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Agencies in this issue—

Detailed list of Contents appears inside.

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

Announcing a New Information Service

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

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

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

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

The official distribution for the *Weekly Compilation of Presidential Documents* is governed by regulations published in the FEDERAL REGISTER dated July 31, 1965 (30 F.R. 9573; 1 CFR 32.40). Members of Congress and officials of the legislative, judicial, and executive branches who wish to receive this publication for official use should write to the Director of the Federal Register, stating the number of copies needed and giving the address for mailing.

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List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show the exception under Schedule A of the position of Deputy Chairman of the National Endowment for the Humanities until December 31, 1967. Effective on publication in the FEDERAL REGISTER, paragraph (b) and subparagraph (1) thereunder are added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities.* (1) Deputy Chairman.

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

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

[F.R. Doc. 66–2763; Filed, Mar. 15, 1966; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two Confidential Secretaries to the Assistant Secretary for Education are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (j) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(j) *Office of the Assistant Secretary for Education.* * * *

(7) Two Confidential Secretaries to the Assistant Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 66–2762; Filed, Mar. 15, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 9]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 906.319 Grapefruit Regulation 9.

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on March 7, 1966, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., April 1, 1966, and ending at 12:01 a.m., c.s.t., September 15, 1966, no handler shall handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than $3^{7}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than $3^{2}/_{16}$ inches in diameter: *Provided,* That none of such grapefruit may be smaller than 3 inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

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

Dated: March 11, 1966.

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

[F.R. Doc. 66–2789; Filed, Mar. 15, 1966; 8:49 a.m.]

[Navel Orange Reg. 103, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1)(i) and (ii) of § 907.403 (Navel Orange Regulation 103, 31 F.R. 3445) are hereby amended to read as follows:

§ 907.403 Navel Orange Regulation 103.

* * * * *

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

(i) District 1: 900,000 cartons;

(ii) District 2: 400,000 cartons.

* * * * *

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

Dated: March 11, 1966.

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

[F.R. Doc. 66–2788; Filed, Mar. 15, 1966; 8:49 a.m.]

[Valencia Orange Reg. 149, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended, 7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1)(iii) of § 908.449 (Valencia Orange Regulation 149, 31 F.R. 3445) are hereby amended to read as follows:

§ 908.449 Valencia Orange Regulation 149.

* * * * *

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

(iii) District 3: Unlimited movement.

* * * * *

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

Dated: March 11, 1966.

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

[F.R. Doc. 66–2790; Filed, Mar. 15, 1966; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

PART 299—IMMIGRATION FORMS

Miscellaneous Amendments

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

1. Subdivision (ii) of subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) *Temporary employees*—* * *

(2) *Supporting evidence*—* * *

(ii) *Petition for alien to perform other temporary service or labor.* Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed, or a notice that such a certification cannot be made shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act. When the petitioner seeks the services of more than one beneficiary and all the beneficiaries are not included in a single certification, a separate visa petition must be submitted for the beneficiary or beneficiaries covered in each certification. A certification by the Employment Service of the Territory of Guam will be accepted in lieu of that issued by the Secretary of Labor or his designated representative in connection with a petition for employment of laborers in Guam. A statement shall be furnished with the visa petition describing in detail the situation or conditions which make it necessary to bring the alien to the United States, and whether the need is temporary, seasonal, or permanent; if temporary or seasonal, the statement shall indicate whether the situation or conditions are expected to be recurrent.

* * * * *

§ 299.1 [Amended.]

2. The titles to the following forms in § 299.1 *Prescribed forms* are amended to read as follows:

Form No.	*Title and description*
*	*
I–17	Petition for Approval of School for Attendance by Nonimmigrant Alien Students.
*	*
I–126	Annual Report of Status by Treaty Trader of Investor.
*	*
I–140	Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.
*	*
I–600	Petition to Classify Orphan as an Immediate Relative.
*	*

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

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

procedure and the amendment to § 299.1 is editorial in nature.

Dated: March 11, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-2791; Filed, Mar. 15, 1966; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7111; Amdt. 39-210]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring application of preprimer on the propeller blades before application of the primer and deicer boots on Dowty Rotol propellers was published in 31 F.R. 575.

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

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

DOWTY ROTOL. Applies to Dowty Rotol propellers, (c) R175/4-30-4/13E with Serial Numbers below A.105040, installed on Fairchild F-27 and F-27B; (c) R193/4-30-4/50, installed on Fairchild F-27A, F-27F, and F-27G; (c) R186/4-30-4/16, installed on Armstrong Whitworth Argosy Type AW650 Series 101; (c) R184/4-30-4/50, installed on Grumman G-159; (c) R148/4-20-4/21E, installed on Viscount 744; (c) R130/4-20-3/12E, installed on Viscount 745D; and (c) R179/4-20-4/33, installed on Viscount 810.

Compliance required at the next replacement of deicer boots after the effective date of this AD, unless already accomplished.

To prevent failures of the bond between the deicing boots and the propeller blade's surface, accomplish the following:

Apply preprimer Cellon SL.4853/4854, or an FAA-approved equivalent, to the surface of the propeller blades before the application of any other primers, in accordance with Dowty Rotol Service Bulletin No. 61-157 (Modification No. (c) VP.1941) Revision 2 or later ARB-approved revision.

This amendment becomes effective April 15, 1966.

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

Issued in Washington, D.C., on March 10, 1966.

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

[F.R. Doc. 66-2738; Filed, Mar. 15, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

Subpart D—Food Additives Permitted in Food for Human Consumption

ALUMINUM PHOSPHIDE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5H1650) filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va., 22046, on behalf of Hollywood Termite Control Co., Inc., 2221 Poplar Boulevard, Alhambra, Calif., 91801, and other relevant material, has concluded that the following new regulations should be issued to provide for the safe use of aluminum phosphide to generate phosphine in the fumigation of cereal flours and related products defined in Part 15 (21 CFR Part 15), cottonseed cake, dried vegetables, macaroni and noodle products defined in Part 16 (21 CFR Part 16), and ground spices. This use is based on the conclusion that residues of phosphine will not be present in these foods when they are ready to be eaten. The request for inclusion of dried milk was withdrawn by the petitioner. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended:

1. By adding to Subpart C the following new section:

§ 121.281 Aluminum phosphide.

The food additive aluminum phosphide may be safely used in accordance with the following prescribed conditions:

(a) It is used to generate phosphine in the fumigation of cottonseed cake.

(b) To assure safe use of the additive, it is used in compliance with label and labeling conforming to that registered with the U.S. Department of Agriculture.

(c) Residues of phosphine in or on cottonseed cake do not exceed 0.1 part per million.

2. By adding to Subpart D the following new section:

§ 121.1178 Aluminum phosphide.

The food additive aluminum phosphide may be safely used in accordance with the following prescribed conditions:

(a) It is used to generate phosphine in the fumigation of cereal flours and related products defined in Part 15 of this chapter, dried vegetables, macaroni and noodle products defined in Part 16 of this chapter, and ground spices.

(b) To assure safe use of the additive, it is used in compliance with label and labeling conforming to that registered it is used in compliance with labeling Labeling shall bear a warning to aerate the finished food for 48 hours before it is offered to the consumer. A further warning shall state that under no condition should the formulation containing aluminum phosphide be used so that it or its unreacted residues will come in contact with any processed food.

(c) Residues of phosphine in or on the items in paragraph (a) of this section do not exceed 0.1 part per million.

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

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

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

Dated: March 9, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2792; Filed, Mar. 15, 1966; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Label Symbol

By publication in the FEDERAL REGISTER of January 28, 1966 (31 F.R. 1155), the Commissioner of Food and Drugs proposed a regulation to require a distinctive product-identification symbol on the label of any drug controlled under the Drug Abuse Control Amendments of 1965. Numerous responses were received with the great majority in favor of the regulation, since the symbol would provide a ready means to identify drugs subject to control and would assist interested persons in complying with the Amendments.

A few comments asked for clarification of the regulation and pointed out

instances wherein problems would be created by the solid color background of the symbol or by necessary reduction of the symbol to fit small containers. Some suggested a geometric symbol.

Several persons saw difficulties if the symbol were required on controlled drugs intended for export; however, no action is necessary on this point since section 801(d) of the Federal Food, Drug, and Cosmetic Act applies.

The Commissioner has concluded that the proposed amendment should be adopted as set forth below with suitable changes made in response to the comments received. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 511, 701(a) 52 Stat. 1055, 79 Stat. 228 et seq.; 21 U.S.C. 360a, 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 166 is amended by adding a new section, as follows:

§ 166.18 Label symbol.

(a) All depressant and stimulant drugs within the meaning of section 201 (v) of the act, which have not by regulation been exempted from all of the requirements of section 511 of the act, shall bear the following symbol or modifications:

The symbol in outline form is for use as a large, open-letter overprint.

(b) This symbol shall be prominently placed on the principal panel of the label and/or on the panel normally displayed on the shelf by users of the immediate container and on any retail carton or wrapper for such container of each such drug: *Provided, however,* That:

(1) The symbol is not required on the retail carton or wrapper if it is easily legible through such carton or wrapper; or

(2) In the case of ampules or other containers too small or otherwise unable to accommodate a label, the symbol may appear on the outer container from which they are removed for dispensing or use.

(c) The symbol shall be of contrasting color to the background on which it appears (no particular color is required), large enough for easy identification, placed preferably to the right of the title and adjacent to it, and at least as large as the largest letter in the title of the drug. Large open letter overprinting of the symbol will be regarded as meeting the requirements.

(d) Compliance with the requirements of this section shall be as follows:

(1) All drugs subject to control on February 1, 1966, as set forth in paragraph (a) of this section, and packaged after September 1, 1966, must bear the symbol.

(2) All drugs brought under control after February 1, 1966, as set forth in paragraph (a) of this section, which are packaged on or after 180 days from the effective date of such control, shall bear the symbol.

Any drug not subject to control whose labeling bears the symbol shall be deemed misbranded under section 502 (a) of the act.

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

(Secs. 511, 701(a), 52 Stat. 1055, 79 Stat. 228 et seq.; 21 U.S.C. 360a, 371(a))

Dated: March 10, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-2765; Filed, Mar. 15, 1966; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Advertising by Manufacturer in Customer-Connected Trade Publication

§ 15.16 Advertising by a manufacturer in a customer-connected trade publication.

(a) An advisory opinion dealing with the proposed advertising by a manufacturer of drug items in a drug trade catalogue published by an organization of wholesale druggists has been rendered by the Federal Trade Commission.

(b) The manufacturer was informed that several months previously the Commission had approved the organization's proposed plan of reorganization of the publication which provided that (1) the publication is to be published by a separate corporate subsidiary, (2) the advertising rates to be charged will be no higher than necessary to realize a normal profit for such a publication, and (3) in any event, the profits resulting from the publication will be donated annually to a charitable organization.

(c) "Unless and until the Commission announces the rescission of such approval," the advisory opinion stated, "it will not take the position that any supplier's payment for advertising in * * * (the publication in question) constitutes a payment indirectly to the wholesaler members * * * [of the organization], subject to section 2(d) of the amended Clayton Act."

(d) However, the Commission pointed out that it will continue to regard a supplier who advertises in a publication such as this "as in effect furnishing, through the intermediary of the publisher, a promotional service to those wholesalers who make use of the publication. In order to assure compliance with section 2(e) of the amended Clayton Act, the supplier should ascertain whether in a practical business sense the publication is available for use by all of his wholesaler customers who are in competition with the wholesaler customers who do in fact use it; if it is not so available for use by some customers, the supplier must offer those customers a reasonable alternative."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: March 15, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-2780; Filed, Mar. 15, 1966; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Order No. 319; Docket No. R-299]

PART 3—ORGANIZATION, OPERATION, ETHICAL STANDARDS

Responsibilities and Conduct of Members and Employees of the Commission; Corrections

MARCH 10, 1966.

In Order No. 319, F.R. Doc. 66-2445, published at page 4118 in the issue of March 9, 1966, the following corrections are made:

1. Page 4119, col. 2. Between the 2d and 3d lines of subdivision (ii) of § 3.735-5(a)(1) insert the first line of a new paragraph to read: "(2) An employee is prohibited from".

2. Page 4119, col. 3, line 6 of paragraph (5)(i), correct spelling of "license" to read "licensee".

3. Page 4122, col. 1, delete "and" from the 5th line of subdivision (iv) of subparagraph (4) and move line to left margin.

4. Page 4122, col. 1. Correct spelling of heading to paragraph (e) to read *"Confidentiality"*.

5. Page 4123, col. 1. In the second line of paragraph (e)(1)(ii) change the word "Commission" to read "Executive Director".

6. Page 4124, col. 1. In line 4 of paragraph (f)(4) correct "Contracts" to read "Contacts".

7. Page 4124, col. 1. In heading of paragraph (g) correct *"interests"* to read *"interest"*.

8. Page 4124, col. 3, paragraph (h). In line 6 of the definition correct "135 days" to "130 days".

9. Page 4126, col. 2. In line 6 from bottom insert "the" between the words "of" and "disputed".

10. Page 4127, col. 1. In next to last line of paragraph (f) correct "pations is" to read "pation is".

11. Page 4127, col. 2. In the 10th line of paragraph (a) of § 3.735-31 correct "removals," to read "removal,".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-2752; Filed, Mar. 15, 1966; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. In § 1.1107–2, the notice in paragraph (a) is revised; in § 1.1203–2, the availability clause in paragraph (a) is revised; and in § 1.1602(c), the heading of the agreement form and provisions 1 and 16 are revised, as follows:

§ 1.1107–2 Contract provisions.

(a) * * *

NOTICE—QUALIFIED END PRODUCTS (DECEMBER 1965)

Awards for any end items which are required to be qualified products will be made only when such items have been tested and are qualified for inclusion in a Qualified Products List identified below (whether or not actually included in the List) at the time set for opening of bids, or the time of award in the case of negotiated contracts. Offerors should contact the office designated below to arrange to have the products which they intend to offer tested for qualification.

The offeror shall insert the item name and the test number (if known) of each qualified product in the blank spaces below.

Item name_____ Test No._____

Offerors offering products which have been tested and qualified, but which are not yet listed, are requested to submit evidence of such qualification with their bids or proposals, so that they may be given consideration. If this is a formally advertised procurement, any bid which does not identify the qualified product being offered, either above or elsewhere in the bid, will be rejected.

* * * * *

§ 1.1203–2 Specifications and Standards Listed in the Department of Defense Index of Specifications and Standards (DODISS).

(a) * * *

AVAILABILITY OF SPECIFICATIONS AND STANDARDS

Specifications and standards cited in this Invitation for Bids/Request for Proposals are available as indicated below:

(a) *Unclassified Federal, Military, and Other Specifications and Standards (Excluding Commercial).* Submit request on DD Form 1425 (Specifications and Standards Requisition) to:

Commanding Officer, U.S. Naval Supply Depot 5801 Tabor Avenue, Philadelphia, Pa., 19120.

DD Form 1425 shall be completed to indicate the specification title, number, date, and any applicable amendment thereto by number and date. An initial request, where the prospective Contractor does not have DD Form 1425, may be submitted in letter form, giving the same information as listed above, and the IFB or contract number involved.

(b) *Commercial Specifications and Standards.* These specifications and standards are not available from Government sources. They may be obtained from the publishers.

§ 1.1602 Agreement to Recognize a Successor in Interest.

* * * * *

(c) * * *

NOVATION AGREEMENTS AND CHANGE OF NAME AGREEMENTS AGREEMENT (FEBRUARY 1966)

* * * * *

WITNESSETH

1. Whereas, the Government, represented by various Contracting Officers (insert appropriate Departments) has entered into certain contracts and purchase orders with the Transferor (namely: _____) or as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference; and the term "the contracts as hereinafter used means the above contracts and purchase orders, and all other contracts and purchase orders, including modifications thereto, heretofore made between the Government, represented by various Contracting Officers of the above named Department(s), and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties or obligations thereunder), and including modifications thereto hereafter made in accordance with the terms and conditions of such contracts and purchase orders between the Government and the Transferee;

* * * * *

16. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified in accordance with the terms and conditions thereof; and the Transferor hereby waives notice of and consents to any such amendment or modification.

* * * * *

2. The introductory text of § 1.1604(c) is revised; new subparagraph (4) is added to § 1.1902(b); and new subparagraph (3) is added to § 1.1903(a), as follows:

§ 1.1604 Processing novation agreements and change of name agreements.

* * * * *

(c) When more than one Department has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, a single agreement covering all such contracts shall be executed by the Department having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor or contractors. Such agreements shall be executed by a duly authorized official of the appropriate office listed below:

* * * * *

§ 1.1902 General.

* * * * *

(b) * * *

(4) For supplies covered by complete and detailed technical specifications, unless the technical or performance requirements are so novel or exacting that it cannot reasonably be anticipated that such supplies will meet the technical or performance requirements without first article approval.

* * * * *

§ 1.1903 Fixed-price type contracts.

(a) * * *

(3) If the Government is to be responsible for first article testing, the cost to the Government of such testing shall be a factor in the evaluation of the bids and proposals to the extent that such cost can be realistically estimated. This estimate shall be documented in the contract file and clearly set forth in the solicitation as a factor which will be considered in evaluating the bids or proposals.

* * * * *

PART 2—PROCUREMENT BY FORMAL ADVERTISING

3. Subparagraph (11) of § 2.201(a) is revoked, as follows:

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(11) [Revoked]

* * * * *

PART 3—PROCUREMENT BY NEGOTIATION

4. Subparagraph (54) of § 3.501(b) is revoked, and §§ 3.605–5, 3.808–4 (c) and (e), and 3.811(a) are revised, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(54) [Revoked]

* * * * *

§ 3.605–5 Calls against blanket purchase agreements.

Calls against blanket purchase agreements generally will be made orally, except that informal correspondence may be used when ordering against agreements outside the local trade area. Documentation of calls shall be limited to essential information. Forms may be developed for this purpose locally.

§ 3.808–4 Profit factors.

* * * * *

(c) The suggested categories under the Contractor's Input to Total Performance are similar to those on the Contract Pricing Proposal (DD Form 633). Often, individual proposals will be in a different format; but, since these categories are broad and basic, they provide sufficient guidance to evaluate all other items of cost.

* * * * *

(e) After the contracting officer has computed a total dollar profit for the Contractor's Input to Total Performance, he shall divide this amount by the total recognized costs to determine the composite profit percentage for this factor. To this composite percentage, he shall then add the specific percentages assigned for cost risk, performance, and

the other selected factors, to arrive at a total profit percentage. He shall then multiply the total recognized contract costs by this total profit percentage to determine the profit objective. A cardinal principle of weighted guidelines method is that the specific percentages assigned for cost risk, performance, and other factors are applied to total recognized costs in establishing the profit objective. Weighted Guidelines Profit/Fee Objective (DD Form 1547) is to be used, as appropriate, to facilitate the calculation of this profit objective. (See F-200.1547.)

§ 3.811 Record of Price Negotiation.

(a) At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared, a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the cost significant considerations controlling the establishment of the initial or revised price. The memorandum should include an explanation of why cost or pricing data was, or was not, required (see § 3.807) and, if it was not required in the case of any price negotiation in excess of $100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required (§ 3.807-4), the memorandum shall reflect the reliance placed upon the factual cost or pricing data submitted and the use of this data by the contracting officer in determining his total price objective. Where the total price negotiated differs significantly from the total price objective, the memorandum shall explain this difference.

* * * * *

PART 7—CONTRACT CLAUSES

5. Section 7.705-15 is revised to read as follows:

§ 7.705-15 Order of precedence.

In accordance with § 7.104-56, insert the clause set forth therein.

PART 16—PROCUREMENT FORMS

6. Sections 16.101-2(e), 16.206-1, 16.206-2(b), and 16.206-3 are revised, and new §§ 16.208, 16.208-1, and 16.208-2 are added, as follows:

§ 16.101-2 Conditions for use.

* * * * *

(e) Continuation Sheet (Supply Contract) (Standard Form 36) shall be used when additional space is required for Schedule, Amendment, or Award; however, where the columns thereon are not required, a blank sheet may be used in lieu thereof, provided the invitation number and page number are shown thereon.

§ 16.206-1 General.

(a) DD Forms 633, 633-1, 633-2, and 633-3 are designed for submission of cost or pricing data by prospective contractors. Contractor reproduction of these forms is authorized.

(b) DD Form 783 (Royalty Report), is approved for use as the separate schedule required by footnote 14 of DD Form 633 and footnote 4 of DD Form 633-3.

§ 16.206-2 DD Form 633 (Contract Pricing Proposal).

