouri Highway 13, thence along Missouri Highway 13 to the Blackwater River, thence along the Blackwater River to Missouri Highway 127, and thence along Missouri Highway 127 to the point of beginning; off-route points in that part of Johnson County, Mo., north of the Blackwater River, including points on the indicated portions of the highways specified in describing the foregoing off-route point areas; and the off-route points of Mayview, Lexington, and Mount Leonard, Mo. Service also is authorized to all other off-route points within 10 miles of Higginsville, restricted to pickup of livestock and delivery of general commodities. Between Higginsville, Mo., and St. Louis, Mo.: From Higginsville over Missouri Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to East St. Louis, and return over the same route. Service is authorized to and from the intermediate points of Concordia and Sweet Springs, Mo., and the off-route points of Warrensburg and Emma, Mo. By the instant petition, petitioner requests that the Commission waive Rule 1.101(e) of its general rules of practice, accept and grant this petition, and remove the restriction against the acceptance of traffic imposed in said certificate. 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.

No. MC 11207 (Sub-No. 236) (Notice of filing of petition to modify or amend certificate), filed September 12, 1966. Petitioner: DEATON, INC., Birmingham, Ala. Petitioner's representative: A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C. 20004. Petitioner states that in certificate MC 11207 (Sub-No. 236) effective July 27, 1966, it was authorized to transport: (1) *Cement asbestos products* (except conduit and pipe which because of size, shape, weight, or inherent character require the use of special equipment), and (2) *fittings, materials, and accessories* for the installation or transportation thereof (except in bulk), from Ragland, Ala., to points in Alabama and West Virginia. By the instant petition, petitioner seeks to add to the present commodity description, "*Plastic pipe and pipe fittings in mixed loads with cement asbestos products.*" 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.

No. MC 109538 (Notice of filing of petition for modification of certificate), filed May 3, 1966. Petitioner: CHIPPEWA MOTOR FREIGHT, INC., Eau Claire, Wis. Petitioner's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. By petition filed May 3, 1966, petitioner requests the Commission to modify its certificate issued March 17, 1950, to specifically name certain communities, in the general area of Minneapolis-St. Paul, Minn. Petitioner is successor to A. G. Henneman, doing business as A. G. Henneman Transfer, No. MC 56169, pursuant to successive finance applications in MC-FC 22238 and MC-FC 27175. In MC 56169 Sub. No. 2 a certificate was recommended to be issued to A. G. Henneman Transfer to serve the following communities in Minnesota: Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, in intermediate or off-route service in connection with its authorized operations. Subsequent to the purchase petitioner was authorized to serve the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission. As a result of this latter authorization, and it appearing that the specifically named points above were included in the Minneapolis-St. Paul, Minn., commercial zone, a certificate was issued to petitioner in which it merely authorized service to the Minneapolis-St. Paul, Minn., commercial zone. By the instant petition, petitioner respectfully requests that the Commission modify the certificate to the end that the following communities be specifically named in Certificate No. MC 109538: Invergove, West St. Paul, Newport, North St. Paul, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, and Fort Snelling, Minn. 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.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 8958 (Sub-No. 20), filed September 19, 1966. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in that part of Ohio bounded by a line beginning at a point in Ohio on the east bank of the Mahoning River at a point due west of DeForest Town Line Road (County Road 69), thence due east to DeForest Town Line Road, thence east along DeForest Town Line Road (County Road 78) to Heathen-North Road (County Road 64), thence north on Heathen-North Road (County Road 64) to U.S. Highway 422, thence south on U.S. Highway 422 to northerly city limits of Girard, thence west and south along city limits of Girard to Watson-Marshall Road (County Road 60), thence north, west, and south along city limits of McDonald to junction Ohltown-McDonald Road (County Road 68),

thence southwest on Ohltown-McDonald Road (County Road 68) to Salt Springs Road (County Road 64), thence northwest on Salt Springs Road (County Road 64) to Austintown-Warren Road (County Road 67), thence north on Austin-Warren Road (County Road 67) to Brunstetter-Niles Road (County Road 68), thence east on Brunstetter-Niles Road to the east bank of the Mahoning River, thence north along the east bank of the Mahoning River to the point of beginning, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it would tack at any point in the base area described above enabling it to serve points in Ohio, in connection with authorized existing service between points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and Wisconsin. Applicant seeks no duplicating authority. This is a matter directly related to docket No. MC–F–9529, published FEDERAL REGISTER issue of September 28, 1966, wherein applicant seeks to purchase the pending certificate of registration held in MC 121238, Sub 1.