* * * * *

(b) The special Contract Pricing Proposal forms referenced in § 16.206-3 may be used.

§ 16.206-3 DD Forms 633-1, 633-2, and 633-3.

The following forms may be used as appropriate:

(a) DD Form 633-1 (Contract Pricing Proposal (Technical Services));

(b) DD Form 633-2 (Cost and Price Analysis, Contract Negotiations for Technical Publications Preparation); or

(c) DD Forms 633-3 (Contract Pricing Proposal (Motion Pictures)).

§ 16.208 Weighted Guidelines Profit/Fee Objective (DD Form 1547).

§ 16.208-1 General.

Weighted Guidelines Profit/Fee Objective (DD Form 1547) is to be used, as appropriate, to facilitate calculation of the Weighted Guidelines Profit/Fee Objective (see § 3.808-2).

§ 16.208-2 Conditions for Use.

DD Form 1547 may be used in conjunction with the Record of Price Negotiation required by § 3.811(b), provided that the rationale used in assigning the various rates is fully documented.

PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

7. Sections 18.108-1(a) and 18.110(b) are revised to read as follows:

§ 18.108-1 Construction contracts.

(a) An independent Government estimate of construction cost in as great detail as if the Government were competing for the award shall be prepared from the plans and specifications for each proposed contract and modifications thereto, affecting price, anticipated to cost $10,000 or more. The contracting officer, at his discretion, may require the preparation of such an estimate where the anticipated cost is less than $10,000. Except as required below, access to or disclosure of information concerning the Government estimate shall be limited to Government personnel whose official duties require knowledge of the estimate.

* * * * *

§ 18.110 Statutory cost limitations.

* * * * *

(b) Invitations for bids and requests for proposals containing one or more items subject to statutory cost limitations shall state in a separate schedule the applicable cost limitation for each item subject to a specific statutory cost limitation. Invitations for bids and requests for proposals shall state specifically that a bid or proposal which does not contain prices for the individual schedules will be considered nonresponsive. Bids or proposals shall contain a certification that each such price includes an approximate apportionment of all estimated applicable costs, direct and indirect, as well as overhead and profit.

* * * * *

(Rev. 15, ASPR, Feb. 1, 1966, Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

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

[F.R. Doc. 66-2736; Filed, Mar. 15, 1966; 8:45 a.m.]

SUBCHAPTER M—MISCELLANEOUS

PART 259—SALARIES AND PERSONNEL PRACTICES APPLICABLE TO TEACHERS AND OTHER EMPLOYEES OF OVERSEAS DEPENDENTS' SCHOOL SYSTEM OF DEPARTMENT OF DEFENSE

The Secretary of Defense approved the following on August 11, 1962, as amended February 18, 1966:

Sec.
259.1 Reissuance.
259.2 Applicability and scope.
259.3 Policy.
259.4 Policies and procedures governing salaries and personnel practices applicable to teachers, certain school officers and other employees of the overseas dependents' schools of the Department of Defense.

AUTHORITY: The provisions of this Part 259 issued under P.L. 86-91 (73 Stat. 213), as amended by P.L. 87-172 (75 Stat. 408).

§ 259.1 Reissuance.

This part reissues DoD Directive 1400.13, dated October 15, 1959, to reflect changes resulting from Public Law 87-172, to incorporate additional regulations; and to reflect current interpretation of various features of the regulations. DoD Directive 1400.13, dated October 15, 1959, and ASD(MP&R) multi-addressee memorandum, "Tours of Duty for Overseas Dependents Schools Personnel," dated November 22, 1960, are hereby canceled.

§ 259.2 Applicability and scope.

(a) The provisions of this part apply to the military departments and cover all teaching positions and teachers, including substitute and summer school teachers who are paid from appropriated funds.

(b) They do not apply to principals, school administrators, or others in the DoD School System whose services are required for a full calendar year.

§ 259.3 Policy.

Section 259.4 to this part contains the policies and procedures to be followed in implementing the subject matter of this part. In addition, except as otherwise provided in applicable law and by this part, the regulations issued by the U.S. Civil Service Commission for the "Excepted Service" published in the Code of Federal Regulations under Title 5, Part 21, will apply.

§ 259.4 Policies and procedures governing salaries and personnel practices applicable to teachers, certain school officers and other employees of the overseas dependents' schools of the Department of Defense.

(a) *Definitions.* As used herein:

(1) "Teaching position" means those duties and responsibilities which—

(i) Are performed on a school-year basis principally in a school operated by the Department of Defense in an overseas area for dependents of members of the armed forces and dependents of civilian employees of the Department of Defense, and

(ii) Involve—

(*a*) Classroom or other instruction or the supervision or direction of classroom or other instruction; or

(*b*) Any activity (other than teaching) which requires academic credits in eudcational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

(*c*) Any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity.

(2) "Teacher" means an individual—

(i) Who is a citizen of the United States,

(ii) Who is a civilian, and

(iii) Whose services are required on a school-year basis in a teaching position.

(3) "Substitute teacher" means a civilian who is a U.S. citizen whose services are required on a temporary or intermittent basis to perform the duties and responsibilities assigned to a teacher.

(4) "Summer school teacher" means a civilian who is a U.S. citizen whose services are required during a summer school session to perform the duties of a teaching position.

(5) "Overseas Dependents' Schools" means the schools operated by the military departments to provide primary and secondary education for dependents of military personnel and civilian personnel employed by the Department of Defense in areas located outside the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and the possessions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Islands).

(b) *Applicability of Civil Service Commission rules and regulations.* Except as otherwise provided in applicable law and by these regulations, the regulations issued by the U.S. Civil Service Commission for the "Excepted Service," as implemented by the military departments, will apply.

(c) *School year.* The "school year" for teachers will consist of not more than 190 working days including not less than 175 days of classroom instruction.

(d) *Responsibilities.* Subject to these regulations, the Secretary of each military department will:

(1) Determine the need for and establish teaching positions in his department;

(2) Establish for each such position appropriate salary rates; and

(3) Issue such regulations as he may determine to be necessary for further implementation of Public Law 86–91 (Defense Department Overseas Teachers' Pay and Personnel Practices Act), of July 17, 1959 (73 Stat. 213), as amended, and these regulations.

(e) *Establishment of teaching positions.* (1) Uniform classification standards will be jointly developed and adopted by the three military departments for all teaching positions.

(2) All teaching positions which involve approximately the same degree of difficulty, responsibility and training, and which should receive comparable pay treatment, will be assigned to a single level.

(3) The schedule of teaching positions will consist of as many levels as are found to be necessary to properly recognize the various significant degrees of difficulty, responsibility and training which are required in teaching positions in the overseas dependents' schools.

(4) Each level shall include titles of classes of teaching positions which are appropriate for the various categories of teaching positions which should properly be placed in the same level. To the extent appropriate, titles should be of a broad, general nature (i.e., "Classroom Teacher," "Librarian," etc.).

(f) *Compensation of teaching positions*—(1) *Basis.* Rates of basic compensation for teaching positions will be fixed by the Secretaries of the Military departments in relation to rates of basic compensation for similar positions in the continental United States, exclusive of Alaska and Hawaii, but no such rate shall exceed the highest rate of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia.

(2) *Schedules.* A single, coordinated, uniform compensation schedule will be jointly developed and adopted, and from time to time adjusted, as appropriate, by the three military departments, which will:

(i) List the various classes and levels of teaching positions;

(ii) For each level, establish and prescribe on a school-year basis the basic compensation step rates. At each level the schedule will also provide, in each step rate, for an appropriate additional increment for those teachers who possess a Master's degree and may provide a further increment for those who have completed a higher level of academic preparation;

(iii) Prescribe a flat daily rate for substitute teachers and summer school teachers;

(iv) Provide for appropriate additional compensation for certain extracurricular activities normally associated with elementary and secondary school programs.

(3) *Rules for fixing compensation.*—(i) *New appointments.* Each new appointment of teachers who meet minimum qualifications requirements will be made at the first numerical step rate for the level to which the employee is assigned, plus any additional increment to which he would be entitled in accordance with subparagraph (2)(ii) of this paragraph.

Those appointed who do not meet minimum qualifications standards will be appointed to special step rates which will be prescribed in the compensation schedules.

(ii) *Reemployment, transfers, reassignments and demotions other than for cause.* Upon reemployment, transfer, reassignment or demotion other than for cause pay may be fixed at any step rate for the level in which employed which does not exceed the highest previous rate received in Federal employment. However, if the highest previous rate falls between two scheduled service step rates of the new level, pay may be fixed at the higher step rate. In those cases where former Federal employment was under a different pay schedule the highest previous rate shall be determined as tentwelfths of the salary received under such other schedule if such salary was on an annual basis. Upon reemployment, transfer or reassignment, the teacher may be granted the step increase previously earned as indicated in subparagraph (4)(i) of this paragraph.

(iii) *Eligibility for additional pay increment upon completing advanced educational preparation.* A teacher who completes advanced educational preparation for which an additional pay increment is provided shall be assigned to the higher rate effective on the first day of the first pay period following the receipt of documentary evidence that the work has been completed.

(iv) *Promotions between levels.* A teacher who is promoted to a higher level shall be assigned to the lowest numerical step on the schedule for his new level which will give him an immediate increase in school year salary rate at least equal to a service step increment in the level from which promoted.

(v) *Demotions for cause.* Teachers who are demoted for cause shall be assigned to a step rate in the level to which demoted which does not exceed the numerical step held in the level from which they were demoted.

(vi) *Initial conversion from Classification Act Schedule to the teacher schedule.* Upon initial conversion, a teacher will be converted to a level in the new compensation schedule which is prescribed as equivalent to the Classification Act grade from which converted. The step to which the teacher is converted in the new level shall be the numerical step equivalent to the step held under the Classification Act. If after conversion the position as a result of the classification standards prescribed pur-

suant to subparagraph (1) of this paragraph, is reclassified to a lower level the usual rules determining salary rates will apply, except that if the salary exceeds the highest rate in the range for the level in which the position is placed, such rate shall be retained as long as the incumbent remains in a position in the same level.

(vii) *During travel.* While enroute to and from overseas assignments, teachers will be in a nonpay status. However, they will receive appropriate per diem while traveling.

(viii) *Daily rate.* The daily rate for a teacher will be his school year salary divided by the number of calendar days in the school year, excluding Saturdays and Sundays.

(4) *Step increases*—(i) *Eligibility.* Each full time employee in a teaching position whose salary is fixed under this part shall advance one numerical service step for each school year of satisfactory service until he reaches the highest step on the schedule for his level, provided, that he has been in a pay status at least 150 working days during his last previous school year in a Department of Defense Overseas Dependents' School, for which a step increase has not been granted. Eligibility for an additional advancement within the same level (by reason of attaining higher academic qualifications) shall not preclude the teacher from receiving a service step increase if otherwise eligible. This rule shall apply to all employees in teaching positions regardless of type of appointment except those serving on an intermittent or part time basis.

(ii) *Effective date.* Step increases shall be made effective at the beginning of the school year.

(5) *Compensation payment.*—(i) *Salary computation.* Compensation of teachers, substitute teachers, and summer school teachers shall be in accordance with the payroll and leave accounting procedures of the employing department and such policies and instructions as may be prescribed by the Assistant Secretary of Defense (Comptroller).

(ii) *Late arrival at teaching post.* (*a*) Teachers who are employed with the understanding that they will serve for an entire school year or a specified part thereof and who through no fault of their own as a result of transportation or processing delays after appointment arrive late at their post of assignment will be administratively excused and paid as if they had arrived on time and actually served during the lost time.

(*b*) Teachers who through their own fault arrive late at their post of assignment will not be paid for the teaching days or school recess period days occurring prior to the day of arrival at the post of duty.

(iii) *Early arrivals at teaching posts.* (*a*) Teachers who arrive at their post of assignment prior to the start of the school year will not be entitled to compensation until the start of the school year.

(*b*) Teachers who are required to report at their post of assignment and to perform work prior to the start of the school year shall be paid at the daily rate for their level and numerical service step for each day of such work performed.

(iv) *Late departure from teaching posts.* (*a*) Teachers who cannot leave promptly at the end of a school year because of circumstances beyond their control such as a lack of available transportation facilities will not be entitled to compensation for the period between the end of the school year and the date of departure.

(*b*) Teachers who are required to perform work after the end of the school year shall be paid at the daily rate for their level and numerical service step for each day of such work performed.

(g) *Personnel actions*—(1) *Qualification standards.* The military departments will develop and use uniform minimum experience and training qualifications standards for all teaching positions.

(2) *Actions affecting teachers.*—(i) *Appointments.* Appointments will be made under Schedule A, Part 6, of the Civil Service Regulations and in full recognition of applicable civil service appointment requirements and regulations of the military departments concerned.

(ii) *Trial period.* Appointees are required to serve a trial period of one school year except as follows:

(*a*) Present and former teachers who have already satisfactorily completed at least one school year as a teacher in the Department of Defense dependents' schools system.

(*b*) Persons transferred or appointed without a break in service of more than 30 calendar days while serving a trial period as a teacher may complete the trial period in the teaching position to which appointed.

(iii) *Conversion from excepted appointment (conditional) to excepted appointment.* Excepted appointment (conditional) will be converted to excepted appointment when the full-time teacher completes three years of substantially continuous employment. The service will be counted as prescribed in regulations issued by the Civil Service Commission for career positions with the following exceptions:

(*a*) Leave without pay during the summer recess between school years or being off the rolls during the summer recess between school years will not be considered as an interruption of service.

(*b*) Federal service in positions which are not subject to P.L. 86–91 will be counted as prescribed in regulations issued by the Civil Service Commission.

(iv) *Reassignment.* Reassignments may be effected at any time following appointment. Consent of the teacher while desirable need not be a decisive factor for reassignment either within the same school or to another school within a school area as defined by each military department when the need for a teacher with particular qualifications is clearly evident.

(v) *Promotion.* Promotions will be based on qualifications and merit. No time in level restrictions governing promotions will be applied by the military departments.

(vi) *Separations.* Separations will be effected in accordance with Civil Service Regulations. For teachers who resign at the close of the school year and who have elected coverage under the Federal Employees Health Benefits Program, the actual date of separation will be set sufficiently in advance to insure coverage for the period of time for which they have paid by reason of the accelerated withholding.

(3) *Actions affecting substitute teachers.* (i) Substitute teachers will be given excepted appointments not to exceed 1 year on an intermittent basis under Schedule A, Part 6, of the Civil Service Regulations.

(ii) The same minimum experience and qualifications standards used for regular teachers will be applicable to substitute teachers. Waivers may be authorized by regulations of the military departments.

(4) *Change from substitute teacher to teacher.* When it is determined that the services of a substitute teacher will be required full time for the balance of the school year, action may be taken to appoint him as a teacher provided he is otherwise eligible for such appointment.

(5) *Actions affecting summer school teachers.* Teachers who are employed as summer school teachers will be given excepted appointments not to exceed the length of time for which their service will be required, on an intermittent or part-time basis under Schedule A, Part 6, of the Civil Service Regulations.

(h) *Leave*—(1) *Amount and accrual rate.* A teacher (other than an individual employed as a substitute teacher) shall be entitled to cumulative leave, with pay, which shall be known as "teachers leave," which shall accrue at the rate of one day for each (calendar month or part thereof, of a school year, except that:

(i) If the school year includes more than 8 months, any teacher who shall have served for the entire school year shall be entitled to ten days of cumulative leave with pay;

(ii) Not more than 75 days of leave may accumulate to the credit of a teacher at any one time under this paragraph; and

(iii) Such leave, not to exceed the amount which may be accured during the school year, may be advanced for use at any time within the school year. Such advance shall be subject to subsequent earning of such leave, or repayment upon separation or at the end of the school year, for leave advanced but not earned.

(2) *Summer school teachers.* Leave will not be earned by summer school teachers, nor will teachers' leave accumulated during school years be granted for summer school absence.

(3) *Substitute teachers.* Substitute teachers will not earn leave of any kind.

(4) *Nonworkdays.* Saturdays, Sundays, regularly scheduled holidays and other administratively authorized nonworkdays shall not be considered to be days of leave.

(5) *Use of Leave.* Leave earned by any teacher under this section may be granted during the school year:

(i) For maternity purposes;

(ii) In the event of the illness of such teacher;

(iii) In the event of illness, contagious disease, or death in the immediate family of such teacher and requiring his absence;

(iv) In the event of any personal emergency; and

(v) If appropriate advance notice is given of the intended absence of a teacher, not to exceed 3 days of such leave may be granted for any purpose in each school year to such teacher. The taking of such leave is not a right bestowed on the employee and is not to be considered in the sense of "annual leave." It is to be granted only for such purposes as permitting teachers to take care of pressing personal business which can only be accomplished during regular working hours or for the avoidance of significant personal inconvenience to the teacher or his immediate family.

(6) *Conversion of leave.* (i) A teacher shall be credited, for the purposes of the leave system provided by this section, with the annual and sick leave to his credit immediately prior to the effective date of his conversion, transfer, promotion, demotion, or reappointment to a teaching position provided;

(*a*) He is holding a position which is determined to be a teaching position, or

(*b*) He is an employee of the Federal Government or the municipal government of the District of Columbia who is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to a teaching position.

(ii) Sick leave so credited shall be included in the leave provided for in paragraph 1 of this section. Annual leave so credited shall not be included in the leave provided for in such paragraph but shall be used under regulations which shall be prescribed by the Secretary of the military department concerned.

(iii) In any case in which the amount of sick leave, which is to the credit of any individual under a different leave system immediately prior to the date on which he becomes subject as a teacher to the leave system provided by this section and which is included in the leave provided for in subparagraph (1) of this paragraph, is in excess of the maximum amount of accumulated leave allowable under subparagraph (1) (ii) of this paragraph, such excess shall remain to the credit of such teacher until used. However, the use during any leave year of any amount in excess of the aggregate amount which shall have accrued during such year shall reduce automatically the maximum allowable amount of accumulated leave at the begining of the next leave year until such amount no longer exceeds the maximum amount allowable under subparagraph (1) (ii) of this paragraph.

(7) *Minimum charge.* The minimum charge for leave shall be one-half day and additional charges shall be in multiples thereof. Absence from duty of less than one-half day may be excused for adequate reasons without charge to leave, at the discretion of administrative authority.

(8) *Transfer and recredit of teachers' leave.* (i) When a teacher is separated from a teaching position and is reappointed in another teaching position without a break in service of more than one school year, his leave account (teachers' leave) shall be certified to the employing agency for credit or charge.

(ii) When an employee is separated from a teaching position and is reappointed in a position subject to another leave act without a break in service his leave account shall be certified to the employing agency for credit or charge in accordance with regulations issued by the Civil Service Commission.

(iii) If a teacher accepts temporary employment with the Government during a summer recess, the leave account of the teaching position will not be transferred to the leave account of the summer position. If the summer position is subject to the Annual and Sick Leave Act of 1951, as amended, annual leave will not be credited unless the teacher completes 90 days of continuous employment in positions under that Act as required by section 203(i) of that Act. Sick leave earned will be credited and the unused balance will be transferred to the leave account maintained on the teaching position when the teacher resumes work on his regular teaching position.

(9) *Liquidation of leave upon separation.* (i) Any annual leave earned under a different leave system and remaining to the credit of a teacher upon separation shall be liquidated by a lump-sum payment in accordance with the Act of December 21, 1944 (5 U.S.C. 61b).

(ii) The teacher's leave earned or included under paragraph 1 of this section shall not be liquidated through lump-sum payment when the teacher is separated.

(i) *Allowances and differentials*—(1) *Entitlement to cost-of-living allowances and post differentials.* (i) Entitlement of teachers and summer school teachers to quarters, quarters allowances, cost-of-living allowances and post differentials shall be in accordance with "Standardized Regulations (Government Civilians, Foreign Areas)", issued by the Department of State, April 1961, as amended, and Department of Defense Instruction 1418.1, "Policy in Regard to Payment of Differentials and Allowances in Foreign Areas," April 17, 1961.

(ii) Substitute teachers will not be entitled to quarters, quarters allowances, cost-of-living allowances, post differentials or storage of household goods.

(2) *Entitlement to storage of household effects.* When a teacher is reassigned to another location between school years or for another reason relinquishes his quarters during the summer with the result that a quarters allowance is not payable, or when government quarters assigned for the school year are not made available to the teacher for the vacation period, storage (including packing, drayage, unpacking and transportation to and from storage) of his household goods and personal possessions, will be authorized by the employing agency at no cost to the teacher, subject to the weight limitations applicable to the shipment of household goods and personal effects of civilian employees in accordance with the regulations of the respective military departments.