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–9528 (RICHARD S. WATHEN — CONTROL — BURKS — PELZ TRANSFER, INC.), published in the September 28, 1966, issue of the FEDERAL REGISTER on page 12693. By application filed September 26, 1966, RICHARD S. WATHEN, seeks to temporarily lease the operating rights of BURKS—PELZ TRANSFER, INC., under section 210a(b).

No. MC–F–9536. Authority sought for purchase by RALPH POZZI, CARL A. POZZI, CLINTON D. POZZI, AND WAYNE POZZI, doing business as POZZI BROS. TRANSPORTATION CO., 705 West Meeker Street, Kent, Wash. 98031, of the operating rights and property of BUCK'S AUTO FREIGHT COMPANY, INC., 1322 Cole Street, Enumclaw, Wash. 98022. Applicants' representative: Ralph Pozzi, 705 West Meeker Street, Kent, Wash. 98031. 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 Enumclaw, Wash., and Seattle, Wash., serving certain specified intermediate and off-route points, between Enumclaw, Wash., and Tacoma, Wash., serving certain specified intermediate and off-route points between Tacoma, Wash., and Enumclaw, Wash., serving certain specified intermediate and off-route points, between Enumclaw, Wash., and Mud Mountain Dam, Wash., serving no intermediate points; and *general commodities* between Enumclaw, Wash., and Mud Mountain Dam, Wash., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9537. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Vandemark Road, Post Office Box 179, Sidney, Ohio 45365, of the operating rights and property of MAURICE F. BARRETT, doing business as PORTER'S MOTOR EXPRESS, First and Hopkins, Morrow, Ohio, and for acquisition by PAUL B. LONG, SR., also of Sidney, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Paul F. Beery, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities* excepting among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Morrow, Ohio, and Cincinnati, Ohio, serving all intermediate and certain specified off-route points, with restriction; and under a certificate of registration, in Docket No. MC–77152 Sub. No. 4, covering the transportation of property, over regular and irregular routes, as a common carrier, in intrastate commerce, in the State of Ohio. Vendee is authorized to operate under a certificate of registration, as a common carrier, in the State of Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9538. Authority sought for control by PAUL CROUSE, Carroll, Iowa, of NEBRASKA-IOWA XPRESS, INC., 525 Jones, Omaha, Nebr., through management. Applicants' attorney: William S. Rosen, 400 Minnesota Building, Saint Paul, Minn. 55101. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Douglas, Washington, and Sarpy Counties, Nebr., and Council Bluffs, Iowa; and between points in Douglas, Washington, and Sarpy Counties, Nebr., and Council Bluffs, Iowa, on the one hand, and, on the other, points in Nebraska. PAUL CROUSE holds no authority from this Commission. However, he controls CROUSE CARTAGE COMPANY, Post Office Box 151, Carroll, Iowa, which is authorized to operate as a *common carrier* in Iowa and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9541. Authority sought for purchase by P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154, of the operating rights and property of PETCHEM TANK LINES, INC., 11 South Third Street, Hammonton, N.J., and for acquisition by FRANCIS P. MUTRIE and JAMES E. MUTRIE, both also of Waltham, Mass., of control of such rights and property through the purchase. Applicants' attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Chemicals*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Philadelphia, Pa., to points in Delaware and New Jersey. Vendee is authorized to operate as a *common carrier* in Michigan, Minnesota, Missouri, Massachusetts, Maine, New York, Rhode Island, Connecticut, New Hamshire, Vermont, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, Ohio, Illinois, Kentucky, South Carolina, North Carolina, Indiana, Wisconsin, Georgia, California, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9542. Authority sought for purchase by CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass. 01801, of the operating rights of HART'S EXPRESS, INC., Route 5, Amsterdam Road, Scotia, N.Y., and for acquisition by ROBERT W. HOTIN, also of Burlington, Mass., of control of such rights through the purchase. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. 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 Hudson, N.Y., and Albany, N.Y., serving certain intermediate and off-route points restricted to delivery only, and serving certain intermediate and off-route points restricted to pickup only, and between Hudson, N.Y., and Chatham, N.Y., serving certain intermediate and off-route points; and under a certificate of registration in Docket No. MC–25339, Sub 4, covering the transportation of general commodities, as a common carrier, in intrastate commerce, in the State of New York. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–114877, Sub-4, is a matter directly related. See also MC–F–9524 (COOPER-JARRETT, INC.—CONTROL—CARGO-IMPERIAL FREIGHT LINES, INC.) published in the September 14, 1966, issue of the FEDERAL REGISTER in page 12036.

No. MC–F–9543. Authority sought for control by CLARK TANK LINES COMPANY, INC., 1450 Beck Street, Salt Lake City, Utah, of POPELKA TRUCKING CO., Billings, Mont., and for acquisition by BOYCE R. CLARK, 2439 Michigan Avenue, Salt Lake City, Utah, of control of POPELKA TRUCKING CO., through the acquisition by CLARK TANK LINES COMPANY, INC. Applicants' attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco, Calif. Operating rights sought to be controlled: *Tile, farm machinery, oil well supplies, agricultural commodities*, and *emigrant movables*, in truckloads, as a *common carrier*, over irregular routes, between points in Montana and Wyoming within 100 miles of Bridger, Mont.; *building brick, paving brick, hollow block, wall*

coping, blue lining, and *clay pipe,* in truckloads, between points in Montana and Wyoming within 100 miles of Bridger, Mont.; *building materials, fencing, fertilizer, feed,* and *flour,* in truckloads, between points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont.; *building materials, fertilizer,* and *agricultural commodities,* except feed and flour, in truckloads, between certain specified points in Montana, on the one hand, and, on the other, points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont.; *paving brick, clay pipe, fertilizer, building materials* except cement, and *agricultural commodities* except feed and flour, in truckloads, between Hysham and Forsyth, Mont., on the one hand, and, on the other, points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont.; *natural sodium sesquicarbonate* and *refined and natural soda ash,* in bulk, in tank vehicles, from Westvaco, Wyo., to Columbus, Mont.; and *contaminated shipments* of the immediately above-specified commodities, from Columbus, Mont., to Westvaco, Wyo.; *liquid animal feed ingredients,* consisting of urea, ethyl alcohol, phosphoric acid, inorganic chloride salts, water and trace minerals, in bulk, in vinyl plastic or rubber lined vehicles or in a rubber tank or container by use of a flat bed vehicle, from Crete, Nebr., to certain specified points in Montana, and Wyoming, points in that part of North Dakota west of North Dakota Highway 3, and points in that part of South Dakota west of the Missouri River; *contaminated and rejected shipments* of liquid, animal food ingredients in possession of consignee, from the immediately above destination points to Crete, Nebr.; *liquid chemical fertilizer* and *liquid fertilizer compound,* in bulk, in tank vehicles, from Don, Idaho, to points in Montana; *dry fertilizer* and *dry fertilizer compound,* in bulk, and in bags and packages, from Don, Idaho, to points in Wyoming; *dry fertilizer* and *dry fertilizer compound,* in bags and packages, from Don, Idaho, to certain specified points in Montana.