(j) *Tours of duty.* (1) Teachers will be employed on the basis of a transportation agreement covering the period of a "school year" as defined in paragraph (c) of this section, plus the time required in the area because of arrival before the start of the school year and while awaiting transportation for departure.

(2) Teachers who satisfactorily complete the agreed period of service in an area where the established tour of duty for other civilian personnel is less than two years, or in the areas listed immediately below, will be given transportation to their place of residence in the United States for the purpose of taking leave without pay during the summer recess on reemployment travel, or in connection with reassignment to a new area, or for purpose of separation. Azores, Guantanamo Bay, Cuba; Korea, Newfoundland, Philippines, Ryukyu Islands, Taiwan, Trinidad, Turkey.

(3) For teachers who are to serve in an area, other than the areas listed in subparagraph (2) of this paragraph, where the established tour of duty for other civilian personnel is two years, the following will apply:

(i) The transportation agreement will contain provisions which specify: (*a*) that those desiring to serve the subsequent school year will not, until the completion of the second consecutive school year: (*1*) be given transportation to their place of residence in the United States for purpose of taking leave without pay, or (2) be reassigned, at their request for personal reasons, to another two-year area; and (*b*) that those who wish to return to the United States after one school year of service will be furnished transportation to the United States only for the purpose of separation and may not be rehired to teach the subsequent school year.

(ii) The following exceptions may be approved during a period of continuous service:

(*a*) Any teacher who is reassigned at management's request from one two-year area to another after 1 year of service on a current transportation agreement may return to his place of residence in the United States on leave without pay during the summer vacation with transportation at Government expense provided that the normal routing between the two duty posts is through the United States, and a new transportation agreement is signed for the new area of assignment. Other reassignments at management's request will be limited to transportation by direct routing between the two duty locations, and the first school year of service at the new location will complete the second consecutive school year of service required under subparagraph (3) (i) of this paragraph, on the transportation agreement;

(b) Round trip transportation in a leave without pay status may be authorized in the case of persons (1) who desire to return to the United States for the summer at the end of the first school year of service on a transportation agreement for the purpose of attending an accredited college or university to pursue courses that are required for continued certification in their home state or for professional preparation and advancement and (2) who sign a new transportation agreement before leaving the oversea area. (Such employees will be required to present satisfactory evidence of acceptance by, or a bona fide intent to attend, such an institution for an appropriate course of study of not less than four semester hours.) The employee will be required to refund to the Government the cost of the return travel to the United States for the purpose of attending such courses of study, if the employee fails for reasons unacceptable to the Government to present evidence of satisfactory completion of the courses. Those who return to the United States under this exception will, upon return to the oversea area, begin a new two school year cycle under a new transportation agreement; and

c. At the end of the first school year on a transportation agreement for a 2-year area, the employee may be reassigned, at the employee's request with the approval of management to an oversea area where the established tour of duty for other civilian personnel is less than 2 years or to the areas listed in subparagraph (2) of this paragraph. In this case transportation may be authorized (1) to the employee's place of residence in the United States for the purpose of taking leave without pay during the summer recess and then (2) from that place of residence to such oversea duty station on a new transportation agreement.

(k) *Teacher transfers.*—(1) *Transfer system.* A coordinated system will be established by the military departments which provide an opportunity for teachers to apply for transfer between different school areas and between services. To the extent feasible, before new teachers are recruited, consideration will be given to the wishes of all current teachers who are eligible under paragraph (j) of this section and who are recommended.

(2) *Orientation of teachers.* Prior to their departure from the United States, teachers employed for the overseas dependents' schools will be given an adequate orientation on the conditions under which they will live and work. This information will be included in printed form and will cover the following matters as a minimum:

(i) The nature, extent, and duration of the service which the Government of the United States expects from them as provided uniformly in the regulations of the employing agency.

(ii) The transportation, pay, allowances, logistic service and other fringe benefits which the Government will provide to them in consideration of such services.

(iii) The high importance of conducting themselves in the foreign area in a manner to reflect credit upon the American educational system, and as influential representatives of the United States.

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

MARCH 10, 1966.

[F.R. Doc. 66-2737; Filed, Mar. 15, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

International Reply Coupons

In § 111.2, paragraphs (e) (1) and (3) are amended in consequence of the change in design of international reply coupons. As so amended, they read as follows:

§ 111.2 **Postage.**

* * * * *

(e) *Reply coupons.* (1) International reply coupons of the Universal Postal Union, printed in blue ink and bearing the words *Union Postals Universelle—Coupon-Response International,* and the name of the country of issue are sold in most countries. The selling post office must postmark the coupons in the upper circle (the left-hand circle of old-style coupons). The period of exchange of the coupons is unlimited.

* * * * *

(3) Properly postmarked international reply coupons issued in other countries are exchangeable at U.S. post offices for postage stamps at the rate of 11 cents each, except that Canadian and Mexican international reply coupons are exchanged at the rate of 5 cents each in postage. The post office exchanging a foreign coupon postmarks it in the lower circle (the right-hand circle of the old-style coupon).

NOTE: The corresponding Postal Manual sections are 221.251 and 221.253 respectively.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 66-2766; Filed, Mar. 15, 1966; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1030—COMMUNITY ACTION PROGRAMS

Access to Public Information and Hearing Requirements; Interim Regulations

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by the Director of the Office of Economic Opportunity. These regulations are effective upon publication, and will remain in effect until superseded by permanent regulations published in the FEDERAL REGISTER. The regulations are issued pursuant to section 202(a)(5) of the Economic Opportunity Act of 1964, as amended.

Notice is also given that interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and argument by mailing them to Anthony Partridge, Assistant General Counsel, Office of Economic Opportunity, 1200 19th Street NW., Washington, D.C., 20506, in time to arrive on or before April 15, 1966.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Director will issue such permanent regulations as he deems appropriate and publish them in the FEDERAL REGISTER.

§ 1030.5 **Access to public information and hearing requirements.**

(a) *Definitions.* As used in the regulations in this section:

(1) The term "community action agency" means a public or private agency which is the recipient of aid under section 204 or section 205, or both of the Economic Opportunity Act, and which has been recognized by the Office of Economic Opportunity as an agency which is broadly based, is organized on a communitywide basis, and intends to coordinate a variety of antiproverty actions.

(2) The term "delegate agency" means a public or private agency to which the development, conduct, or administration of part or all of a project assisted under Title II–A or Title III–B of the Economic Opportunity Act has been delegated by a direct recipient of the assistance.

(3) The term "applicant agency" means an agency which has filed an application with the Office of Economic Opportunity for direct assistance under Title II–A or Title III–B of the Economic Opportunity Act, or an agency which has given notice of a public hearing in anticipation of the submission of an application under section 204 or section 205 of the Economic Opportunity Act pursuant to paragraph (c) of this section.

(b) *Access to public information*—(1) *Requirements for inspection and examination.* (i) Every community action agency and every applicant agency which currently seeks recognition by the Office of Economic Opportunity as a community action agency, shall make available to any person for inspection and examination all of those documents described in subparagraph (2) of this paragraph.

(ii) Any recipient of direct assistance under Title II–A or Title III–B of the Economic Opportunity Act which is not a community action agency, and any delegate agency shall make available to any person for inspection and examination those documents described in sub-

paragraphs (2) (i) to (viii) of this paragraph. In addition, any such agency shall make available the records described in subparagraph (2) (ix) relating to employees whose salaries are included in budgets which are assisted by the Office of Economic Opportunity.

(iii) Any applicant agency which does not seek recognition as a community action agency shall make available for inspection and examination those documents described in subparagraphs (2) (i) to (2) (iv) of this paragraph.

(2) *Classes of public information.* The following are the books and records and other classes of public information which an agency shall make available for public inspection and examination to the extent required by subparagraph (1) of this paragraph.

(i) Copies of any application submitted by the agency and currently pending with the Office of Economic Opportunity for assistance under the Economic Opportunity Act.

(ii) Copies of the minutes of all public hearings held pursuant to paragraph (c) of this section, and copies of all written statements and affidavits filed with the agency pursuant to paragraph (c) (5) of this section.

(iii) Copies of any proposal received by the agency, and currently pending before it, for inclusion of a project in an application to be submitted to the Office of Economic Opportunity.

(iv) Copies of any proposal approved by the Agency for inclusion in an application for assistance under the Economic Opportunity Act, but not yet submitted to the Office of Economic Opportunity.

(v) Copies of all books of account maintained by the agency with respect to its development, conduct, or administration of any program or project assisted by the Office of Economic Opportunity.

(vi) Copies of all contracts made in connection with the administration of any program or project assisted by the Office of Economic Opportunity, including contracts for conduct and administration of program components, contracts for consultant services, and contracts for the purchase of goods and services, as well as copies of all purchase orders, invoices, and other documents evidencing the expenditure of project funds.

(vii) With respect to any assistance which has been received by the agency under Title II–A or Title III–B of the Economic Opportunity Act, copies of the application for such assistance, the statement of grant or similar document indicating approval of the application and extension of assistance by the Office of Economic Opportunity, and all documents accompanying such statement of grant or similar document or authorizing changes in the grant as originally approved.

(viii) Copies of all report forms submitted by the agency to the Office of Economic Opportunity with respect to the development, conduct, or administration of any program assisted by the Office of Economic Opportunity, except that this subparagraph shall not apply to reports of data about identifiable persons who are the beneficiaries of the programs.

(ix) Current lists of names of employees of the agency, including enrollees in programs under the Economic Opportunity Act, together with their job descriptions and their rates of compensation;

(x) Copies of articles of incorporation and bylaws of any private agency, or copies of any official acts governing the creation and operation of a public agency, and copies of any similar documents which provide the basic authority of the agency or the basic rules for its governance;

(xi) Copies of records of actions taken at all meetings of the Board of Directors, Executive Committee, or other governing body which has the power to make decisions on behalf of the agency, and any Policy Advisory Committee of the agency;

(xii) Current lists of the names and addresses of all members of the agency, its Board of Directors, its Executive Committee, or any other governing body which has the power to make decisions on behalf of the agency, and any Policy Advisory Committee, and any Committees of any governing body;

(xiii) Copies of current and past budgets of the agency and reports of completed audits of the accounts of the agency by any certified public accountant or State or local official; and

(xiv) Copies of current and past State and Federal tax returns filed by the agency.

(3) *Conditions of public inspection and examination.* (i) In any case in which books and records or other documents are required by the regulations in this section to be made available for public inspection and examination, they must be made available at the principal office of the disclosing agency. They must be made available during regular business hours on each regular workday (Monday through Friday of each week, official local holidays excepted). In the case of documents being used for official purposes at the time request for inspection and examination is made, the documents shall be made available not later than 5 business days after the receipt of such request. Facsimile copies will also be furnished to any person upon request. If the agency uses its own reproduction equipment, it may charge a fee of 10 cents or less for each page. If other equipment is used, the fee charged shall not exceed the actual cost of the service to the agency.

(ii) In any case in which an agency concludes that a document should not be made public, even though required under the regulations of this section to be disclosed, the agency shall immediately contact the appropriate Regional Director of the Office of Economic Opportunity in writing. The writing shall contain a description of the document and a full explanation of the justification for the agency's conclusion that the document is not of a public nature. The Regional Director will, in such cases, make a prompt determination as to whether the document should be made public.

(4) *Additional information.* The above enumeration of books and records and other classes of public information should not be considered exhaustive. An agency which is assisted by the Office of Economic Opportunity, or which is seeking such assistance, should make documents relating to such assistance available to the public to the maximum extent possible. Except in cases where disclosure of documents would involve an invasion of privacy, would impose an undue administrative burden on the agency, or would interfere with the internal decision-making processes of the agency, the agency should permit examination and inspection of all such documents requested by any person.

(c) *Requirement of public hearing—*(1) *Hearing requested by any person or group.* Any agency which has received a grant under section 204 or section 205 of the Economic Opportunity Act shall hold a public hearing in response to a written request for such a hearing by any person or group in the community served. The hearing shall be held within 30 days of the receipt of the request by the agency. A request for a hearing shall include a statement of the basic issue or issues which the requesting party particularly wishes aired at the hearing. A request may be denied only if the governing body of the agency, by a vote of at least three-fourths of the members present at a lawful meeting, determines either that the request raises only frivolous issues or that the proposed hearing would merely be repetitive of previous hearings.

(2) *Hearing prior to submission of application.* In addition to any hearings held at the request of the public under subparagraph (1) of this paragraph, every agency shall hold a public hearing prior to the submission of an application for assistance under section 204 or section 205 of the Economic Opportunity Act to OEO. The hearing shall take place after the agency staff recommends submission of an application and before the governing body of the agency makes its final determination of whether to submit the application to OEO. This requirement of a hearing prior to submission of an application shall not apply to:

(i) Any application received by OEO prior to April 15, 1966; or

(ii) Such categories of applications as the Director may from time to time exempt from the requirement.

(3) *Notice of hearing.* Any public hearing shall be held at a time and place convenient to the public. In appropriate cases hearings should be held at neighborhood locations. Public notice of each hearing shall state the time and place at which the hearing shall be held, and shall be given not less than 10 days before the day of the hearing. Notice of a hearing shall be given by:

(i) Submitting formal notice of the hearing to at least one newspaper of general circulation within the geographical

area to be served by the agency for inclusion as a legal notice.

(ii) Posting a formal notice of the hearing in a prominent place at the principal office of the agency, at the county court house, at the city hall of any major city within the area, and at any other place where official notices are regularly posted.

(iii) Forwarding a formal notice of the hearing (*a*) to every newspaper with a daily or weekly circulation of more than 5,000 copies in the geographical area for which the agency has been recognized as a community action agency or in which the agency expends or seeks to expend funds granted by the Office of Economic Opportunity, (*b*) to every radio and television station which regularly broadcasts local news of, or announcements of meetings in, the geographical area described above, (*c*) to any community newspaper or journal primarily serving a neighborhood or area in which the agency runs or is preparing to run a program under the Economic Opportunity Act, (*d*) to each agency in the community which has submitted a proposal, as a delegate or grantee agency, for assistance under section 204 or section 205 of the Economic Opportunity Act within 1 year prior to the scheduled date of the hearing, (*e*) to each person who has submitted a written request for copies of such notices, (*f*) to the technical assistance agency for the state in which the agency is located, and (*g*) to the appropriate regional office of the Office of Economic Opportunity: *Provided*, That an agency required by this section to hold a public hearing which serves an area larger than a single county shall consult with OEO concerning the place or places where hearings shall be held and what notice shall be required. Procedures approved by OEO shall, to the extent specified by OEO, substitute for the requirements of this paragraph.

(4) *Information to be made public.* Beginning with the date on which notice of hearing is given, an agency proposing to submit an application to the Office of Economic Opportunity shall be treated as an "applicant" for the purposes of paragraph (b)(1) (i) and (iii) of this section, and is thus subject to the disclosure requirements contained therein.

(5) *Conduct of the hearing.* Each hearing shall be held before the governing body, or a committee thereof, of the agency required to hold the hearing. It shall be held at the time and place set forth in the notice of hearing. In the event the hearing cannot be completed on that date, it may be continued at the same time and place from day-to-day or adjourned to a later day or different place without notice other than the announcement thereof by the presiding officer. Each hearing shall be open to all members of the public. Every person desiring an opportunity to speak shall be heard, although the presiding officer may establish reasonable limits on the length of the statement of any one person. Should the presiding officer determine that the opportunity to be heard is being utilized for purposes of delay, he may exclude statements which are essentially repetitive of statements already heard. Although hearings may be conducted in an informal manner, minutes shall be kept which fairly and accurately reflect the business of the hearing, and the basic sides of any disputed questions or issues which arise. Written statements and affidavits shall be accepted for the record of hearing and shall be made public at the office of the applicant in accordance with paragraph (b)(2)(ii) of this section. Copies of all such minutes, written statements, and affidavits shall be sent to the Office of Economic Opportunity together with the application if the hearing was held under subparagraph (2) of this paragraph, or promptly after the conclusion of the hearing if the hearing was held under subparagraph (1) of this paragraph.

(6) *Notice to OEO.* Each application for a grant which is submitted to OEO shall include a statement to the effect that public hearings were held as required in subparagraph (2) of this paragraph and that notice of such hearings was given in conformity with the regulations in this section. The application shall also state the respect in which the application submitted to OEO differs from the application which was made available for public inspection prior to the public hearing. In the case of each such change the application shall also state whether or not the change was responsive to the material adduced at the hearing, and, if so, the nature of the material adduced.

(79 Stat. 973; 42 U.S.C. 2782)

Approved: March 5, 1966.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

[F.R. Doc. 66-2753; Filed, Mar. 15, 1966; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 66-231]

PART 0—COMMISSION ORGANIZATION

Rule Making Petitions

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of March 1966;

The Commission has under consideration the procedure for the disposition of rule making petitions.

At the present time all rule making petitions must be ruled upon by the Commission.

Some rule making petitions are moot or repetitive, in that they pertain to matters recently considered and acted upon by the Commission. Others are frivolous or patently lacking in merit, in that they request relief which it would clearly be impossible or impracticable to grant. And, in other circumstances Commission consideration of a rule making petition may clearly be unwarranted.

Staff action on such rule making petitions now on file or which may hereafter be filed will contribute to the proper functioning of the Commission and the prompt and orderly conduct of its business.

Authority for the amendment adopted herein is contained in sections 4 (i) and (j), 5(d), and 303(r) of the Communications Act of 1934, as amended.

The amendment adopted herein is procedural in nature and pertains to internal delegations of authority, and hence the notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable.

Accordingly, it is ordered, Effective March 18, 1966, that Part 0 of the Commission's rules and regulations is amended as set forth in the Appendix hereto.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: March 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Sections 0.243(e), 0.251(d), 0.281(bb), 0.291(j), 0.311(a)(15), and 0.332(m) are added to read as follows:

§ 0.243 Authority delegated to the Chief Engineer upon securing concurrence of the General Counsel.

* * * * *

(e) The Chief Engineer, upon securing concurrence of the General Counsel, is authorized to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

GENERAL COUNSEL

§ 0.251 Authority delegated.

* * * * *

(d) The General Counsel is delegated authority to dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

CHIEF, BROADCAST BUREAU

§ 0.281 Authority delegated.

* * * * *

(bb) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

CHIEF, COMMON CARRIER BUREAU

§ 0.291 Authority concerning radio matters.

* * * * *

(j) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

[1] Commissioner Bartley absent.

FIELD ENGINEERING BUREAU

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Engineering Bureau.

(a) * * *

(15) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

* * * * *

CHIEF, SAFETY AND SPECIAL RADIO SERVICES BUREAU

* * * * *

§ 0.332 Additional authority delegated.

* * * * *

(m) To dismiss or deny petitions for rule making which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission.

[F.R. Doc. 66-2767; Filed, Mar. 15, 1966; 8:47 a.m.]

[FCC 66-242]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Broadcast Bureau

At a session of the Commission held at its offices in Washington, D.C., on the 9th day of March 1966;

1. The Commission having under consideration the note to §§ 1.571 and 73.37 of the Commission's rules and regulations, which bar acceptance for filing any application for proposed change by a standard broadcast station, if overlap of signal strength contours specified in section 73.37 would result;

2. Inasmuch as waiver of these rules may be sought (§ 1.566), it is deemed appropriate that the Commission delegate to the Chief, Broadcast Bureau, authority to accept for filing applications for certain "minor changes" (e.g., change of site, antenna efficiency), which result in prohibited overlap, if (1) good cause for the change is demonstrated, and (2) the new or increased overlap is not in excess of 2 miles along the angle of maximum penetration;

3. Since this amendment relates to a matter of agency organization and procedure, it is not necessary for either a prior notice of rule making or a waiting period for the change to become effective (section 4 of the Administrative Procedure Act; 5 U.S.C. 1003). Authority for the promulgation of this amendment to the Commission's rules and regulations is contained in sections 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective March 18, 1966, § 0.281 of the Commission's rules and regulations is amended by the addition of subparagraph (16) to paragraph (d), to read as follows:

§ 0.281 Authority delegated.

* * * * *

(d) Miscellaneous applications and requests: * * *

(16) To waive the provisions of the note to §§ 1.571 and 73.37 of this chapter to the extent necessary to accept for filing an application by an existing standard broadcast facility for change of site or antenna efficiency, which would result in new or increased cochannel or first adjacent channel overlap, if it is found that good cause for the change exists, and such overlap is not in excess of 2 miles along the line of maximum penetration.

* * * * *

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

Released: March 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-2768; Filed, Mar. 15, 1966; 8:47 a.m.]