Dry fertilizer and *dry fertilizer compound,* in bulk, from Don, Idaho, to certain specified points in Montana; *dry fertilizer,* in bulk, from Don, Idaho, to certain specified points in Montana; *dry fertilizer,* from Georgetown, Idaho, to points in Montana, and certain specified points in Wyoming; *contaminated shipments* of dry fertilizer, from the immediately above destination points to Georgetown, Idaho; *dry cement,* from Trident, Mont., to certain specified points in Idaho, Wyoming, and those in that part of North Dakota on and west of U.S. Highway 83; *barite,* from Don, Idaho, to points in Montana; *sulfuric acid,* in bulk, in tank vehicles, from Riverton, Wyo., to McGregor, N. Dak., and points in Montana; *fertilizer,* other than liquid fertilizer in bulk, from the port of entry on the United States-Canada boundary line at Sweetgrass, Mont., to points in Montana and Wyoming; *poles* and *posts,* from Butte, Mont., to points in Wyoming and that part of Idaho in and south of Idaho County, Idaho; *poles,* from Bozeman, Mont., to points in North Dakota, South Dakota, Wyoming, Utah, and that part of Idaho in and south of Idaho County, Idaho; *lumber,* from Clyde Park and White Sulphur Springs, Mont., to points in North Dakota, South Dakota, Minnesota, and Wisconsin; *sulphur* and *sulphur compounds,* dry, in bulk, from Cody, Wyo., to points in Oregon, Washington, Idaho, Montana, North Dakota, and South Dakota; *limestone, limestone products,* and *calcium carbonate,* and *compounds thereof,* dry, in bulk, from Red Lodge, Mont., to points in Oregon, Washington, Idaho, North Dakota, South Dakota, Utah, Wyoming, Colorado, and Nebraska; *alfalfa products,* dry, in bulk, from Belgrade, Mont., to points in Oregon, Washington, and Idaho; *concrete aggregates,* dry, in bulk, from the plantsite of the Montana Lightweight Aggregates Co., approximately 5 miles west of Billings, Mont., to points in Wyoming, Idaho, and Washington; *feeds,* livestock and poultry, dry, in bulk, from Sidney, Mont., to points in that part of North Dakota in and west of certain specified points; from Denver, Colo., to points in Yellowstone County, Mont.; and *wooden beams, glue laminated wooden beams,* and *roofdecking,* from Columbus and Missoula, Mont., to points in Colorado, Idaho, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming. CLARK TANK LINES COMPANY, INC., is authorized to operate as a *common carrier* in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Arizona, Oregon, Washington, North Dakota, Kansas, Nebraska, Oklahoma, South Dakota, and Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9539. Authority sought for continuance in control by JAMES G. ANZUONI, ALBERT A. ANZUONI, LAWRENCE A. ANZUONI, GEORGE S. ANZUONI, JOHN F. ANZUONI, AND RICHARD W. ANZUONI, 55 Kilby Street, Boston, Mass. 02109, of (1) PLYMOUTH & BROCKTON STREET RAILWAY CO., 55 Kilby Street, Boston, Mass. 02109, (2) SERVICE BUS LINE, INC., 851 Broadway, Revere, Mass., (3) McGINN BUS COMPANY, INC., 55 Kilby Street, Boston, Mass., and (4) BRUSH HILL TRANSPORTATION COMPANY, 55 Kilby Street, Boston, Mass. 02109. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Operating rights sought to be controlled: (1) Passengers and their baggage, in the same vehicle, as a *common carrier,* over regular routes, between Boston, Mass., and Bourne, Mass., serving certain intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Bourne, Mass., and Hyannis, Mass., serving all intermediate points; passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Brockton and Plymouth, Mass., to points in Rhode Island, New Hampshire, and Maine, and return; passengers, in round-trip special operations, restricted to the transportation of passengers who, at the time, are traveling from the designated destination, and return, for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at certain specified points in Massachusetts, and extending to Central Falls, R.I.; and passengers and their baggage, in special round-trip operations, beginning and ending at certain specified points in Massachusetts, and extending to certain specified points in New Hampshire, with restriction; (2) passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, as a *common carrier,* over irregular routes, from Boston, Mass., and points within 15 miles of Boston, to points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut, and return; and passengers, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling from the destinated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at certain specified points in Massachusetts, and extending to certain specified points in New Hampshire, and Central Falls, R.I.

(3) Passengers and their baggage, during the respective racing seasons only, as a *common carrier,* over regular routes, between Lynn, Mass., and Salem, N.H., between Lynn, Mass., and Pawtucket, R.I., serving no intermediate points; passengers, in round-trip special operations, during the racing season at Lincoln Downs race track, over irregular routes, between Lynn, Mass., and Lincoln Downs race track, at Lincoln, R.I.; passengers and their baggage, in charter operations, from Lynn, Mass., and points within 25 miles of Lynn, to Graymoor and New York, N.Y., points in Westchester County, N.Y., and those in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, and Massachusetts, and return; passengers, in special round-trip operations, restricted to the transportation of passengers, who at the time are traveling from the designated origin points to the designated destinations and return, for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at Lynn and Reading, Mass., and extending to Derry and Hudson, N.H., beginning and ending at certain specified points in Massachusetts, and extending to Pelham, N.H., beginning and ending at certain specified points in Massachusetts, and extending to St. Joseph Parish Hall, in Salem, N.H.; passengers and their baggage, in round-trip special operations, during the harness racing season, only, beginning and ending at Lynn and Salem, Mass., and extending to Salem, N.H.; and (4) in pending Docket No. MC–126667, seeking a certificate of public convenience and necessity, covering the transportation of passengers and their baggage, in special operations, consisting of round trip conducted sightseeing and pleasure

tours, as a common carrier, over irregular routes, beginning and ending at points in that part of Massachusetts on and east of Massachusetts Highway 12 and extending to all points in the Continental United States. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 66-10827; Filed, Oct. 4, 1966; 8:50 a.m.]

[Notice 974]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 30, 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 118159 (Sub-No. 29), filed September 26, 1966. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Guymon, Okla., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

HEARING: October 17, 1966, at the U.S. Post Office Building, Northwest Third and Robinson Streets, Oklahoma City, Okla., before Examiner W. Elliott Neffen.

By the Commission.

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

[F.R. Doc. 66-10828; Filed, Oct. 4, 1966; 8:50 a.m.]

[Notice 415]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 30, 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 22301 (Deviation No. 3), SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa 51101, filed September 22, 1966. Carrier's representative: R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Interstate Highway 35 approximately 2 miles southeast of Ames, Iowa, over Interstate Highway 35 to junction Interstate Highway 80, near Des Moines, Iowa, thence over Interstate Highway 80 to junction Interstate Highway 55, near Joliet, Ill., thence over Interstate Highway 55 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Sioux City, Iowa, over Iowa Highway 141 to Denison, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and (2) from Omaha, Nebr., over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same routes.

No. MC 59680 (Deviation No. 49), STRICKLAND TRANSPORTATION CO, INC., Post Office Box 5689, Dallas, Tex. 75222, filed September 22, 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 Chicago, Ill., over U.S. Highway 20 to junction Alternate U.S. Highway 20, in Williams County, Ohio, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20, at Perrysburg, Ohio, thence over U.S. Highway 20 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 via Calumet City, Ill., to junction U.S. Highway 6, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 107586 (Deviation No. 7), CONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed September 23, 1966. 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 junction Interstate Highway 45 and U.S. Highway 75 4 miles north of Corsicana, Tex., over Interstate Highway 45 to junction U.S. Highway 75 2 miles south of Corsicana, Tex. (a distance of 6 miles), (2) from junction Interstate Highway 45 and U.S. Highway 75 4 miles north of Madisonville, Tex., over Interstate Highway 45 to junction Texas Highway 21 (an access road), thence over Texas Highway 21 to Madisonville, Tex. (a distance of 4 miles), (3) from Madisonville, Tex., over Texas Highway 21 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 150 (an access road), thence over Farm Road 150 to New Waverly, Tex. (a distance of 40 miles), (4) from

New Waverly, Tex., over Farm Road 150 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction Farm Road 1097 (an access road), thence over Farm Road 1097 to Willis, Tex. (a distance of 8 miles), and (5) from Willis, Tex., over Farm Road 1097 (an access road) to junction Interstate Highway 45, thence over Interstate Highway 45 to junction U.S. Highway 75 3 miles south of Conroe, Tex. (a distance of 12 miles), 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 pertinent service routes as follows:

(1) From Rhome, Tex., over Texas Highway 114 via Grapevine, Tex., to Dallas, Tex., thence over U.S. Highway 75 to Ennis, Tex., and (2) from Salt Lake City, Utah, over Alternate U.S. Highway 50 (formerly U.S. Highway 50) via Springville, Utah, to junction U.S. Highway 50, thence over U.S. Highway 50 via Grand Junction, Montrose, and Gunnison, Colo., to Salida, Colo., thence over Colorado Highway 291 to junction U.S. Highway 285, thence over U.S. Highway 285 to junction Colorado Highway 9 at Fairplay, Colo., thence over Colorado Highway 9 to Alma, Colo., and return over Colorado Highway 9 to junction U.S. Highway 285 at Fairplay, Colo., thence over U.S. Highway 285 to Denver, Colo., thence over U.S. Highway 287 via Amarillo and Wichita Falls, Tex., to Fort Worth, Tex. (also from Wichita Falls, Tex. over U.S. Highway 281 to junction Texas Highway 199, thence over Texas Highway 199 to Fort Worth), thence over U.S. Highway 287 to Corsicana, Tex., thence over U.S. Highway 75 to Houston, Tex., and return over the same routes.