[Docket No. 16295; FCC 66-233]

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

Processing of Applications

1. A notice of proposed rule making, proposing to amend § 21.27(c) of the Commission's rules to provide for a 30-day limitation on the time within which petitions to deny applications governed by Part 21 of our rules may be filed, was adopted November 10, 1965, and published in the FEDERAL REGISTER on November 18, 1965 (30 F.R. 14442). Comments have been filed by the following: General Telephone & Electronics Service Corp., Keller and Heckman, American Telephone & Telegraph Co., Jerrold Electronics Corp., National Mobile Radio System and TransAmerican Microwave, Inc.

2. In proposing such limitation the Commission was looking toward an improvement in the orderly processing of the subject applications. All of those submitting comments in this proceeding were substantially in agreement that there should be a limitation on the time within which petitions to deny applications governed by Part 21 of the rules may be filed.

3. Section 21.27(c) of the Commission's rules now provides that petitions to deny common carrier radio applications governed by Part 21 of the rules may be filed any time prior to the day of grant or designation for hearing. This situation has caused some delays in the processing of such applications by requiring the staff to reevaluate applications—on which processing has begun but which have not yet been acted on—after tardy or additional petitions to deny, and responsive pleadings, are filed.

4. The comments of Jerrold Electronics Corp. indicate support of the proposed rule on the basis that those who make "significant capital expenditures * * * should not be subjected to the uncertainty of not knowing when or if a Petition to Deny will be filed." We note, however, that any expenditures made, under either the existing or proposed rule, before authorizations are issued is done entirely at the risk of those who make such expenditures. Basically, the purpose of the proposed rule amendment is to minimize the adverse effect of late or dilatory pleadings.

5. Two commentators have suggested that the proposed rule include other provisions as to the time limitation. General Telephone & Electronics Service Corp. has suggested a 45 or 60 day limitation. American Telephone & Telegraph Co. has suggested that provision for a 30-day extension be built into the proposed rule. Such recommendations are based on an assumption that in some cases it may be difficult or impossible to prepare and file a petition to deny within the 30-day period. Nevertheless, we are satisfied that since our practice has been liberal with respect to the granting of extensions of time (grants of requests for waivers of time limitations based on good cause shown) the general restriction is not unreasonable.

6. Therefore, it is concluded that § 21.27(c) of the Commission's rules should be amended as proposed.

7. Authority for the amendments adopted herein is contained in sections 4(i), 4(j), 303(r), and 409(c) of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered*, Effective April 18, 1966, that § 21.27(c) of the rules and regulations is amended as set forth in the Appendix hereto, and that this proceeding is terminated.

(Secs. 4, 303, 409, 48 Stat. 1066, 1082, 1096, as amended; 47 U.S.C. 154, 303, 409)

Adopted: March 9, 1966.

Released: March 11, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

Section 21.27(c) of the Commission's rules is amended to read as follows:

§ 21.27 Processing of applications.

* * * * *

(c) Any party in interest may file with the Commission a petition to deny any application (whether as originally filed or as amended) to which paragraph (a) of this section applies, no later than 30 days after issuance of a public notice of

[1] Commissioner Bartley absent.

[1] Commissioner Bartley absent.

the acceptance for filing of any such application or major amendment thereto. The petitioner shall serve a copy of such petition on the applicant no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with § 21.26(a). Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition (see § 1.45 of this chapter) and allegations of fact or denials thereof shall similarly be supported by affidavit.

* * * * *

[F.R. Doc. 66-2769; Filed, Mar. 15, 1966; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7189]

AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Models 707 and 720 Series airplanes. There have been several instances of cracking in the upper wing skin and the horizontal legs of the splice angle and chord members of these airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, it is proposed to issue an airworthiness directive to require repetitive inspections and modifications of the affected areas.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 15, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

BOEING. Applies to Models 707-100, 707-200, and 720 Series airplanes listed in Boeing Service Bulletin No. 2177 (R-2).

Compliance required as indicated, unless already accomplished.

In order to detect and repair cracks in the wing skin, and the horizontal legs of the splice angle and chord members at Wing Station 304.93 rear spar upper chord splice, accomplish the following:

(a) Within the next 200 hours' time in service after the effective date of this AD and at intervals thereafter not to exceed 200 hours' time in service from the last inspection, inspect Model 720 Series airplanes with 8,000 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (d).

(b) Before the accumulation of 8,200 hours' time in service and at intervals thereafter not to exceed 200 hours' time in service from the last inspection, inspect Model 720 Series airplanes with less than 8,000 hours' time in service on the effective date of this AD in accordance with paragraph (d).

(c) Before the accumulation of 15,200 hours' time in service and at intervals thereafter not to exceed 200 hours' time in service from the last inspection, inspect Model 707 Series airplanes with less than 15,000 hours' time in service on the effective date of this AD in accordance with paragraph (d).

(d) Visually inspect for cracks in accordance with the "Visual Inspection Procedure" of Paragraph 3, Part I, Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision.

(e) Within the next 600 hours' time in service and at intervals thereafter not to exceed 600 hours' time in service from the last inspection, inspect Model 720 Series airplanes with 8,000 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (h).

(f) Before the accumulation of 8,600 hours' time in service and at intervals thereafter not to exceed 600 hours' time in service from the last inspection, inspect Model 720 Series airplanes with less than 15,000 hours' time in service on the effective date of this AD in accordance with paragraph (h).

(g) Before the accumulation of 15,600 hours' time in service and at intervals thereafter not to exceed 600 hours' time in service from the last inspection, inspect Model 707 Series airplanes wtih less than 15,000 hours' time in service on the effective date of this AD in accordance with paragraph (h).

(h) Accomplish an ultrasonic and X-ray inspection in accordance with Paragraph 3, Part I, Boeing Service Bulletin No. 2177 (R-2) or later FAA approved revision, or by a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(i) If cracks are found during the inspections conducted in accordance with this AD, repair and modify the affected parts before further flight in accordance with Paragraph 3, Part II, "Preventive Modification Data" or Part III, 'Crack Repair Data,' Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision, or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region. After the repair or modification is accomplished, the repetitive inspections required by this AD may be discontinued.

(j) Within 7,000 hours' time in service after the effective date of this AD modify Model 720 Series airplanes with 8,000 or more hours' time in service on the effective date of this AD and Model 707 Series airplanes with 15,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (m).

(k) Before the accumulation of 15,000 hours' time in service modify Model 720 Series airplanes with less than 8,000 hours' time in service on the effective date of this AD in accordance with paragraph (m).

(l) Before the accumulation of 22,000 hours' time in service modify Model 707 Series airplanes with less than 15,000 hours' time in service on the effective date of this AD in accordance with paragraph (m).

(m) Unless already accomplished in accordance with paragraph (i), accomplish the modification specified in Paragraph 3, Part II, "Preventive Modification Data," Boeing Service Bulletin No. 2177 (R-2) or later FAA-approved revision, or a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. After this modification has been accomplished, the repetitive inspections required by this AD may be discontinued.

(n) Upon request of an operator, an FAA maintenance inspector, with prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals required by this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Washington, D.C., on March 10, 1966.

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

[F.R. Doc. 66-2739; Filed, Mar. 15, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1063]

[Docket No. AO 105-A21]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Termination of Proceedings 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 Moline, Ill., pursuant to notice thereof issued January 10, 1966 (31 F.R. 434). The material issue on the record of the hearing related to discontinuing the base and excess plan of payment to producers.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 8, 1966 (31 F.R. 2659; F.R. Doc. 66-1520) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision to discontinue the base and excess plan. No exceptions were filed to this decision.

In an order terminating certain provisions, issued February 23, 1966 (31 F.R. 3190), the Assistant Secretary terminated the base and excess provisions from the Quad Cities-Dubuque milk order effective March 1, 1966.

It is hereby found and determined that in view of the aforesaid action of February 23, 1966, terminating the base and excess provisions of this order, the pro-

ceedings with respect to proposed amendments to discontinue the base and excess provisions of the tentative marketing agreement and the order, as set forth in the notice of hearing issued January 10, 1966 (31 F.R. 434), are hereby terminated.

Effective date. Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on March 10, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-2760; Filed, Mar. 15, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-19 (Sub-No. 3)]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, division 2, held at its Office in Washington, D.C., on the 3d day of March A.D. 1966.

It appearing, that the Household Goods Carriers' Bureau filed a petition on January 20, 1966, requesting the institution of a rule-making proceeding under modified procedure for the purpose of amending § 176.10(d) of the Code of Federal Regulations, 49 CFR 176.10(d) (Estimate of charges—(d) Reweighing), as hereinafter described, to which no replies were filed;

And it further appearing, that the Movers' & Warehousemen's Association of America, Inc., filed a supporting petition on February 8, 1966, concurring in the action sought by the initial petitioner herein.

It is ordered, That (1) the petitions be, and they are hereby granted, and (2) a proceeding be, and it is hereby, instituted under the authority of Part II of the Interstate Commerce Act (section 217) and section 4 of the Administrative Procedure Act for the purpose of determining whether § 176.10(d) should be amended. As here pertinent said section reads as follows:

The carrier shall, upon request made by the shipper before delivery and when practicable to do so, reweigh the shipment. A reasonable charge may be established for reweighing only when the difference between the two net scale weights does not exceed (1) 100 pounds on shipments weighing 5,000 pounds or less, and (2) 2 percent of the lower net scale weight on shipments weighing more than 5,000 pounds. The lower of the two net scale weights shall be used for determining the applicable charges.

It is proposed by petitioners that the above provisions be amended to read as follows:

The carrier, upon request of shipper, owner or consignee, made prior to delivery of a shipment and when practicable to do so will reweigh the shipment. The lower of the two net scale weights shall be used for determining the applicable charges. If the reweigh develops a net scale weight in excess of the initial net scale weight or if the difference between the initial net scale weight and the reweigh net scale weight is less than 100 pounds on a shipment weighing 5,000 pounds or less or two percent or less of the lower net scale weight on shipments in excess of 5,000 pounds, a reasonable reweigh charge may be established.

It is further ordered, That any person desiring to become a party to this proceeding shall notify the Commission of that fact and whether he is for or against the proposed amendment not later than 15 days from the date of publication of this order in the FEDERAL REGISTER. Thereafter, the Secretary of the Commission shall serve a service list upon all parties to this proceeding within 30 days from the date of this publication.

It is further ordered, That this proceeding be handled under modified procedure, the filing and serving of pleadings to be as follows: (a) Opening statement of facts and arguments by petitioners and any parties in support thereof on or before 60 days from the date of this order; (b) 30 days thereafter, statement of facts and argument by any party in opposition; and (c) 10 days thereafter, replies by petitioners and any supporting parties.

And it is further ordered, That a copy of this order be served on the Public Utility Commissions or Boards, or similar regulatory bodies, of each State having jurisdiction over transportation by motor common carrier; that a copy be posted in the office of the Secretary of the Interstate Commerce Commission for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

By the Commission, division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-2781; Filed, Mar. 15, 1966; 8:49 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice No. 387]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 11, 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 1658 (Deviation No. 9), NORWALK TRUCK LINES, INC., OF DELAWARE, Manheim Pike, Lancaster, Pa., filed February 21, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Youngstown, Ohio, and New York, N.Y., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes, as follows: (1) From Lancaster, Pa., over U.S. Highway 230 to Harrisburg, Pa., thence over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 422 to Cleveland, Ohio; (2) from Harrisburg, Pa., over U.S. Highway 22 to Hamburg, Pa.; (3) from Great Meadows, N.J., over U.S. Highway 46 to junction unnumbered highway near Buttzville, N.J., thence over unnumbered highway to Phillipsburg, N.J., thence across the Delaware River to Easton, Pa., thence over U.S. Highway 22 to Hamburg, Pa.; and (4) from New York, N.Y., across the Hudson River to Jersey City, N.J., thence over city streets and connecting highways to Newark, N.J., thence over New Jersey Highway 23 via Belleville, N.J., to junction Essex County Highway 506, thence over Essex County Highway 506 via Caldwell, N.J., to junction U.S. Highway 46, thence over U.S. Highway 46 to Great Meadows, N.J., and return over the same routes.

No. MC 2401 (Deviation No. 13), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind., 47802, filed March 2, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Between Effingham, Ill., and Kankakee, Ill., over Interstate Highway 57, and (2) between Kankakee, Ill., and Chicago, Ill., over Interstate Highway 57, 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 Effingham, Ill., over U.S. Highway 40 to Marshall, Ill., thence over Illinois Highway 1 to Paris, Ill., thence over Illinois Highway 16 to Kansas, Ill., and thence over Illinois Highway 49 to Kankakee, Ill., and (2) from Kankakee, Ill., over Illinois Highway 49 (redesignated as U.S. Highway 54) to Chicago, Ill., and return over the same routes.

No. MC 10875 (Deviation No. 9), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y., 10011, filed February 28, 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 Boston, Mass., over Interstate Highway 95 to junction with the New Jersey Turnpike, thence over the New Jersey Turnpike to junction Interstate Highway 295, and thence over Interstate Highway 295 to Wilmington, Del., and return over the same route, for operating convenience only. The notice indicates that the carrier is presenly authorized to transport the same commodities over a pertinent service route as follows: (1) From Boston, Mass., over U.S. Highway 1 to New York, N.Y., and (2) from New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 13, and thence over U.S. Highway 13 to Wilmington, Del., and return over the same routes.

No. MC 14295 (Deviation No. 2), D. G. & U. TRUCK LINES, INC., 1215 West Mound Street, Columbus, Ohio, 43223, filed February 25, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Ohio Highway 49 and Interstate Highway 70 over Interstate Highway 70 to junction Indiana Highway 121, 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 junction Ohio Highway 49 and Interstate Highway 70 over Ohio Highway 49 to junction Ohio Highway 121 at Greenville, Ohio, thence over Ohio Highway 121 to the Ohio-Indiana State line, and thence over Indiana Highway 121 to junction Interstate Highway 70, and return over the same route.

No. MC 35334 (Deviation No. 3), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J., 07051, filed March 2, 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 Kansas City, Mo., over Interstate Highway 70 to junction U.S. Highway 54, and thence over U.S. Highway 54 to junction U.S. Highway 36, 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 Kansas City, Mo., over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Springfield, Ill., and return over the same route.

No. MC 44592 (Sub-No. 1) (Deviation No. 10), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn., filed March 1, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Hartford, Conn., and New Haven, Conn., over Interstate Highway 91, 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: between Hartford, Conn., and New Haven, Conn., over U.S. Highway 5.

No. MC 73839 (Deviation No. 1), HOLLAND TRANSPORTATION COMPANY, INC., Summit Street, Post Office Box 232, Peabody, Mass., Carrier's representative: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, filed February 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes, as follows: (1) From Boston, Mass., over Interstate Highway 90 to junction Interstate Highway 91 near Springfield, Mass., thence over Interstate Highway 91 to New Haven, Conn., and (2) from Boston, Mass., over Interstate Highway 95 to New York, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes, as follows: (1) From New Haven, Conn., over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass. (also from New Haven, over

Alternate U.S. Highway 5 to Springfield), thence over U.S. Highway 20 via Palmer, Mass., to Worcester, Mass., thence over Massachusetts Highway 9 to Boston, Mass., (2) from Boston, Mass., over U.S. Highway 1 to New York, N.Y.; (3) from junction U.S. Highway 20 and Massachusetts Highway 15 over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 to East Hartford, Conn.; (4) from Providence, R.I., over Rhode Island Highway 3 to junction Rhode Island Highway 84, and (5) from junction Rhode Island Highways 3 and 84, over Rhode Island Highway 84 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 84 to Groton, Conn., and return over the same routes.

No. MC 108185 (Deviation No. 10), DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Birmingham, Ala., filed February 28, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Montgomery, Ala., over U.S. Highway 31 to Mobile, Ala., and thence over U.S. Highway 90 to New Orleans, La., and (2) from Montgomery, Ala., over Interstate Highway 65 to Mobile, Ala., and thence over U.S. Highway 90 to New Orleans, La., and return over the same routes, for operating convenience only. The notice indicates that the carrier presently authorized to transport the same commodities over a pertinent service route as follows: From Montgomery, Ala., over U.S. Highway 80 to Meridian, Miss., thence over U.S. Highway 11 to New Orleans, La., and return over the same route.

No. MC 109043 (Deviation No. 1), TROJAN FREIGHT LINES, INC., 909 Keowee Street, Dayton, Ohio, filed February 25, 1966. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio, 43215. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Dayton, Ohio, over Interstate Highway 75 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Indiana Highway 1, thence over Indiana Highway 1 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Indianapolis, Ind., (2) from Dayton, Ohio, over Ohio Highway 48 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Indiana Highway 1, thence over Indiana Highway 1 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Indianapolis, Ind., and (3) from Dayton, Ohio, over U.S. Highway 35 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Indiana Highway 1, thence over Indiana Highway 1 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Indianapolis, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dayton, Ohio, over U.S. Highway 35 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Indianapolis, Ind., and return over the same route.

No. MC 109633 (Deviation No. 6), ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill., 60627; filed February 25, 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 Indianapolis, Ind., over Interstate Highway 74 to junction Interstate Highway 57 at Urbana, Ill., thence over Interstate Highway 57 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 a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 to Chicago, Ill., and return over the same route.

No. MC 110166 (Deviation No. 4), TENNESSEE CAROLINA TRANSPORTATION, INC., Post Office Box 7308, Nashville, Tenn., 37210, filed February 28, 1966. Applicant's representative: J. C. Hutcheson, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Charlotte, N.C., over Interstate Highway 85 to junction Interstate Highway 285 (near Atlanta, Ga.), thence over Interstate Highway 285 to junction U.S. Highway 41, thence over U.S. Highway 41 to Calhoun, Ga., thence over Interstate Highway 75 to Chattanooga, Tenn., and (2) from Charlotte, N.C., over Interstate Highway 85 to junction Interstate Highway 285, thence over Interstate Highway 285 to junction Interstate Highway 75, and thence over Interstate Highway 75 to Chattanooga, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Charlotte, N.C., over North Carolina Highway 27 to Lincolnton, N.C., thence over U.S. Highway 321 to Conover, N.C., thence over U.S. Highway 70 via Asheville, N.C., to Knoxville, Tenn., and thence over U.S. Highway 11 to Chattanooga, Tenn., and return over the same routes.

No. MC 112713 (Deviation No. 10), YELLOW TRANSIT FREIGHT LINES, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo., 64114, filed February 24, 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 Wichita, Kans., over U.S. Highway 54 to junction Kansas Highway 17, and thence over Kansas Highway 17 to Hutchinson, Kans., 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 Hutchinson, Kans., over U.S. Highway 50 (formerly U.S. Highway 50S) to Newton, Kans., thence over U.S. Highway 81 to Wichita, Kans., and return over the same route.

No. MC 125820 (Sub-No. 1) (Deviation No. 1), ELK VALLEY FREIGHT LINE, INC., 524 Hagan Street, Nashville, Tenn., 37203, filed February 28, 1966. Applicant's representative: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky., 40601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Elizabethtown, Ky., over the Kentucky Turnpike to junction with Bluegrass Parkway, thence over Bluegrass Parkway to junction U.S. Highway 60, near Versailles, Ky., thence over U.S. Highway 60 to Lexington, Ky., 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 Nashville, Tenn., over U.S. Highway 31 to Columbia, Tenn. (also from Nashville over Tennessee Highway 6 to Columbia), thence over Tennessee Highway 50 to Lewisburg, Tenn., thence over U S. Highway 431 via Fayetteville, Tenn., to the Tennessee-Alabama State line; (2) from Nashville, Tenn., over U.S. Highway 41 to Murfreesboro, Tenn. (also from Nashville over Tennessee Highway 1 to Murfreesboro), and thence over U.S. Highway 231 via Shelbyville, Tenn., to Fayetteville, Tenn.; (3) from Fayetteville, Tenn., over Tennessee Highway 110 to Ardmore, Tenn.; and (4) from Nashville, Tenn., over U.S. Highway 31W to Elizabethtown, Ky., thence over U.S. Highway 62 to Lexington, Ky., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 460 (Deviation No. 2), OKLAHOMA TRANSPORTATION COMPANY, 1206 Exchange Avenue, Oklahoma City, Okla., filed February 28, 1966. Applicant's representative: Max G. Morgan, 443–54 American Building, Oklahoma City, Okla. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between Oklahoma City, Okla., and Fort Smith, Ark., over Interstate Highway 40, 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 Oklahoma City, Okla., over U.S. Highway 270 to Wister, Okla., thence over U.S. Highway 271 to Fort Smith, Ark.; (2) from Oklahoma City, Okla., over U.S. Highway 270 to junction Oklahoma Highway 9A, thence over Oklahoma Highway 9A to Earlsboro, Okla., thence over Oklahoma Highway 9 to junction U.S. Highway 271, thence over U.S. Highway 271 to Fort Smith, Ark.; (3) from Oklahoma City, Okla., over Oklahoma Highway 3 to junction U.S. Highway 270, thence over U.S. Highway 270 as specified in (1) above to Fort Smith, Ark.; and (4) from junction Oklahoma Highways 3 and 9

approximately 1 mile northwest of Seminole, Okla., over Oklahoma Highway 9 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 271, and return over the same routes.