No. MC 109780 (Deviation No. 17) (Cancels Deviation No. 13), TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, filed September 23, 1966. 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 junction Interstate Highway 20 and U.S. Highway 80 5 miles west of Terrell, Tex., over Interstate Highway 20 to junction Texas Highway 19, thence over Texas Highway 19 (an access road) to Canton, Tex. (a distance of 35 miles), (2) from Canton, Tex., over Texas Highway 19 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to junction U.S. Highway 69 4 miles south of Lindale, Tex. (a distance of 24 miles), (3) from junction Interstate Highway 20 and U.S. Highway 69 4 miles south of Lindale, Tex., over Interstate Highway 20 to junction U.S. Highway 271 13 miles east of Tyler, Tex. (a distance of 15 miles), (4) from junction Interstate Highway 20 and U.S. Highway 271 13 miles east of Tyler, Tex., over Interstate Highway 20 to junction U.S. Highway 259, thence over U.S. Highway 259 (an access road) to Longview, Tex. (a distance of 21 miles), (5) from junction Interstate Highway 20 and U.S. Highway 259 over Interstate Highway 20 to junction Texas Highway 149 (a distance of 6 miles), (6) from Longview, Tex., over Texas Highway 149 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Texas Highway 43 (an access road), thence over Texas Highway 43 to Marshall, Tex. (a distance of 20 miles).

(7) From junction Interstate Highway 20 and Texas Highway 43 over Interstate Highway 20 to junction Farm Road 31 (a distance of 8 miles), and (8) from Marshall, Tex., over Farm Road 31 (an access road) to junction Interstate Highway 20, thence over Interstate Highway 20 to Shreveport, La. (a distance of 35 miles), 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 pertinent service routes as follows: (1) From Denton, Tex., over U.S. Highway 77 to junction New U.S. Highway 77 approximately 1 mile north of Carrollton, Tex., thence over New U.S. Highway 77 to Dallas, Tex. (also from said junction over old U.S. Highway 77 to Dallas), thence over U.S. Highway 175 to junction New U.S. Highway 175 approximately 6 miles east of Dallas, Tex., thence over New U.S. Highway 175 to junction old U.S. Highway 175 approximately 2 miles west of Seagoville, Tex. (also from said junction over old U.S. Highway 175 to said junction 2 miles west of Seagoville), thence over U.S. Highway 175 via Kaufman to Athens, Tex., thence over Texas Highway 19 to Palestine, Tex., (2) from Dallas, Tex., over U.S. Highway 80 via Truman, Marshall and Waskom, Tex., to Shreveport, La. (also from Dallas over Texas Highway 352 via Mesquite, Tex., to junction U.S. Highway 80); (3) from Truman, Tex., over unnumbered county road to Mesquite, Tex., (4) from Mineola, Tex., over U.S. Highway 69 via Lindale and Swan Junction, Tex., to Tyler, Tex., thence over U.S. Highway 271 to Gladewater, Tex., (5) from Wills Point, Tex., over Texas Highway 64 via Tyler to Henderson, Tex., (6) from Tyler, Tex., over Texas Highway 31 to Kilgore, Tex., and (7) from Nacogdoches, Tex., over U.S. Highway 59 to junction Texas Highway 26, thence over Texas Highway 26 via Mount Enterprise, Minden Junction, Henderson, and Kilgore, Tex., to Longview, Tex., and return over the same routes.

By the Commission.

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

[F.R. Doc. 66-10829; Filed, Oct. 4, 1966; 8:50 a.m.]

[Notice 263]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 215 TA), filed September 28, 1966. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Temple Building, Post Office Box 2809, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 11th Floor, Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass, fibrous glass products and accessories thereto*, from Newark, Ohio, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, District of Columbia, Maryland, Virginia, West Virginia, Kentucky, Indiana, Lower Peninsula of Michigan, and Illinois, for 180 days. Supporting shipper: Owens-Corning Fiberglas Corp., Toledo, Ohio 43601. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 30837 (Sub-No. 339 TA), filed September 28, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, in truckaway service, from Athens, N.Y., to the international boundary line, between the United States and Canada, at Buffalo, N.Y., for 180 days. Supporting shipper: J. B. E. Olson Corp., 600 Old Country Road, Garden City, N.Y. 11530. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 31600 (Sub-No. 613 TA), filed September 28, 1966. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: J. F. O'Neil (same address as above). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in pressurized tank vehicles, from Middletown, Conn., to Bath, Maine, for 180 days. Supporting shipper: Bath Iron Works Corp., Bath, Maine. Send protests to: James F. Martin, Jr., District Supervisor, Interstate Commerce Commission, Room 2211–B, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 95084 (Sub-No. 57 TA) (amendment), filed September 1, 1966, published FEDERAL REGISTER, issue of September 9, 1966, and republished as amended this issue. Applicant: HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, parts, assemblies and attachments, and materials, equipment and supplies used in the manufacture of agricultural implements and machinery and parts*, between the plantsites and/or storage facilities of Kewanee Machinery & Conveyor Co. at Kewanee, Ill., on the one hand, and, on the other, the plantsites and/or storage facilities of Kewanee Machinery & Conveyor Co. at Kirksville, Queen City, Brashear, and La Plata, Mo., for 150 days. Supporting shipper: Kewanee Machinery & Conveyor Co., Kewanee, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, De Moines, Iowa 50309. NOTE: The purpose of this republication is to show that the application has been amended to the four Missouri locations which are all within the 25-mile radius of Kirksville, Mo., as requested in the original application. The location of the plants or facilities has now been narrowed to these four points.

No. MC 102616 (Sub-No. 809 TA), filed September 28, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: James Annand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum products* in cases, on specially constructed racks mounted on tank vehicles in conjunction with bulk deliveries of gasoline to service stations, from Baltimore, Md., to points in Virginia and the District of Columbia, for 180 days. Supporting shipper: Hess Oil & Chemical Corp., State Street, Perth Amboy, N.J. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 107515 (Sub-No. 557 TA), filed September 28, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from plantsite and warehouse facilities of The Pillsbury Co., New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Missouri, Michigan, Minnesota, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 66402. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 111401 (Sub-No. 210 TA), filed September 28, 1966. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Applicant's representative: Victor R. Comstock, Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bishop and Corpus Christi, Tex., to points in California, Tennessee, Michigan, Illinois, Georgia, Kentucky, Indiana, and Florida, for 180 days. Supporting shipper: Celanese Chemical Co., A. DeRouen, Traffic Manager, Box 2768, Corpus Christi, Tex. 78403. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 115523 (Sub-No. 131 TA) (Correction) filed September 13, 1966, published FEDERAL REGISTER, issue of September 21, 1966, and republished as corrected this issue. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk and in bags, from Laramie, Wyo., and a radius of 25 miles thereof, to points in Wyoming, Nebraska, North Dakota, South Dakota, Montana, Colorado, New Mexico, Arizona, Minnesota, Iowa, and Kansas, for 180 days. Supporting shipper: El Paso Products Co., Post Office Box 3986, Odessa, Tex. 79760. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111. NOTE: The purpose of this republication is to show that the above-named commodities will be transported in bulk and in bags. "In bags" was inadvertently omitted from the previous publication.

No. MC 111729 (Sub-No. 167 TA) (Correction), filed September 14, 1966, published FEDERAL REGISTER, issue of September 22, 1966, and republished as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, DeBeroise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, consisting of labels, envelopes, and packaging materials, and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Toledo, Ohio, on the one hand, and, on the other, points in Michigan, (b) between St. Louis, Mo., on the one hand, and, on the other, points in Illinois (except Olney and Jacksonville, Ill.), (c) between Alexandria, Va., and Harrisburg, Pa. (2) *Business papers, records, checks, audit and accounting media of all kinds* (excluding plant removals), (a) between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland; Arlington, Clarke, Fairfax, Frederick, Loudoun, Northampton, Prince William, and Warren Counties, Va.; and Alexandria, Va., and (b) between Baltimore, Md., on the one hand, and, on the other, points in Clarke, Fairfax, Frederick, Loudoun, Northampton, and Warren Counties, Va.; and Adams, Cumberland, Dauphin, Franklin, Lebanon, and York Counties, Pa., (3) *Blood, research samples, business papers, and accompanying documents*, between New York, N.Y., on the one hand, and, on the other, points in New London County, Conn. Supporting shippers: Magnagard, Inc., Post Office Box 7247–2930 Airport Highway, Toledo, Ohio 43615, Dynadolor Corp., 1999 Mount Read Boulevard, Post Office Box 82, Rochester, N.Y. 14601, The Apex Photographic Service, 8049 Litzsinger, St. Louis, Mo., The Great Atlantic & Pacific Tea Co., Inc., Graybar Building, 420 Lexington Avenue, New York 17, N.Y., Chas. Pfizer & Co., Inc., Groton, Conn. 06340. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013. NOTE: The purpose of this republication is to correct (2)(a) above, and to add (2)(b) above, which was inadvertently omitted from previous publication.