No. MC 1515 (Deviation No. 299) (Cancels No. 1501, Deviation No. 33), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed February 24, 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 follow: (1) From junction Ohio Highway 51 and Interstate Highway 280 over Interstate Highway 280 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 24 south of Taylor Center, Ohio, thence over U.S. Highway 24 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich.; (2) from Toledo, Ohio, over city streets and access roads to junction Interstate Highway 75, within the city limits of Toledo, and (3) from Monroe, Mich., over city streets and access roads to junction Interstate Highway 75 within the city limits of Monroe, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Port Austin, Mich., over U.S Highway 25 via Port Huron, Mount Clemens, and Monroe, Mich., and Toledo, Perrysburg, and Findlay, Ohio, to Dayton, Ohio (also from Mount Clemens over Mount Clemens Drive and Harper Avenue, to Detroit, thence over city streets via River Rouge, Ecorse, Wyandotte, and Trenton, Mich., to junction County Highway 379, thence over County Highway 379 to Rockwood, Mich., thence over Michigan Highway 56 to Monroe, and also from junction U.S. Highways 25 and 24 five miles north of Monroe over U.S. Highway 24 to Toledo, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 300), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Fort Worth, Tex., 76102, filed March 3, 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 a deviation route as follows: Between Rock Springs, Wyo., and the Nebraska-Wyoming State line, near Pine Bluffs, Wyo., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers, and the same property, over a pertinent service route as follows: From Fremont, Nebr., over U.S. Highway 30 via Cheyenne, Wyo., to junction relocated U.S. Highway 30, thence over relocated U.S. Highway 30 to junction U.S. Highway 30 near Walcott, Wyo., and thence over U.S. Highway 30 to Rock Springs, Wyo., and return over the same route.

No. MC 13300 (Deviation No. 9), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C., 27602. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C., 20006; filed February 24, 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 a deviation route as follows: From Salisbury, Md., over relocated U.S. Highway 50 to junction old U.S. Highway 50, at or near St. Martin, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Salisbury, Md., over old U.S. Highway 50 to junction relocated U.S. Highway 50, at or near St. Martin, Md. and return over the same route.

No. MC 29957 (Deviation No. 7), CONTINENTAL SOUTHERN LINES, INC., Box 4107, Alexandria, La., filed February 28, 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, or in separate vehicles, over a deviation route as follows: From junction Tennessee Highway 20 and U.S. Highway 70 over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Nashville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Jackson, Tenn., over Tennessee Highway 20 to Parsons, Tenn., thence over Tennessee Highway 100 to Nashville, Tenn., and return over the same route.

No. MC 36364 (Deviation No. 2), MISSOURI, KANSAS & OKLAHOMA COACH LINES, Cincinnati at Fourth, Tulsa, Okla., filed March 1, 1966. Applicant's representative: Julian P. Freret, 1740 N Street NW., Washington, D.C., 20036. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 244 and Interstate Highway 44, over Interstate Highway 244 to junction U.S. Highway 40, and thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 to Springfield, Mo., thence over U.S. Highway 166 to Joplin, Mo., thence over U.S. Highway 66 to Tulsa, Okla., thence over Oklahoma Highway 33 to Guthrie, Okla., and thence over U.S. Highway 77 to Oklahoma City, Okla., and return over the same route.

By the Commission.

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

[F.R. Doc. 66-2796; Filed, Mar. 15, 1966; 8:50 a.m.]

[Notice No. 892]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 11, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by 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 109148 (Sub-No. 20) (Amendment), filed October 5, 1965, published in FEDERAL REGISTER issue of October 21, 1965, amended February 14, 1966, and republished as amended in FEDERAL REGISTER issue of February 25, 1966, and republished this issue. Applicant: LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 917 Stewart Street, Las Vegas, Nev. Applicant's representative: Richard R. Hanna, Post Office Box 648, Carson City, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, (1) between Las Vegas, Nev., and points within ten (10) airline miles thereof, on the one hand, and, on the other, Hoover Dam, Ariz., and (2) between Las Vegas, Nev., and points within ten (10) airline miles thereof, on the one hand, and, on the other, Grand Canyon, Ariz. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: April 26, 1966, at the Federal Building, Las Vegas, Nev., before Joint Board No. 168, or, if the Joint Board waives its right to participate before Examiner H. Reece Harrison.

No. MC 115523 (Sub-No. 127) (Amendment), filed December 20, 1965, published in FEDERAL REGISTER, issue of January 13, 1966, amended February 16, 1966, and republished as amended this issue. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's rep-

resentative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, fertilizer compounds, and sulfuric acid*, from the plantsite of El Paso Natural Gas Co., near Conda, Idaho, to points in Arizona, California, Colorado, Kansas, Montana, Nebraska, Nevada, South Dakota, Utah, Wyoming, New Mexico, Oregon, and Washington. NOTE: The purpose of this republication is to add Oregon and Washington to the destination states.

HEARING: March 24, 1966, at the U.S. Post Office and Courthouse, Boise, Idaho, before Examiner Dallas B. Russell.

No. MC 64112 (Sub-No. 24) (Republication), filed April 5, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished this issue. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C. Applicant's representative: W. Delbert Turner, Sr., 1414 East Boulevard, Post Office Box 3661, Charlotte, N.C., 28203. By application filed April 5, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (a) such commodities, as are dealt in by service stations and (b) service station equipment and supplies from Charleston, S.C., and points in the Charleston, S.C., commercial zone, to points in Florida, except Duval and Escambia Counties, restricted against tacking or interchange at origin. An order of the Commission, Operating Rights Board No. 1, dated February 18, 1966, and served February 28, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular route, of (a) *such commodities* as are dealt in by gasoline service stations, and (b) *gasoline service station equipment and supplies*, from the plant, terminal, and warehouse facilities of Humble Oil & Refining Co. at or near Charleston, S.C., to points in Florida (except those in Duval and Escambia Counties), restricted to the transportation of traffic originating at such plant, terminal or warehouse facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 66194 (Sub-No. 5) (Republication), filed July 26, 1965, published FEDERAL REGISTER issue of August 11, 1965, and republished, this issue. Applicant: OWL TRUCK COMPANY, a corporation, 500 South Alameda Street, Compton, Calif. Applicant's representative: James W. Wade, 729 South Spring Street, Los Angeles, Calif., 90013. By application filed July 26, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of solid propellant rocket motors, requiring special equipment, between the plantsite named in the findings below and rail sidings at or near Milpitas and Snowboy, Calif., restricted to the handling of traffic having a continual movement by rail in interstate service thereafter. An order of the Commission, Operating Rights Board No. 1, dated February 23, 1966, and served March 4, 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 *jet thrust units*, the transportation of which by reason of size, weight, or fragile character, requires the use of special equipment, from the plantsite of United Technology Development Center, near Coyote, Calif., to Milpitas and Snowboy, Calif., restricted to the handling of traffic having a subsequent movement by rail; 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; that an appropriate certificate should be issued, subject to the condition that it shall be limited in point of time to a period expiring 5 years from the effective date thereof. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111401 (Sub-No. 174) (Republication), filed May 24, 1965, published FEDERAL REGISTER issue of June 16, 1965, and republished this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. By application filed May 24, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Missouri; restricted to the transportation of shipments part of which are for final destination points in Kansas. An order of the Commission, Operating Rights Board No. 1, dated February 17, 1966, and served February 28, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Missouri; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127431 (Sub-No. 2) (Republication), filed September 20, 1965, published FEDERAL REGISTER issue of October 14, 1965, and republished, this issue. Applicant: CAROLINA-VIRGINIA COURIERS, INC., 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin 1, Tex. By application filed September 20, 1965, applicant seeks a certificate authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities indicated in the findings below, between Richmond, Va., on the one hand, and, on the other, points in North Carolina. An order of the Commission, Operating Rights Board No. 1, dated February 23, 1966, and served March 7, 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 (1) *exposed film and prints*, except motion picture film used primarily for commercial theater and television exhibition, (a) from points in North Carolina to Richmond, Va.; and (b) from Richmond, Va., to Charlotte, N.C.; and (2) *processed film and prints*, except motion picture film used primarily for commercial theater and television exhibition, complimentary replacement film, labels, envelopes, and packaging materials, and advertising literature moving therewith, from (a) Richmond, Va., to points in North Carolina, and (b) from Charlotte, N.C., to Richmond, Va. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an

appropriate pleading within a period of 30 days from the date of such publication.

No. MC 127600 (Republication), filed September 22, 1965, published FEDERAL REGISTER issue of October 21, 1965, and republished, this issue. Applicant: JOSEPH N. DeMURO, doing business as PERJO TRUCKING CO., 2104 East Tioga Street, Philadelphia, Pa. Applicant's representative: Leon Weinroth, Suite 2103, 1616 Walnut Street, Philadelphia 3, Pa. By application filed September 22, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *uncrated household appliances*, from and to the points indicated in the findings below, and damaged and refused shipments on return. An order of the Commission, Operating Rights Board No. 1, dated February 23, 1966, and served March 7, 1966, finds that the present and future public convenience and necessity require operation, in interstate or foreign commerce, by applicant as a common carrier by motor vehicle, over irregular routes, of *household appliances* from Philadelphia, Pa., to Wilmington, Del., and to those points in New Jersey on and south of a line beginning at Trenton and extending along unnumbered highway to Whitehorse, thence along New Jersey Highway 524 to junction New Jersey Highway 539 at Allentown, thence southeasterly along New Jersey Highway 539 to Tuckerton, and thence along unnumbered highway to the Atlantic Ocean, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 126458 (Notice of filing of petition to amend permit to add additional shipper), filed March 2, 1966. Petitioner: ASCENZO & SONS, INC., 535 Brush Avenue, Bronx, N.Y., 10465. Petitioner's representative: Morton Kiel, 140 Cedar Street, New York, N.Y. Petitioner states it holds Permit in MC 126458 to transport as follows: Iron and steel and iron and steel articles, as described in Appendix V to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the New York, N.Y., commercial zone, as defined by the Commission, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, limited to a transportation service to be performed, under a continuing contract, or contracts, with Minker Trading Corp. of Great Neck, Long Island, N.Y. By the instant petition, petitioner seeks permission to add an additional shipper, North Atlantic Steel & Construction Materials Corp., Great Neck, Long Island, N.Y. No change in the commodity description or in the territory authorized, is requested. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 3598 (Sub-No. 4) (Clarification), filed February 1, 1966, published FEDERAL REGISTER issue of February 16, 1966, clarified February 21, 1966, and republished as clarified this issue. Applicant: WOOSTER EXPRESS, INC., 150 Strong Road, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods and office furniture and equipment* (but excluding commodities which necessitate the use of dump trucks, tank trucks or special equipment), between points in Connecticut. NOTE: Applicant states the purpose of this application is to convert certificate of registration, MC 120301, Sub 2 into a certificate of public convenience and necessity. This is a matter directly related to MC–F–9334. The purpose of this republication is to clearly set forth the authority sought.

No. MC 98210 (Sub-No. 3), filed February 25, 1966. Applicant: SPADE CONTINENTAL EXPRESS, INC., West Street, Cincinnati 15, Ohio. Applicant's representative: Paul F. Beery, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: This is a matter directly related to MC–F 9353.

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–9311 (MID CONTINENT FREIGHT LINES, INC. (Okla. Corp.)—PURCHASE (PORTION)—CASEY HOBAN-BACH TRANSFER CO.), published in the January 12, 1966, issue of the FEDERAL REGISTER on page 378. Supplement filed February 28, 1966, to show joinder of COMMERCIAL SUPPLIERS, INC., and R. J. BABCOCK, Minnetonka Beach, Minn., as persons in control of the vendee corporation.

No. MC–F–9336 (EVERETT LOWRANCE — PURCHASE (PORTION) — BARSH TRUCK LINES, INC.), published in the February 16, 1966, issue of the FEDERAL REGISTER, on page 2796. By amendment filed March 3, 1966, applicant seeks to purchase the following additional operating rights: *Frozen fruit juices, frozen fruit concentrates*, and *canned citrus products*, restricted to the transportation of mixed loads of frozen and unfrozen commodities, from points in Florida (except Bartow, Fla., and points within 50 miles of Bartow), to points in Arkansas, Iowa, Missouri, Kansas, Nebraska (except Omaha and Lincoln), and Oklahoma.

No. MC–F–9360 (BILL WATKINS—CONTROL—FLEMING'S TRANSFER), published in the March 9, 1966, issue of the FEDERAL REGISTER on page 4183. Application filed March 7, 1966, for temporary authority under section 210a(b).

No. MC–F–9362. Authority sought for purchase by SUBLER TRANSFER, INC., Post Office Box 62, Versailles, Ohio, of the operating rights of CLOVER EXPRESS, INC., 550 Duncan Avenue, Jersey City, N.J., and for acquisition by KENNETH SUBLER, also of Versailles, Ohio, of control of such rights through the purchase. Applicants' attorneys: Irving Klein, 280 Broadway, New York, N.Y., 10007, and Mortin E. Kiel, 140 Cedar Street, New York, N.Y., 10038. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale and retail grocery houses, as a *common carrier*, over irregular routes, between points in Bergen, Hudson, Essex, Passaic, Union, Middlesex, Morris, and Somerset Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., Restriction: The authority granted herein is restricted to shipments moving from, to, or between warehouses and other facilities of wholesale or retail food business houses. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, West Virginia, New York, Rhode Island, Connecticut, Maryland, Delaware, Wisconsin, Pennsylvania, Missouri, Kentucky, Massachusetts, New Hampshire, Vermont, Virginia, Maine, Minnesota, Nebraska, Iowa, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9363. Authority sought for purchase by LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah, of a portion of the operating rights of DAN D. PACK, doing business as

PACK TRUCK LINES, 334 East 13th Street, Idaho Falls, Idaho, 83401. Applicants' attorney: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah, 84111. Operating rights sought to be transferred: *Building material, feed, seed, salt, machinery,* and *agricultural commodities,* as a *common carrier,* over regular routes, between Idaho Falls, Idaho, and Salt Lake City, Utah, serving certain intermediate and off-route points; *coal,* in seasonal operations from the 1st day of June to the 31st day of December, inclusive, of each year, from Blind Bull Mine, Wyo., to Blackfoot, Idaho, serving all intermediate and certain off-route points for delivery only, and from coal mines in Wyoming within 35 miles of Alpine, Wyo., for pickup only; and *cement,* from Devils Slide, Utah, to Ogden, Utah, serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Idaho, Utah, Montana, Wyoming, Oregon, Colorado, Washington, Nevada, California, Arizona, and New Mexico. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9364. Authority sought for purchase by TANNEY'S MOTOR TRANSPORTATION, INC., 60 Broadway, Albany, N.Y., of a portion of the operating rights of MONARCH MOTOR FREIGHT CO., INC., Dean Street, Albany, N.Y., and for acquisition by JOHN VOGEL, JR., JAMES J. VOGEL, and WILLIAM J. VOGEL, all of 700 South Pearl Street, Albany, N.Y., 12202, of control of such rights through the purchase. Applicants' representatives: Martin Geruso, 80 Bay Street, Glens Falls, N.Y., Harry O. Lee, 251 River Street, Troy, N.Y., and William D. Traub, 10 East 40th Street, New York, N.Y., 10016. 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 Albany, N.Y., and Glens Falls, N.Y., serving all intermediate points, and the off-route points of Troy and Rock City Falls, N.Y., between Albany, N.Y., and Troy, N.Y., serving the intermediate point of Green Island, N.Y.; and *meat, fish, vegetables, canned goods,* and *empty baskets,* during the season extending from the 1st day of June to the 15th day of September, over irregular routes, between Watervliet, N.Y., on the one hand, and, on the other, points in Warren and Essex Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9365. Authority sought for purchase by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., of a portion of the operating rights of ACCELERATED TRANSPORT-PONY EXPRESS, INC., 23 West Lee Street, Hagerstown, Md., and for acquisition by WILSON M. HOUSE, also of Terre Haute, Ind., of control of such rights through the purchase. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind., 46208. Operating rights sought to be transferred: *General commodities,* except those of unusual value, and except dangerous explosives, livestock, alcoholic beverages, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over regular routes, between Hagerstown, Md., and New York, N.Y., serving all intermediate and certain off-route points; *general commodities,* excepting, among others, household goods and commodities in bulk, between Harrisburg, Pa., and Philadelphia, Pa., serving all intermediate points, and the off-route point of Conshohocken, Pa., between Allentown, Pa., and Lancaster, Pa., between Lancaster, Pa., and Philadelphia, Pa., serving all intermediate points, and between Lancaster, Pa., and Harrisburg, Pa., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Missouri, New Jersey, Illinois, Ohio, New York, Indiana, West Virginia, Maryland, Kentucky, Michigan, Iowa, Connecticut, Massachusetts, Rhode Island, and Wisconsin. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicants' state that the consummation of this transaction is conditioned upon consummation of pending Docket No. MC–F–9230 (HALL'S MOTOR TRANSIT CO.—CONTROL—ACCELERATED TRANSPORT-PONY EXPRESS, INC.).

No. MC–F–9366. Authority sought for control and merger by MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, Post Office Drawer 270, Abilene, Tex., of the operating rights and property of AMARILLO-BORGER EXPRESS, INC., 901 Northeast Third, Amarillo, Tex. Applicants' attorney: Reagan Sayers, % Rawlings, Sayers, Scurlock & Eidson, 301 Century Life Building, Fort Worth, Tex., 76102, and Jerry Prestridge, % Clark, Thomas, Harris, Dennis & Winters, Capital National Bank Building, Austin, Tex. Operating rights sought to be controlled and merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Amarillo, Tex., and Stinnett, Tex., serving certain intermediate and off-route points; *compressed gases,* in Government-owned trailers, over irregular routes, from Borger, Tex., to Amarillo, Tex.; *empty Government-owned trailers,* from Amarillo, Tex., to Borger, Tex.; and under a certificate of registration, in Docket No. MC–99080 (Sub-No. 6), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Texas. MERCHANTS FAST MOTOR LINES, INC., is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–2228 (Sub-No. 49) is a matter directly related.

No. MC–F–9367. Authority sought for purchase by PEERLESS MOTOR EXPRESS, INC., Water Street, Holbrook, Mass., of the operating rights and property of QUEEN TRUCKING CORP., 10 Lincoln Street, Somerville, Mass., and for acquisition by JOHN J. BARRY, 148 Union Street, Holbrook, Mass., and JOHN J. BARRY, JR., 55 Western Avenue, North Easton, Mass., of control of such rights and property through the purchase. Applicants' attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–56630 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in New Hampshire, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–45530 (Sub-No. 2) is a matter directly related.

No. MC–F–9368. Authority sought for purchase by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa., 15201, of a portion of the operating rights of CARMICHAEL FREIGHT LINES, INC., Box 152, Clarksburg, W. Va., and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, Pa., 15201, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603, and McReynolds & Caplan, 721 Gulf Building, Clarksburg, W. Va. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods, and commodities in bulk, as a *common carrier,* over irregular routes, between points in Barbour, Lewis, Randolph, and Upshur Counties, W. Va., and those in that part of Harrison County, W. Va., located on and south of U.S. Highway 50. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio, West Virginia, Indiana, Wisconsin, Massachusetts, Connecticut, Rhode Island, and New Jersey. Application has been filed for temporary authority under section 210a(b). NOTE: See also Docket No. MC–F–9349 (DILLIE MOTOR FREIGHT, INC.—Purchase (Portion) — CARMICHAEL FREIGHT LINES, INC.), published in the March 2, 1966, issue of the FEDERAL REGISTER on page 3325. Applicants state that should a hearing be necessary in connection with both cases, they request that they be heard simultaneously.

No. MC–F–9369. Authority sought for control and merger by R. W. EXPRESS, INC., 4840 Wyoming, Dearborn, Mich., 48126, of the operating rights and property of GREAT LAKES & SOUTHERN EXPRESS, INC., 1851 Manhattan Boulevard, Toledo 8, Ohio, and for acquisition by C. RUSSELL WAGSTAFF, also of Dearborn, Mich., of control of such rights and property through the transaction. Applicants' attorneys: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226, and John McMahon, 100 East Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC–99783 (Sub-No. 1), covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. R. W. EXPRESS, INC., is authorized to

operate as a *common carrier* in Michigan, Ohio, Indiana, Missouri, Illinois, Kentucky, West Virginia, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 66-2793; Filed, Mar. 15, 1966; 8:50 a.m.]

[Notice No. 894]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 11, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by 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 65941 (Sub-No. 23), filed March 8, 1966. Applicant: TOWER LINES, INC., Post Office Box 907, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Ohio, Pennsylvania, and West Virginia.

HEARING: March 28, 1966, at the New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Warren C. White.

No. MC 77424 (Sub-No. 20), filed February 21, 1966. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Post Office Box 6931, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Illinois, Wisconsin, and Michgan.

HEARING: March 28, 1966, at the New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Warren C. White.

No. MC 95540 (Sub-No. 665) (Republication), filed February 7, 1966, published FEDERAL REGISTER issue of March 3, 1966, and republished this issue. Applicant: WATKINS MOTOR LINES, INC., Post Office Box 828, Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Copiah, Covington, George, Greene, Hinds, Jones, Madison, and Rankin Counties, Miss., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and the District of Columbia. NOTE: Common control may be involved. The purpose of this republication is to reflect the hearing information.

HEARING: March 30, 1966, at the Public Service Commission Hearing Room, 1105 State Office Building, Jackson, Miss., before Examiner Allen W. Hagerty.

No. MC 113678 (Sub-No. 194) (Amendment), filed November 15, 1965, published FEDERAL REGISTER issue of December 2, 1965, amended February 28, 1966, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in George, Hinds, Rankin, Copiah, Greene, Madison, Covington, and Union Counties, Miss., to points in Colorado, Louisiana, Texas, Oklahoma, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Arkansas, Kentucky, Nebraska, and Washington, D.C. NOTE: The purpose of this republication is to add points in Covington, Madison, and Union Counties, Miss., to the origin territory.

HEARING REMAINS AS ASSIGNED: March 30, 1966, at the Public Service Commission Hearing Room, 1105 State Office Building, Jackson, Miss., before Examiner Allen W. Hagerty.

No. MC 115523 (Sub-No. 130), filed March 4, 1966. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, fertilizer, fertilizer ingredients, fertilizer compounds, and urea, and rejected and contaminated shipments*, between points in Columbia County, Oreg., on the one hand, and, on the other, points in California, Oregon, Washington, Nevada, Idaho, Arizona, Montana, and Utah.

HEARING: March 30, 1966, in Room 401, Multnomah Building, 120 Southwest Fourth Street, Portland, Oreg., before Examiner Dallas B. Russell.

No. MC 118130 (Sub-No. 47), filed February 24, 1966. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive, West, Fort Worth, Tex., 76115. Applicant's representative: Robert E. Born, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Hinds, Rankin, Copiah, Union, Covington, and Madison Counties, Miss., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: March 30, 1966, at the Public Service Commission Hearing Room, 1105 State Office Building, Jackson, Miss., before Examiner Allen W. Hagerty.

No. MC 119789 (Sub-No. 20), filed February 23, 1966. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Robert E. Born, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Hinds, Rankin, Copiah, Union, Covington, and Madison Counties, Miss., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: March 30, 1966, at the Public Service Commission Hearing

Room, 1105 State Office Building, Jackson, Miss., before Examiner Allen W. Hagerty.

By the Commission.

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

[F.R. Doc. 66-2797; Filed, Mar. 15, 1966; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 11, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: FILM TRANSFER CO., INC., 2500 South Harwood Street, Dallas, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex., and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* over the following routes: U.S. Highway 77 between Dallas, Tex., and Waxahachie, Tex.; U.S. Highway 287 between Waxahachie, Tex., and Ennis, Tex.; U.S. Highway 75 between Ennis, Tex., and Richland, Tex., and between Fairfield, Tex., and Galveston, Tex.; State Highway 14 between Richland, Tex., and Mexia, Tex.; U.S. Highway 84 between Mexia, Tex., and Fairfield, Tex.; U.S. Highway 175 between Dallas, Tex., and Jacksonville, Tex.; U.S. Highway 69 between Jacksonville, Tex., and Alto, Tex.; State Highway 21 between Alto, Tex., and Nacogdoches, Tex.; U.S. Highway 59 between Nacogdoches, Tex., and Lufkin, Tex.; U.S. Highway 69 between Lufkin, Tex., and Kountze, Tex.; State Highway 327 between Kountze, Tex., and Silsbee, Tex.; U.S. Highway 96 between Silsbee, Tex., and Beaumont, Tex.; U.S. Highway 90 between Houston, Tex., and Orange, Tex.; State Highway 347 between Beaumont, Tex., and Port Arthur, Tex.; State Highway 87 between Orange, Tex., and Port Arthur, Tex.; U.S. Highway 69 between Beaumont, Tex., and Port Arthur, Tex.; State Highway 73 between Port Arthur, Tex., and Winnie, Tex.; F. M. Road 124 and State Highway 65 between Winnie, Tex., and Anahuac, Tex.; F. M. Road 562, Interstate Highway 10, and F. M. 563 between Anahuac, Tex., and Liberty, Tex., serving all intermediate points along said routes and coordinating the service proposed with that now being rendered by applicant under existing certificates and interchanging with other carriers at appropriate points, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds.

No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day. No service shall be provided on shipments originating in Houston, Tex., destined to Madisonville, Tex., or to any intermediate point on U.S. Highway 75 between Houston and Madisonville, Tex.; nor on shipments originating in Madisonville, Tex., destined to Houston, Tex., or to any intermediate point on U.S. Highway 75 between Houston, Tex., and Madisonville, Tex.; nor on shipments originating at any intermediate point on U.S. Highway 75 between Houston, Tex., and Madisonville, Tex., destined to either Houston, Madisonville, or any other intermediate point between Houston, Tex., and Madisonville, Tex. Applicant proposes to operate over the following alternate routes for operating convenience only without service to any intermediate point thereon, except as otherwise authorized: Interstate Highway 10 between Beaumont, Tex., and Houston, Tex.; U.S. Highway 75 between Richland, Tex., and Fairfield, Tex.; and between Dallas, Tex., and Ennis, Tex.; State Highway 179 betweeen Teague, Tex., and Dew, Tex.; State Highway 124 between Beaumont, Tex., and Winnie, Tex.

HEARING: Date, time and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: WILLIAM THOMAS HAWKINS, doing business as HAWKINS FILM SERVICE, 427 West Hollywood Ave., San Antonio, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex. and Austin L. Hatchell 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities,* over the following routes: U.S. Highway 281 between San Antonio, Tex., and Johnson City, Tex.; U.S. Highway 290 between Johnson City, Tex., and Fredericksburg, Tex.; State Highway 16 between Fredericksburg, Tex., and Kerrville, Tex.; State Highway 27 between Kerrville, Tex., and Comfort, Tex.; and, U.S. Highway 87 between Fredericksburg, Tex., and San Antonio, Tex., serving all intermediate points along said routes and coordinating the service herein proposed with the service presently being rendered and interchanging with other carriers at any point along the routes above described, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds, from one consignor at one location to one consignee at one location on any 1 day.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: REED FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex., and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities,* over the following routes: U.S. Highway 90 between San Antonio, Tex., and Del Rio, Tex.; U.S. Highway 277 between Del Rio, Tex., and Carrizo Springs, Tex.; U.S. Highway 83 between Uvalde, Tex., and Carrizo Springs, Tex.; State Highway 76 between Eagle Pass, Tex., and Moore, Tex.; State Highway 85 between Carrizo Springs, Tex., and Dilley, Tex.; F. M. Road 65 between Crystal City, Tex., and Brundage, Tex.; U.S. Highway 81 between San Antonio, Tex., and Laredo, Tex.; State Highway 359 between Laredo, Tex., and Mathis, Tex.; State Highway 44 between Freer, Tex., and Alice, Tex.; State Highway 339 between Freer, Tex., and Benavides, Tex.; U.S. Highway 83 between Laredo, Tex., and Rio Grande City, Tex.; U.S. Highway 281 between San Antonio, Tex., and George West, Tex.; and, U.S. Highway 59 and State Highway 9 between George West, Tex., and Mathis, Tex., serving all intermediate points along said routes and coordinating the service proposed herein with that now being rendered by the applicant and interchanging with other carriers at appropriate interchange points, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transaction of any package or article weighing more than fifty (50) pounds.

No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds, from one consignor at one location to one consignee at one location on any one day. Applicant proposes to operate over the fol-

lowing alternate routes for operating convenience only without service to any intermediate point thereon: State Highway 131 between Brackettville, Tex., and its intersection with U.S. Highway 277, north of Eagle Pass, Tex.; State Highway 117 between Uvalde, Tex., and Batesville, Tex.; F. M. Roads 1025 and 1867 between Batesville, Tex., and Big Wells, Tex.; U.S. Highway 83 between Carrizo Springs, Tex., and its intersection with U.S. Highway 81 north of Laredo, Tex.; U.S. Highway 59 between Laredo, Tex., and Freer, Tex.; State Highways 346 and 173 between San Antonio, Tex., and Freer, Tex.; U.S. Highway 281 between George West, Tex., and Alice, Tex.; State Highway 97 between Pleasanton, Tex., and Jourdanton, Tex., and F. M. Road 467 between Pleasanton, Tex., and Poteet, Tex.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: CLARA A. W. McARTHUR, doing business as HEART O' TEXAS FILM LINES, 4500 Nuchols Crossing Road, Post Office Box 654, Austin, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex., and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, over the following routes; U.S. Highway 183 between Austin, Tex., and Goldthwaite, Tex.; U.S. Highway 190 between Belton, Tex., and Brady, Tex.; U.S. Highway 81 between Belton, Tex., and Austin, Tex.; State Highway 195 between its junction with U.S. Highway 183 via Florence, Tex., to its intersection with U.S. Highway 81; State Highway 29 between Liberty Hill, Tex., and Mason, Tex., via Burnett, and Llano, Tex.; U.S. Highway 281 between Lampasas, Tex., and its intersection with State Highway 71 near Marble Falls, Tex.; State Highway 71 between its intersection with U.S. Highway 281 and Llano, Tex.; State Highway 16 between Llano, Tex., and Goldthwaite, Tex., via San Saba, Tex.; U.S. Highway 377 between Mason, Tex., and Junction, Tex.; U.S. Highway 83 between Junction, Tex., and Eden, Tex.; U.S. Highway 87 between Eden, Tex., and Brady, Tex.; U.S. Highway 377 between Mason, Tex., and Brady, Tex.; State Highway 71 between Austin, Tex., and Bastrop, Tex.; State Highway 95 between Bastrop, Tex., and Elgin, Tex.; U.S. Highway 290 between Elgin, Tex., and Austin, Tex.; and F. M. Road 440 between Killeen, Tex., and Florence, Tex., serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds.

No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any 1 day. No service will be rendered on shipments originating at Austin, Tex., destined to Belton, Tex., or any intermediate point between Austin and Belton on U.S. Highway 81, nor on shipments originating at Belton, destined to Austin, or any intermediate point on U.S. Highway 81 between Belton and Austin; nor originating at any intermediate point located on U.S. Highway 81 between Belton and Austin, destined to Belton, Austin, or any other intermediate point on such highway.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: BOWEN EXPRESS, INC., Post Office Box 176, Paris, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex. and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, over the following routes: U.S. Highway 67 between Dallas, Tex., and Mount Pleasant, Tex., State Highway 24 between Greenville, Tex., and Paris, Tex., U.S. Highway 82 between Paris, Tex., and Texarkana, Tex., U.S. Highway 271 between Pittsburg, Tex., and Paris, Tex., State Highway 37 between Clarksville, Tex., and Bogata, Tex., State Highway 11 between Pittsburg, Tex., and Commerce, Tex., via Sulphur Springs, Tex., serving all intermediate points along said routes, coordinating the service proposed herein with that presently being rendered under existing certificates and interchanging with other carriers at appropriate interchange points, subject to the following restrictions: The services proposed herein are subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds, from one consignor at one location to one consignee at one location on any 1 day.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: NEW FILM AGENCY CO., INC., 2500 South Harwood Street, Dallas, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex., and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, over the following routes: U.S. Highway 77 between Dallas, Tex., and Gainesville, Tex., U.S. Highway 75 between Denison, Tex., and Dallas, Tex., U.S. Highway 82 between Gainesville, Tex., and Sherman, Tex., U.S. Highway 377 between Denton, Tex., and Argyle, Tex., serving all intermediate points along said routes and coordinating the service proposed herein with that now being rendered by the applicant and interchanging with other carriers at appropriate interchange points, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds, from one consignor at one location to one consignee at one location on any 1 day. No service shall be provided on shipments originating in Dallas, Tex., destined to Gainesville, Tex., or on shipments originating at Gainesville, Tex., destined to Dallas, Tex.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: VALLEY FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representatives: Regan Sayers, 313 Perry-Brooks Building, Austin 1, Tex., and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, over the following routes: U.S. Highway 181 between San Antonio, Tex., and Corpus Christi, Tex., State Highway 35 between Gregory, Tex., and Fulton, Tex., F. M. Road 881 between Sinton, Tex., and Rockport, Tex., F. M. Road 136 between Woodsboro, Tex., and its intersection with F. M. Road 881, State Highway 44 between Corpus Christi, Tex., and Alice, Tex., U.S. Highway 77 between Victoria, Tex., and Brownsville, Tex., State Highway 141 between Kingsville, Tex., and its intersection with U.S. Highway 281, U.S. Highway 281 between Alice, Tex., and Edinburg, Tex., U.S. Highway 59 between Victoria, Tex., and Houston, Tex., U.S.

Highway 83 between Harlingen, Tex., and Mission, Tex., and State Highway 107 between Combes, Tex., and Edinburg, Tex., serving all intermediate points along such routes, except as hereinafter restricted, and coordinating the service with that presently being rendered by the applicant and interchanging with other carriers at appropriate interchange points, and subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds.

No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day. No service shall be rendered on any shipments originating in Houston, Tex., and destined to Victoria, Tex., or any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, Tex., nor on shipments originating at Victoria, Tex., destined to Houston, Tex., or any intermediate point located on U.S. Highway 59 between Victoria, Tex., nor on shipments originating at any intermediate point located on U.S. Highway 59 between Victoria, Tex., and Houston, Tex., and destined to Houston, Victoria, or any other intermediate point along said route. No service is proposed on shipments moving between any of the following named towns: Brownsville, Olmito, San Benito, Harlingen, Sebastian, Lyford, Raymondville, Combes, Santa Rosa, La Villa, Edcouch, San Carlos, Edinburg, Mission, McAllen, Pharr, Alamo, Donna, Weslaco, Mercedes, La Feria, and San Juan, Tex. The applicant also proposes to operate over the following alternate routes serving no intermediate points thereon, and using such routes for operating convenience only: U.S. Highway 281 between San Antonio, Tex., and Alice, Tex., State Highway 186 between Raymondville, Tex., and San Manuel, Tex., and U.S. Highway 281 between Edinburg, Tex., and Pharr, Tex., State Highway 202 between Beeville, Tex., and Refugio, Tex.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: LIBERTY FILM LINES, INC., 2500 South Harwood Street, Dallas, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex., and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, over the following routes: State Highway 289 between Dallas, Tex., and Celina, Tex., F. M. Road 455 between Celina, Tex., and Pilot Point, Tex., State Highway 99 between Pilot Point, Tex., and Whitesboro, Tex., U.S. Highway 82 between Whitesboro, Tex., and Paris, Tex., U.S. Highway 75 between Dallas, Tex., and Denison, Tex., U.S. Highway 67 between Dallas, Tex., and Greenville, Tex., State Highway 24 between Greenville, Tex., and Paris, Tex., U.S. Highway 69 and State Highway 78 between Greenville, Tex., and Bonham via Leonard, Tex., U.S. Highway 80 and Interstate Highway 20 between Dallas, Tex., and Marshall, Tex., F. M. Road 1403 between Longview, Tex., and Gilmer, Tex., State Highway 155 between Gilmer, Tex., and Atlanta, Tex., U.S. Highway 259 between Daingerfield, Tex., and its intersection with State Highway 155 near Ore City, Tex., State Highway 11 between Daingerfied, Tex., and Linden, Tex., U.S. Highway 59 between Linden, Tex., and Marshall, Tex., and between Carthage, Tex., and Garrison, Tex., via Teneha, Tex., State Highway 149 between Longview, Tex., and Carthage, Tex., U.S. Highway 79 between Carthage, Tex., and Henderson, Tex., F. M. Road 124 between Beckville, Tex., and its intersection with U.S. Highway 79, State Highway 64 between Wills Point, Tex., and Henderson, Tex., U.S. Highway 69 between Mineola, Tex., and Tyler, Tex., State Highway 31 between Tyler, Tex., and Kilgore, Tex., State Highway 135 between Troup, Tex., U.S. Highway 271 between Tyler, Tex., and Gladewater, Tex., via Kilgore, Tex., U.S. Highway 271 between Tyler, Tex., and Gladewater, Tex., U.S. Highway 259 between Kilgore, Tex., and Longview, Tex.

And between Henderson, Tex., and Mount Enterprise, Tex., F. M. Road 95 and U.S. Highway 84 between Mount Enterprise, Tex., and Garrison, Tex., State Highway 87 between Timpson, Tex., and Center, Tex., U.S. Highway 96 between Teneha, Tex., and San Augustine, Tex., between Bronson, Tex., and Jasper, Tex., and between Kirbyville, Tex., and Silsbee, Tex., State Highway 21 between San Augustine, Tex., and Milam, Tex., State Highway 87 and F. M. Road 184 between Milam, Tex., and Bronson, Tex., U.S. Highway 190 between Jasper, Tex., and Newton, Tex., State Highway 87 and F. M. Road 363 between Newton, Tex., and Kirbyville, Tex., via Bleakwood, Tex., F. M. Road 327 between Silsbee, Tex., and Kountze, Tex., State Highway 326 and U.S. Highway 90 between Kountze, Tex., and Nome, Tex., U.S. Highway 69 between Kountze, Tex., and Lufkin, Tex., and State Highway 147 between Zavalla, Tex., and San Augustine, Tex., serving all intermediate points along said routes and coordinating the service proposed herein with that now being rendered by the applicant and interchanging with other carriers at appropriate interchange points, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transaction of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportion of packages or articles weighing in the aggregate more than one hundred (100) pounds, from one consignor at one location to one consignee at one location on any one day. Applicant proposes to operate over the following alternate routes for operating convenience only without service to any intermediate point thereon: U.S. Highway 69 between Bells and Denison, between San Augustine, Tex., and Bronson, Tex., and between Jasper, Tex., and Kirbyville, Tex., and U.S. Highway 259 between Kilgore, Tex., and Henderson, Tex.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket number unassigned, filed February 23, 1966. Applicant: TEXAS FILM SERVICE, INC., 518 South Main Street, San Antonio, Tex. Applicant's representatives: Reagan Sayers, 313 Perry-Brooks Building, Austin 1, Tex., and Austin L. Hatchell, 1120 Perry-Brooks Building, Austin 1, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, over the following routes: U.S. Highway 77 between Dallas, Tex., and San Antonio, Tex., U.S. Highway 67 between Dallas, Tex., and Alvarado, Tex., U.S. Highway 81 between Alvarado, Tex., and Hillsboro, Tex., State Highway 171 between Hillsboro, Tex., and Coolidge, Tex., U.S. Highway 84 and F. M. Road 73 between McGregor, Tex., and Coolidge, Tex., State Highway 317 and F. M. Road 107 between McGregor, Tex., and Moody, Tex., State Highway 95 between Temple, Tex., and Taylor, Tex., U.S. Highway 79 between Taylor, Tex., and Round Rock, Tex., U.S. Highway 183 between Austin, Tex., and Gonzales, Tex., U.S. Highway 90 between Houston, Tex., and San Antonio, Tex., F. M. Road 78 and State Highway 46 between San Antonio, Tex., and Seguin, Tex., State Highway 123 between Seguin, Tex., and Stockdale, Tex., U.S. Highway 87 between San Antonio, Tex., and Nixon, Tex., and State Highway 80 and State Highway 97 and alternate route U.S. Highway 90 between Nixon, Tex., and Gonzales, Tex., serving all intermediate points along such routes and coordinating such proposed service with service presently being rendered under existing certificates, and interchanging with other carriers at appropriate points of interchange, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds.