No. MC 123844 (Sub-No. 5 TA), filed September 28, 1966. Applicant: P. SALDUTTI & SON, INC., 497 Raymond Boulevard, Post Office Box 389, Newark, N.J. 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw stock;* namely, *bones, skins, hides, carcasses, dead animals; meat meal, bone and fat, tallow greases, shortening and meat scrap;* loose, or in containers, or in bulk, between Elizabethtown, Pa., and points within 25 miles thereof, Fort Plains, N.Y., and points within 10 miles thereof, on the one hand, and, on the

other, Kearny, Newark, N.J., and points in New York, N.Y., commercial zone, for 180 days. Supporting shipper: The Theobald Industries, Post Office Box 72, Harrison, N.J. 07029, Kearny, N.J. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128578 TA (Correction), filed September 15, 1966, published FEDERAL REGISTER, issue of September 22, 1966, and republished as corrected this issue. Applicant: ANTHONY J. GARCIA, doing business as TONY'S TRAILER CONVOY, 2385 Table Rock Road, Medford, Oreg. 97501. Applicant's representative: Brian B. Mullen, Suite 332, Medical Center Building, Medford, Oreg. 97501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and Mobil Homes*, between points in Josephine and Jackson Counties, Oreg., and points in Siskiyou and Del Norte Counties, Calif., for 180 days. Supporting shippers: Uncle Don's Mobile City, 2972 South Pacific Highway, Medford, Oreg., Southern Oregon Trailer Mart, Inc., 4150 South Pacific Highway, Medford, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, No. MC 128578 TA. The previous publication inadvertently gave No. MC 12857 TA.

No. MC 126987 (Sub-No. 1 TA), filed September 28, 1966. Applicant: VINCENT FISTER, INC., 770–776 East Third Street, Post Office Box 355, Lexington, Ky. 40501. Applicant's representative: Louis J. Amato, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in the following Kentucky counties: Anderson, Bath, Bell, Bourbon, Boyle, Bracken, Breathitt, Carroll, Carter, Casey, Clinton, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Wayne, Whitley, Wolfe, and Woodford; restricted to shipments having a prior or subsequent movement beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments, for 180 days. Supporting shipper: Robert M. Graham, operations manager, Vanpac Carriers, Inc., 2114 Macdonald Avenue, Richmond, Calif. 94802. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 207 Exchange Building, 147 North Upper Street, Lexington, Ky. 40507.

No. MC 127812 (Sub-No. 1 TA), filed September 28, 1966. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, from Albert Lea, Minn., to Superior, Wis., in peddle service, in combination with intrastate movements, for 150 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601, Albert Lea, Minn., plant. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128610 TA, filed September 28, 1966. Applicant: ALCO SHIPPING AGENCIES BAHAMAS, LTD., Port Laudania, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, Suite 412, City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious, or contaminating to other lading), from Port Laudania or Port Everglades, Fort Lauderdale, Fla., on the one hand, and, on the other, points and places in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by water aboard vessels owned or operated by applicant, for 180 days. Supporting shippers: Port Everglades Steel Corp., Post Office Box 13065, Fort Lauderdale, Fla. 33316, Smith, Richardson & Convoy, Inc., 3500 Northwest 62d Street, Miami, Fla. 33147, General Electric Co., Southeastern District, 3655 Northwest 71st Street, Miami, Fla. 33147, Adobe Brick & Supply Co., 2056 Scott Street, Hollywood, Fla., Dant & Russell, Inc., Port Everglades Station, Fort Lauderdale, Fla., E & I Inc., 3000 West State Road 84, Fort Lauderdale, Fla. 33312, Coronet Kitchens, Inc., 4200 Northwest 10th Avenue, Oakland Park Station, Fort Lauderdale, Fla. 33307, J. & L. Feed & Supply, Post Office Box 568, Dania, Fla., United Purveyors, Inc., Post Office Box 593, Allapattah Station, Miami, Fla. 33142, Forest Products Corp., Post Office Drawer 1341, Fort Lauderdale, Fla., East Coast Supply Corp., 2725 Hillsboro Road, West Palm Beach, Fla., Angelo's Seafood & Frozen Foods, 500 Northeast Third Street, Fort Lauderdale, Fla. 33302, Marine Construction & Engineering Co., Ltd., Freeport, Grand Bahama Island, Causeway Lumber Co., 2627 South Andrews Avenue, Fort Lauderdale, Fla., Temcurt Import-Export Corp., 7 North Federal Highway, Fort Lauderdale, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–10830; Filed, Oct. 4, 1966; 8:50 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order 200, Amdt. 4]

SOUTHERN INDUSTRIAL RAILROAD, INC.

Diversion or Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 200 (Southern Industrial Railroad, Inc.) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 200 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–10831; Filed, Oct. 4, 1966; 8:50 a.m.]

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