No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any 1 day. The applicant also proposes to operate over the following alternate routes serving no intermediate points thereon, and using such routes for operating convenience only: State Highway 97 between Waelder,

Tex., and Gonzales, Tex., State Highway 142 between San Marcos, Tex., and its intersection with U.S. Highway 183 north of Lockhart, Tex., and F. M. Road 218 between its intersection with U.S. Highway 81 and State Highway 78 near Schertz, Tex.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer EE, Capitol Station, Austin, Tex., 78711, and should not be directed to the Interstate Commerce Commission.

State docket numbers assigned MC 23, MC–2791 and MC 3266, filed December 30, 1965. Applicant: FRANK C. MARTIN, doing business as TULLAHOMA FREIGHT COMPANY, Post Office Box 717, Tullahoma, Tenn. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Property*, between Nashville and Tullahoma, Tenn., (1) from Nashville over U.S. Highway 41A and thence over said highway to Tullahoma, Tenn., and return over the same route; (2) from Nashville via Interstate Highway 24 to its junction with Tennessee Highway 55 at or near Manchester, Tenn., and return over the same route; and (3) from Nashville via Interstate Highway 24 to its junction with U.S. Highway 231, and thence over U.S. Highway 231 to Shelbyville, Tenn., and thence over U.S. Highway 41A to Tullahoma, Tenn., and return over the same route. All of said routes to be used in conjunction with applicant's present service route between Nashville and Tullahoma, Tenn., via U.S. Highway 70 to Woodbury, Tenn., thence via Tennessee Highway 53 to Manchester, Tenn., thence via Tennessee Highway 55 to Tullahoma, Tenn., and return, as alternate routes for operating convenience, and serving no points not presently authorized to be served.

HEARING: April 12, 1966, at 9:30 a.m., at the Commission's Court Room C–1–110 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information including the time for filing protest concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 66–2795; Filed, Mar. 15, 1966; 8:50 a.m.]

[Notice 147]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 11, 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 (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41255 (Sub-No. 46 TA), filed March 9, 1966. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Lexington, N.C., 27292. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Charlotte, N.C., 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal food*, from plantsite and storage facilities of Usen Products Co. at or near Woburn, Mass., to Tampa, Miami, and Jacksonville, Fla., for 180 days. Supporting shipper: Usen Products Co., a wholly owned subsidiary of P. Lorillard Building, 200 East 42d Street, New York, N.Y., 10017, Attention: F. Krause, Jr., Director of Traffic. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 71478 (Sub-No. 30 TA), filed March 9, 1966. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard, Tulsa, Okla., 74115. Applicant's representative: Carll V. Kretsinger, 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass products*, from Ada, Okla., to Denison, Dallas, and Fort Worth, Tex., for 150 days. Supporting shipper: Brockway Glass Co., Inc., J. W. Pennington, Traffic Manager, Muskogee, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 89369 (Sub-No. 14 TA), filed March 9, 1966. Applicant: JOART TRUCKING CO., a corporation, Post Office Box 332, New Brunswick, N.J., 08903. Applicant's representative: William D. Traub, Transportation Consultant, 10 East 40th Street, New York, N.Y., 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics* (synthetic, other than liquid), in bulk, in tank vehicles and hopper vehicles, from Delaware City, Del., to points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania, for 180 days. Supporting shipper: Stauffer Chemical Co., 380 Madison Avenue, New York, N.Y., 10017, Attention: L. F. Delmerico, Manager, Motor Transportation. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 107403 (Sub-No. 673 TA), filed March 10, 1966. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics*, synthetic, other than liquid, in bulk, in tank and hopper vehicles, from Delaware City, Del., to points in Alabama, Connecticut, Florida, Georgia, Kentucky, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, for 180 days. Supporting shipper: Stauffer Chemical Co., 380 Madison Avenue, New York 17, N.Y. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Custom House, Philadelphia, Pa., 19106.

No. MC 124423 (Sub-No. 2 TA), filed March 10, 1966. Applicant: JET MESSENGER SERVICE, INC., Hillsdale Road, Oak Tree, N.J. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, parts, materials, supplies and machinery* used in the manufacture of automobiles and trucks, from Newark Airport, N.J., to the plantsite of Ford Motor Co., Metuchen, N.J., for 150 days. Supporting shipper: Ford Motor Co., Automotive Assembly Division, Post Office Box 591, Metuchen, N.J. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 126512 (Sub-No. 1 TA), filed March 9, 1966. Applicant: BROAD TOP SALES AND SERVICE, INC., 11 North Carlisle Street, Greencastle, Pa., 17225. Applicant's representative: James W. Hagar, Commerce Building, Post Office Box 432, Harrisburg, Pa., 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Todd Township, Huntingdon County, Pa., to Williamsport, Md., for 180 days. Supporting shipper: C. Kenneth Crotsley, Saltillo, Pa. 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 127885 (Sub-No. 1 TA) (Correction), filed March 7, 1966, published FEDERAL REGISTER, in Notice 146, and republished as corrected this issue. Applicant: SHULL CONSTRUCTION, INC., Route 1, Box 731, Mile 11 North Tongass, Ketchikan, Alaska, 99901. Applicant's representative: John M. Stern, 845 Fifth Avenue, Anchorage, Alaska, 99501. NOTE: The purpose of this republication is to correct applicants name as shown above, to show a corporation.

No. MC 127999 TA, filed March 9, 1966. Applicant: DUN RITE TRUCKING SERVICE, INC., 443 Morris Park Avenue, Bronx, N.Y. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel files and office equipment*, between Bronx, N.Y., and points in Bergen, Essex, Hudson, Passaic, Union, Monmouth, Middlesex, Mercer, and Morris Counties, N.J., and Fairfield County, Conn.; (2) *new furniture*, between New Rochelle, White Plains, Bronx, Brooklyn, and Forest Hills, N.Y., and Paramus, N.J.; (3) *new furniture*, between New Rochelle, White Plains, Bronx, Brooklyn, Forest Hills, N.Y., and Paramus, N.J., on the one hand, and, on the other, points in New Jersey on and north of a line beginning at Trenton, N.J., and extending easterly to Atlantic City, N.J., including all points on and north of said line, under continuing contracts with Art Steel Co., Inc., and Mallary, Inc., for 180 days. Supporting shipper: Mallary, Inc., 22 Horton Avenue, New Rochelle, N.Y.; Art Steel Co., Inc., 170 West 233d Street, Bronx, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–2783; Filed, Mar. 15, 1966; 8:49 a.m.]

[3d Rev. S.O. No. 562; Pfahler's ICC Order No. 198–A]

GREAT NORTHERN RAILWAY

Vacation of Order

Upon further consideration of Pfahler's ICC Order No. 198 (The Great Northern Railway) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 198, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 9:00 a.m., March 11, 1966.

It is further ordered, 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 it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 11, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–2782; Filed, Mar. 15, 1966; 8:49 a.m.]

[3d Rev. S.O. No. 562; Pfahler's ICC Order No. 199–A]

NORTHERN PACIFIC RAILWAY

Vacation of Order

Upon further consideration of Pfahler's ICC Order No. 199 (Northern Pacific Railway) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's ICC Order No. 199, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 4:00 p.m., March 10, 1966.

It is further ordered, 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 it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–2784; Filed, Mar. 15, 1966; 8:49 a.m.]

[3d Rev. S.O. No. 562; Pfahler's ICC Order No. 201]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD

Diversion and Rerouting of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Milwaukee, St. Paul & Pacific Railroad, is unable to transport traffic over its line between Mitchell and Rapid City, S. Dak., account of snow conditions.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Milwuakee, St. Paul & Pacific Railroad being unable to transport traffic in accordance with shippers' routing account of snow conditions between Mitchell and Rapid City, S. Dak., is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1:00 p.m., March 10, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., March 20, 1966, unless otherwise modified, changed, or suspended.

It is further ordered, 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 it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66–2785; Filed, Mar. 15, 1966; 8:49 a.m.]

[No. MC–C–5068]

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES, AFL–CIO

Notice of Filing of Petition Seeking Carrier Status of Rail-Affiliated Motor Carriers

MARCH 11, 1966.

Petitioner: BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES, AFL–CIO.

Petitioner's representatives: W. J. Donlon, General Counsel, 1015 Vine Street, Cincinnati, Ohio, and Joseph Lazar, Attorney at Law, 401 Chantaugne Park, Boulder, Colo. By petition filed February 15, 1966, the Brotherhood of Railway and Steamship Clerks, Freight Handlers, and Station Employees, AFL–CIO, seeks the institution of an investi-

gation looking toward a determination that rail-affiliated motor carriers, whose authority is restricted to the performance of motor carrier service "auxiliary to and supplemental of rail service" are common carriers by railroad under the Interstate Commerce Act. Specifically, the relief sought in the petition would consist of amending the existing operating authorities of all such rail-affiliated motor carriers to provide, or interpreting such authorities as already providing, that the holders thereof are common carriers by railroad. Inasmuch as the Railway Labor Act (45 U.S.C. Chapter 8), the Railroad Retirement Act (45 U.S.C. Chapter 9), and the Railroad Unemployment Act (45 U.S.C. Chapter 11), refer jurisdictionally to the term "common carrier by railroad", petitioner seeks also to bring employees of rail-affiliated motor carriers under the provisions of those statutes. In seeking the investigation, petitioner alleges that it will establish the following facts: (1) That railroad transportation services are subject to disruption outside the peaceful procedures and mechanisms of the Railway Labor Act; (2) that administration of the Railroad Retirement Act and the Railroad Unemployment Act has been impeded through various forms of avoidance on the part of rail carriers and their motor carrier affiliates; and (3) that avoidance of these statutes has jeopardized the interests of employees of carrier by railroad. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed investigation, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before May 2, 1966.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-2794; Filed, Mar. 15, 1966; 8:50 a.m.]

[No. MC-C-4000 (Sub-No. 3)]

GRAY LINE SCENIC TOURS, INC.

Order for Hearing

Exempt zone—Tahoe Valley Airport and the Reno Municipal Airport (Petition of The Gray Line Scenic Tours, Inc.).

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition, of The Gray Line Scenic Tours, Inc., a Nevada Corporation, filed December 1, 1965, for individual determination that the following area should be established as an exempt zone in the transportation by motor vehicle of passengers having an immediately prior or subsequent movement by air to or from the Reno Municipal Airport, Nev. or Tahoe Valley Airport, Calif.: All points in Ormsby, Storey, and Douglas Counties, Nev., points in Lyon County, Nev., west of U.S. Highway 95A and Nevada Highway 3, and points in Washoe County, Nev., on and south of U.S. Highway 40—Interstate Highway 80, and points within 5 miles of U.S. Highway 80—Interstate Highway 80, and points within 20 miles of California Highway 89 in Sierra, Placer, Nevada, and El Dorado Counties, Calif., and points in Plumas County, Calif., on and south and east of California Highways 70 and 89;

(2) Reply-protest by American Bus Lines, Inc., filed February 1, 1966;

(3) Reply-protest by Greyhound Lines, Inc. (Western Greyhound Lines Division), filed January 24, 1966;

(4) Reply-protest by Las Vegas-Tonopah-Reno Stage Line, Inc., filed February 7, 1966;

and good cause appearing therefor:

It is ordered, That the petition described in (1) above be, and it is hereby, designated for oral hearing at a time and place to be hereafter fixed;

It is further ordered, That notice of the action taken in the first ordering paragraph hereof, together with an invitation to all interested parties to participate in the said oral hearing, be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 18th day of February A.D. 1966.

By the Commission, Commissioner Murphy.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-2786; Filed, Mar. 15, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 11, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40352—*Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 102), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 31 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-2787; Filed, Mar. 15, 1966; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA AND NORTH CAROLINA

Designation of Areas for Emergency Loans

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

MINNESOTA

Pine.

NORTH CAROLINA

Franklin.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of March 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-2761; Filed, Mar. 15, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

NEW YORK AREA OFFICE

Notice of Relocation

Notice is hereby given that on or about March 14, 1966, the New York Area Office at Hangar 11, John F. Kennedy International Airport, Jamaica, N.Y., will be relocated in the Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. Services presently rendered by this office will continue to be provided at the new location.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 66-2740; Filed, Mar. 15, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 66-241]

HIGHWAY EMERGENCY LOCATING PLAN RADIO SERVICE (HELP)

Petition for Establishment

MARCH 10, 1966.

Because new and more effective uses of radio in the public interest are of vital

concern to the Commission, it is interested in, and desirous of, fostering the use of radio to aid the stranded motorist. The demand for improved communications to the general public has been steadily increasing and, among other things, the advent of the rural freeway has made some type of emergency communications necessary. The Commission recognizes the urgency of this problem and wishes to cooperate to the fullest in bringing about the best possible solution at an early date.

Although some research on the subject of the disabled motorist has been conducted in the past, information to date concerning this problem is sketchy. However, recently there has been a quickening in the tempo of research in this area by those groups, police and highway officials, which have the direct responsibility for highway safety. These efforts have been considerably spurred by the recent announcement by the Bureau of Public Roads that Federal aid would be available for research and development of communications systems "needed for the safety, accommodation, and convenience of motorists." Illustrative of the research and development efforts currently being undertaken are the following: (1) A $5 million project by the Maryland State Road Commission to provide a full scale operational field laboratory along a portion of the Interstate highway network to evaluate individually and collectively certain communications systems; (2) a study by the State of Illinois to provide emergency call feasibility of including a highway emergency call subsystem in the statewide microwave system; (3) a field test by the State of Illinois to provide emergency call and audio sign communications on a section of Interstate Highway 80; (4) a project by the State of New Jersey to determine the feasibility of a system to detect stopped vehicles on a shoulder of a highway and transmit this information to a central location. Similar research is being conducted by a number of other States and, also, universities and private institutions.

Information which is being developed as a result of studies and tests being conducted by the Bureau of Public Roads and the various state highway departments would substantially increase our knowledge of the disabled vehicle problem. It seems that for the Commission, through its license authority, to permit the creation of a multiplicity of systems would be a disservice to a large segment of the public. On the other hand it would be premature to affirmatively encourage the installation of a single system while exploratory studies of alternative types of radio systems are in progress.

The principles embodied in the HELP petition filed by the American Manufacturers Association, Inc., appear to have considerable merit in providing a communication link between disabled motorists and sources of aid. Indeed, the effectiveness of the basic principle is very well documented insofar as the application of this principle to the existing framework of the Citizens Band Radio Service has been carried out. The instant proposal, however, contemplates a very substantial extension of the application so far accomplished. As numerous as the Citizens Band clubs actively participating in the present version of the HELP program are, and as extensive as their membership is, the number of participating vehicles is but a handful compared with the 85 million vehicles on the road today, all of which would be potential participants under the more extensive program. With but 10 percent of the cars produced annually (approximately 9 million in 1965) equipped to participate, there would be a twofold increase in 1 year alone of the total number of mobile units in the Citizens category and perhaps a tenfold increase in the number directly involved in the HELP program. Thus, before we become further committed to this course, we think it wise to allow more time for consideration of the matter by both the Commission and the agencies directly involved in highway problems. Of course, any new data must be forthcoming in the near future, otherwise it will be necessary to take action on the only petition on file, without the benefit of additional information. The Commission has, therefore, instructed the staff to give first priority to working with Federal, State, and local authorities to the maximum feasible extent with a view to further action at the earliest possible date.

Adopted: March 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-2770; Filed, Mar. 15, 1966; 8:47 a.m.]

[Docket Nos. 15190, 15191; FCC 66M-357]

BOARDMAN BROADCASTING CO., INC., AND DANIEL ENTERPRISES, INC.

Order Scheduling Hearing Conference

In re applications of Boardman Broadcasting Co., Inc., Boardman, Ohio, Docket No. 15190, File No. BP-14305; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP-14886; for construction permit.

Here under consideration is a pleading filed by Boardman Broadcasting Co., Inc., seeking to have the Examiner certify the Board's order of remand in this proceeding to the Commission, or in the alternative to delay further hearing until the Commission has ruled on its own application for review of that order. Also under consideration are oppositions to that pleading filed by Daniel Enterprises, Inc., and the Broadcast Bureau.

All pleadings have effectively been made moot by the Commission's order of March 10, 1966, denying Boardman's petition for review (FCC 66-230). Further hearing appears unavoidable.

Accordingly, this 11th day of March 1966, the following is ordered: Boardman Broadcasting Co., Inc.'s "Request for Motion to Certify," filed January 28, 1966, Daniel Enterprises, Inc.'s "Opposition to Motion to Certify," filed February 7, 1966, and "Broadcast Bureau's Opposition To Request for Motion To Certify," filed February 8, 1966, are dismissed as moot; a hearing conference will be held at 9 a.m., March 17, 1966, to discuss ways and means of proceeding to further hearing.

Released: March 11, 1966.

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

[F.R. Doc. 66-2771; Filed, Mar. 15, 1966; 8:48 a.m.]

[Docket No. 16464; FCC 66M-350]

FIDELITY BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In re application of Fidelity Broadcasting Co., Inc., Monticello, Ind., Docket No. 16464, File No. BPH-4931; for construction permit.

The Hearing Examiner having for consideration a petition to postpone prehearing conference, filed by Fidelity Broadcasting Co., Inc., on March 9, 1966, together with Fidelity's assertion that the Broadcast Bureau, the only other party to this proceeding, does not object to a grant of the requested relief;

It appearing, that petitioner states an intention to file a petition for reconsideration of the designation order herein on or before March 25, 1966, and is of the opinion that further proceedings could be unnecessary and duplicative if conducted prior to action on said petition by the Commission, and that such constitutes a request for an indefinite continuance;

It further appearing, that the pendency of a petition for reconsideration does not necessarily furnish good cause for an indefinite continuance, Magic City Broadcasting Corp., 25 RR 393, but that it would not be inappropriate to postpone the commencement of proceedings herein until after the filing of the said petition for reconsideration in order that Fidelity may accompany the petition with a request for stay, pursuant to Rule 1.44(e), and/or renew its request for continuance before the Hearing Examiner in light of the allegations of the petition:

It is ordered, This 9th day of March 1966, that the subject petition is granted to the extent hereinafter indicated, and that the prehearing conference now scheduled for March 14, 1966, is continued to March 29, 1966, commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: March 11, 1966.

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

[F.R. Doc. 66-2772; Filed, Mar. 15, 1966; 8:48 a.m.]

[1] Commissioner Bartley absent.

[Docket No. 16366; FCC 66M-359]

ITT WORLD COMMUNICATIONS, INC.

Order Continuing Hearing

In the matter of ITT World Communications, Inc., Docket No. 16366; proposed revisions to its Tariff FCC No. 7 establishing rates and regulations for TIMETRAN service.

The Hearing Examiner having under consideration a "Motion To Postpone Hearing Date" filed by counsel for ITT World Communications, Inc., in the above-entitled matter on March 4, 1966, requesting that the time for service and filing written testimony be extended from March 15, 1966, to April 18, 1966, and that the hearing scheduled for March 22, 1966, be rescheduled for April 26, 1966, and

It appearing, that good cause for granting the motion has been shown and all other parties to the proceeding have agreed thereto:

It is ordered, This 10th day of March 1966, that the aforesaid motion is granted and that, accordingly, service and filing of written testimony shall occur on April 18, 1966, instead of on March 15, 1966, and the hearing now scheduled for March 22, 1966, shall commence at 10 a.m., April 26, 1966, in the Commission's offices in Washington, D.C.

Released: March 11, 1966.

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

[F.R. Doc. 66-2773; Filed, Mar. 15, 1966; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-12]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Order to Show Cause

Agreement 7840, as amended, between the member lines of the Atlantic Passenger Steamship Conference, originally approved on August 29, 1946, governs all Atlantic Passenger traffic carried by the member lines between ports of European, Mediterranean, and Black Sea countries, ports of Morocco, Madeira, and the Azores Islands, on the one hand, and all ports on the East Coast of North America (United States, Canada, and Newfoundland), ports on the St. Lawrence River and the Great Lakes, and U.S. Gulf ports on the other hand.

In pertinent part, section 1 of the Shipping Act, 1916, as amended, limits the Commission's jurisdiction to "common carrier(s) by water in foreign commerce" which is defined as "common carrier(s), except ferry boats running on regular routes, engaged in the transportation by water of passengers or property between the United States or any of its Districts, Territories or possessions and a foreign country, whether in the import or export trade."

Section 15 of the Act, 1916, substantively requires that every "common carrier by water," which is defined in section 1 as encompassing common carriers by water in foreign commerce, shall file with the Commission true copies or memoranda of certain agreements with other carriers. The effect of approval is to exempt the parties to any agreement from the sanctions of the antitrust laws of the United States as set forth in 15 U.S.C. sections 1 through 11.

Since it appears that the Commission is without power to affect relationships and to grant immunities to the antitrust acts, pursuant to section 15 of the Shipping Act, 1916, with respect to common carriers in foreign-to-foreign commerce and since, as a matter of policy the scope of approved agreements should be coextensive with its jurisdiction, it appears that that portion of the agreement dealing with the foreign commerce of Canada and Newfoundland should be deleted from the agreement. This matter does not appear to involve any disputed issues of fact requiring an evidentiary hearing.

Now, therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, and rule 5(g) of the Commission's rules of practice and procedure:

It is ordered, That the Atlantic Passenger Steamship Conference and the member lines thereof show cause why Agreement 7840, as amended, should not be modified to delete Canada and Newfoundland. This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than the close of business April 13, 1966, replies thereto shall be filed by Hearing Counsel and intervenors, if any, no later than the close of business April 27, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C., 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at 9:30 a.m., May 4, 1966 in Room 114, 1321 H Street NW., Washington, D.C.

It is further ordered, That the Atlantic Passenger Conference and its member lines as indicated in Appendix A set forth below are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition to intervene in accordance with rule 5(n) (46 CFR 201.74) of the Commission's rules of practice and procedure no later than the close of business March 23, 1966, with copy to respondent Conference.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Atlantic Passenger Steamship Conference, Mr. R. M. L. Duffy, Secretary, 65 Sandgate Road, Folkestone, Kent, England.
A.B. Svenska Amerika Linien (Swedish American Line), 21 West Street, New York, N.Y., 10006.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
American President Lines, Ltd., 29 Broadway, New York, N.Y., 10006.
Baltic Steamship Line, 5 Mezhevoi Canal, Leningrad 35, U.S.S.R.
Canadian Pacific Railway Co. (Canadian Pacific Steamships), 581 Fifth Avenue, New York, N.Y., 10017.
Compagnie Generale Transatlantique (French Line), 17 Battery Place, New York, N.Y., 10004.
Companhia Colonial De Navegacao, Shaw Brothers Shipping Co., General agents, Post Office Box 306, Biscayne Annex, Miami, Fla., 33152.
The Cunard Steam-Ship Co. Ltd., 25 Broadway, New York, N.Y., 10004.
Den Norske Amerikalinje A/S (Norwegian America Line), 24 State Street, New York, N.Y., 10004.
The Donaldson Line, Ltd., c/o The Cunard Steam-Ship Co. Ltd., 25 Broadway, New York, N.Y., 10004.
Europe-Canada Line, c/o Holland-America Line (Canada) Ltd., 1245 Peel Street, Montreal, Quebec, Canada.
Greek Line, 10 Bridge Street, New York, N.Y., 10004.
Hamburg-Atlantik Line G.M.B.H. (Hamburg-Atlantic Line), c/o Cosmopolitan Shipping Co., Inc., 42 Broadway, New York, N.Y., 10004.
Home Lines Inc. (Home Lines), c/o Cosmopolitan Shipping Co., Inc., 42 Broadway, New York, N.Y., 10004.
"Italia" Societa Per Azioni Di Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y., 10004.
National Hellenic American Line, c/o Cosmopolitan Shipping Co., Inc., 42 Broadway, New York, N.Y., 10004.
Norddeutscher Lloyd, c/o United States Navigation Co., Inc., 17 Battery Place, New York, N.Y., 10004.
N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line), Pier 40, North River, New York, N.Y., 10014.
Polish Ocean Lines (Gdynia America Line), 25 Broad Street, New York, N.Y.
United States Lines Co., 1 Broadway, New York, N.Y., 10004.
Zim Israel Navigation Co., Ltd. (Zim Lines), c/o American-Israeli Shipping Co., Inc., 42 Broadway, New York, N.Y., 10004.

[F.R. Doc. 66-2774; Filed, Mar. 15, 1966; 8:48 a.m.]

[Docket No. 66-14]

GULF & SOUTH ATLANTIC HAVANA STEAMSHIP CONFERENCE, ET AL.

Order to Show Cause

The following Conference agreements applying in the designated trades were approved originally by the Commission on the dates as shown and have since remained in effect.

Gulf & South Atlantic Havana Steamship Conference. Agreement 4188, as amended. Originally approved April 24, 1935. From U.S. Gulf and South Atlantic ports south of Virginia, to Havana, Cuba, and to Cuban Mainland Outports either by direct service or via Havana, namely, Mariel and Matanzas.

Havana Steamship Conference. Agreement 4189, as amended. Originally approved April 24, 1935. From North Atlantic ports in the States of Maine to Virginia, inclusive, to Havana, Cuba, and to Cuban Mainland Outports either by direct service or via Havana, namely Mariel and Matanzas.

Havana Joint Agreement. Agreement 5080, as amended. Originally approved April 9, 1936. To ports of Cuba from ports of the United States covered by the Agreements of the Gulf & South Atlantic Havana Steamship Conference (Agreement 4188, as amended) and Havana Steamship Conference (Agreement 4189, as amended).

Havana Northbound Rate Agreement. Agreement 7550, as amended. Originally approved November 24, 1942. From Havana, Cuba, to United States ports, Eastport, Maine to Brownsville, Texas, both inclusive.

Santiago de Cuba Conference. Agreement 7650, as amended. Originally approved June 1, 1943. Between ports on the Atlantic and Gulf Coasts of the United States and the port of Santiago de Cuba.

West Gulf-Havana Pool Agreement. Agreement 7997, as amended. Originally approved July 14, 1955. From United States Gulf ports west of, but not including New Orleans to Havana, Cuba.

Section 15 requires the cancellation of any agreement no longer operative. Both initial and continued approval of any agreement under section 15 are dependent upon a determination that the agreement approved is not unjustly discriminatory as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors or contrary to the public interest or otherwise in violation of the Shipping Act, 1916, as amended, and that it does not operate to the detriment of the commerce of the United States. Thus, one prerequisite for approval of an agreement is the actual existence or immediate probability of transportation circumstances in the trade covered by the agreement which warrant approval. Mediterranean Pools Investigation, Docket 1212 served January 19, 1966.

These agreements are inoperative because of the political situation in Cuba. The circumstances warranting their continued approval under section 15 have ceased to exist. In the absence of actual or immediate probability of transportation circumstances in the Cuban trades, the continued section 15 approval of the inactive agreements appears to be unauthorized and serves no regulatory purpose. Agreement 8765, Order To Show Cause, Docket No. 65–42 and cited cases, served February 8, 1966.

This matter does not involve any questions of fact requiring an evidentiary hearing.

Now, therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended:

It is ordered, That the present parties to Agreements No. 4188, No. 4189, No. 5080, No. 7550, No. 7650, and No. 7997 as named in Appendix A hereto, show cause why the said Agreements remain subject to section 15 of the Shipping Act and, why the Commission should not order cancellation of the Agreements on the grounds that they are inoperative and null and void by operation of law.

This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than the close of business March 31, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than the close of business April 13, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C., 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at a date and time to be announced.

It is further ordered, That the parties to Agreements No. 4188, No. 4189, No. 5080, No. 7550, No. 7650, and No. 7997 as indicated in Appendix A are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with rule 5(1) (46 CFR 502.72), of the Commission's rules of practice and procedure no later than the close of business March 21, 1966, with copy to respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Agreement No. 4189: Gulf and South Atlantic Havana Steamship Conference, Henry P. Knobloch, acting chairman, 321 St. Charles Street, New Orleans, La., 70130. Members: Garcia, S.A. Compania Naviera, Lykes Bros. Steamship Co., Inc., United Fruit Co.

Agreement No. 4188: Havana Steamship Conference, C. D. Marshall, chairman, 11 Broadway, New York, N.Y., 10004. Members: Grancolombiana Line, United Fruit Co.

Agreement No. 5080: Havana Joint Agreement. All of the parties and members shown above to Agreements No. 4188 and No. 4189.

Agreement No. 7550: Havana Northbound Rate Agreement, C. D. Marshall, chairman, 11 Broadway, New York, N.Y., 10004. Members: Grancolombiana Line, Lykes Bros. Steamship Co., Inc., United Fruit Co.

Agreement No. 7650: Santiago De Cuba Conference, C. D. Marshall, chairman, 11 Broadway, New York, N.Y., 10004. Members: Lykes Bros. Steamship Co., Inc., United Fruit Co.

Agreement No. 7997: West Gulf-Havana Pool Agreement, Henry P. Knobloch, chairman, 321 St. Charles Street, New Orleans, La., 70130. Members: Garcia, S.A. Compania Naviera, Lykes Bros. Steamship Co., Inc.

[F.R. Doc. 66–2775; Filed, Mar. 15, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License No. 863]

AMERICAN ENTERPRISES, INC.

Order to Show Cause

On February 23, 1966, New Amsterdam Casualty Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by American Enterprises, Inc., 304 East Lombard Street, Baltimore, Md., 21202, would be canceled effective 12:01 a.m., March 25, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR 510.5(f)) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That American Enterprises, Inc., on or before March 18, 1966, either (1) submit a valid bond effective on or before March 25, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m. on March 22, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation forthwith revoke license No. 863 if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66–2776; Filed, Mar. 15, 1966; 8:48 a.m.]

[Independent Ocean Freight Forwarder License No. 956]

JAY INTERNATIONAL, INC.

Order to Show Cause

On February 24, 1966, Maryland Casualty Co., notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Jay International, Inc., 437 Chestnut Street, Philadelphia, Pa., would be canceled effective 12:01 a.m., March 26, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR 510.5(f)) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act,

or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That Jay International, Inc., on or before March 18, 1966, either (1) submit a valid bond effective on or before March 26, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m., on March 23, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation forthwith revoke license No. 956 if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-2779; Filed, Mar. 15, 1966; 8:48 a.m.]

AMERICAN PRESIDENT LINES (APL), ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

American President Lines (APL), Isthmian Lines, Inc. (Isthmian), and Lykes Bros. Steamship Co., Inc. (Lykes).

A notice of agreement filed for approval by:

Mr. S. G. Holmes, Manager, American President Lines, 601 California Street, San Francisco, Calif., 94104.

Agreement No. 8061-A-5 among the U.S. Lines party to the Thailand/U.S. Atlantic and Gulf Rubber pool, provides for the division of the overcarriage of rubber occasioned by any member lines undercarriage of its allotted rubber quota.

Dated: March 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-2777; Filed, Mar. 15, 1966; 8:48 a.m.]

CHIARELLA & GRIMES FORWARDING CO. ET AL.

Independent Ocean Freight Forwarder Licenses and Applications; Notice of Revisions

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

Chiarella & Grimes Forwarding Co., 122 Tilden Sales Building, 420 Market Street, San Francisco, Calif., 94111; License No. 2, canceled February 9, 1966.

Bayport Shipping Corp., 1180 Broadway, New York, N.Y., 10001; License No. 963, canceled February 12, 1966.

All American Foreign Freight Forwarding Co., 702 Stevenson Lane, Baltimore, Md., 21203; License No. 1036, canceled February 10, 1966.

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Mr. Samuel B. Mitchell, 11 Broadway, New York, N.Y.; Application No. 590, denied February 9, 1966.

Ebasco Services, Inc., 2 Rector Street, New York, N.Y.; Application No. 464, withdrawn February 23, 1966.

American Brazilian Suppliers, Inc., 25 Broadway, New York, N.Y.; Application No. 566, withdrawn January 21, 1966.

Trans-American Van Service, Inc., 7540 South Western Avenue, Chicago, Ill., 60620; Application No. 85, withdrawn February 17, 1966.

Alcoa Steamship Co., Inc., 17 Battery Place, New York, N.Y., 10004; Application No. 716, withdrawn February 16, 1966.

The Peninsular & Occidental Shipping Co., Pier No. 2, Post Office Box 1349, Miami, Fla., 33101. Application No. 675, withdrawn February 16, 1966.

NEW APPLICANTS

Johnson Shipping Agency, Inc., 2974 Northwest North River Drive, Miami, Fla., 33152. Application withdrawn January 14, 1966.

Tannen Sales Agency, 4302 Kensington Avenue, Tampa, Fla. Application denied February 9, 1966.

Bryan Forwarding Co., 3410 Turner Drive, Houston, Tex. Application denied February 16, 1966.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

Asiatic Trans-Pacific of Guam, Post Office Box 1949, Agana, Guam, 96910. James Cummins, president and director. Fred Nason, vice president and director. John W. Brooke, secretary-treasurer and director.

Charles Fahl, 2406 Central Avenue, Baldwin, Nassau County, N.Y. Charles Fahl, owner.

A. E. Dann & Co. (Albert Edward Dann II, d.b.a.), 335 West G Street, San Diego, Calif., 92101; Albert E. Dann II, owner.

Sesko International Co. (Juan A. Abbadie, d.b.a.), Building 2142, Miami International Airport, Miad, Miami, Fla., 33148; Juan A. Abbadie, owner.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses and applications therefor.

CHANGE OF NAME

Enterprise Shipping Co. (George G. Gregory, d.b.a.) to Enterprise Shipping Corp., 25 California Street, San Francisco, Calif.; License No. 1104.

Terra-Marine Shipping Co., to Terra-Marine Shipping Co. (Konrad E. Goeldin, d.b.a.), 260 Spear Street, San Francisco, Calif.; License No. 7.

Heide & Co., Inc., Carolina Forwarding Corp., to Heide Co., Inc., Carolina Forwarding Corp., Wilmington, N.C., 28402; License No. 69.

ADDRESS CHANGES

J. H. Russell Forwarding Co., Inc. (Branch), 524 Cotton Exchange Building, Houston, Tex.; License No. 1050.

Penn Shipping & Forwarding Co., 101 West 31st Street, Room 806, New York, N.Y., 10001; Application No. 286.

E. J. Edwards International, 327 South La Salle Street, Chicago, Ill., 60604; License No. 179.

Air Cargo Brokerage Co., 117 NE. First Avenue, Miami, Fla., 33133; License No. 415.

Carl Matusek, Inc., Office 101, Maritime Office Building No. 1, New Port of Miami (Dodge Island), Post Office Box 185, Miami, Fla.; License No. 1042.

International Shippers Co. of N.Y., 44 Whitehall Street, Room No. 715, New York, N.Y.; License No. 35.

Harper, Robinson & Co., 147-30 176th Street, Jamaica, N.Y.; License No. 342.

Reedy Forwarding Co., Inc., Post Office Box 349, Miami, Fla., 33101; License No. 429.

James Sierra & Co. (Branch), 7600 Cedar Springs Love Field, Dallas, Tex.; License No. 954.

Darrell J. Sekin & Co. (Branch), 1716 Avenue N., Galveston, Tex.; License No. 786.

General Shipping Co., Post Office Box 2536, 215½ North 11th Street, Tampa, Fla.; License No. 667.

Nordisk Transport, Inc., 79 Wall Street, Room 503, New York, N.Y., 10005; License No. 929.

J. W. Allen & Co., Inc., 325 Whitney Bank Building, New Orleans, La., 70130; License No. 67.

Ad. M. Schmid & Co., 50 Broad Street, New York, N.Y., 10004; License No. 851.

H. A. Gogarty, Inc., 39 Broadway, New York, N.Y., 10006; License No. 444.

Behring Shipping Co., Inc., 19 Rector Street, New York, N.Y., 10006; License No. 254.

W. J. Brynes & Co. of Los Angeles, Inc., 125 West Fourth Street, Los Angeles, Calif.; License No. 164.

Meisner Shipping Service, 52 Broadway, Room 804, New York, N.Y., 10004; License No. 62.
F. W. Myers & Co., Inc., 160 Lake Street, Rouses Point, N.Y., 12979; License No. 710.
Enterprise Shipping Corp. (Branch), 66 Jack London Square, Oakland, Calif.; License No. 1104.
American Shipping Co., Inc., 50 Broadway, New York, N.Y.; License No. 765.
John A. Hickey & Co., Inc., 42 Broadway, New York, N.Y.; License No. 359.

CHANGE OF OFFICERS

J. H. Russell Forwarding Co., Inc. (No. 1050), 524 Cotton Exchange Building, Houston, Tex.; Robert A. Uffman, local manager.
Dichmann Wright & Pugh, Inc. (Branches) (No. 1011), 355 Bourse Building, Phila., Pa.; W. S. Oberholtzer, president, Philadelphia office; Paul R. MacCausland, executive vice president, Philadelphia office; E. R. Watters, vice president, Baltimore, Md., office; J. L. Bach, treasurer, Baltimore, Md., office; W. W. Hanbury, vice president, Norfolk, Va., office; J. M. Levick, assistant treasurer and assistant secretary, Norfolk, Va., office.
Harper, Robinson & Co. (No. 342), 545 Sansome Street, San Francisco, Calif.; John Kaiser, manager, Houston, Tex.; Hal Plimpton, manager, Seattle; Jim Bronson, manager, Portland; George Karmel, manager, New York.
Barian Shipping Co., Inc. (No. 479), 29 Broadway, New York, N.Y.; Bruno J. Trocciola, secretary.
I. C. Harris & Co. (No. 862), Cadillac Tower, Detroit, Mich., 48226; Hugh W. Harris, president; Nicholas Klopsis, vice president; Barbara I. Nyilos, secretary; Frances A. Harris, treasurer.
Trans-World Shipping Service, Inc., (No. 686), 505 Board of Trade Building, Post Office Box 1597, Toledo, Ohio, 43603; Jack Morris, vice president; Richard A. MacNeil, vice president; Frank J. Fink, treasurer.
General Shipping Co. (No. 667), 215½ North 11th Street, Tampa, Fla.; Sylvia Corroles, vice president and treasurer; Earlene Corrales, secretary.
Lunham & Reeve, Inc. (No. 287), 11 Broadway, New York, N.Y.; Louis M. Policastro, president and treasurer; Leonard J. Policastro, vice president and secretary.
Loretz & Co. (No. 213), 510 South Spring Street, Los Angeles, Calif.; T. A. Loretz, chairman, board; R. H. Larson, president; Joseph Weinberg, executive vice president; P. R. Amsden, vice president, R. A. Guaderrama, treasurer; R. A. Redmond, secretary; Paul Moskowitz, assistant vice president; Lawrence Braverman, assistant vice president; Sam Plon, assistant secretary.
American Enterprises, Inc. (No. 863), 304 East Lombard Street, Baltimore, Md., 21202; Noe Antonio Garcia, vice president.
F. W. Myers & Co., Inc. (No. 710), 160 Lake Street, Rouses Point, N.Y.; W. R. Casey, president; W. R. Casey, Jr., vice president; R. E. Casey, Jr., vice president and secretary; A. E. Cage, vice president; R. W. Laffin, treasurer; J. H. Phillips, manager; F. M. Churchill, manager; P. R. Domey, manager; H. F. Plant, assistant manager; Betty Straub, manager; G. W. Amey, manager; R. S. Freiger; J. E. Johnson, manager; C. L. Sumner, assistant manager.
John A. Hickey Co., Inc. (No. 359), 42 Broadway, New York, N.Y. Ruth Compton, director.

LATE AND NONLICENSED

February 1966

Dingelstedt and Co., 55 Broadway, New York, N.Y. License No. 204, Issued February 9, 1966.

LATE AND NONLICENSED

February 1966

Lake Shipping Co. (A. J. Aberle, d.b.a.), 3505 Lake Street, Post Office Box 1912, Lake Charles, La., 70601. License No. 1109, Issued February 9, 1966.
Phil Thomas & Son International (Felician E. Tomaszewski, d.b.a.), 53 West Jackson Boulevard, Suite 754–6, Chicago, Ill. License No. 1110, Issued February 11, 1966.

Dated: March 11, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–2778; Filed, Mar. 15, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2317]

APPALACHIAN POWER CO.

Order Permitting Intervention, Granting, in Part, and Denying in Part, Motions To Dismiss, and Fixing Hearing

MARCH 8, 1966.

From the junction of the North and South Forks of the New River, in North Carolina, the New-Kanawha River flows a distance of 352 river miles to its confluence with the Ohio River, following a route, generally northward, through the States of North Carolina, Virginia, and West Virginia. At its confluence with the Gauley River, about 97 miles from its mouth, the New changes its name to the Kanawha.

On February 26, 1965, the Appalachian Power Co. filed an application for license seeking authorization to construct (1) a hydroelectric development (including pumped storage) consisting of upper and lower reservoirs in the New River in North Carolina and Virginia and appurtenant power-generating and other facilities; and (2) the installation of power facilities at the U.S. Bluestone Reservoir project dam. Bluestone Dam is in West Virginia, about 140 river miles downstream from the proposed lower pumped storage reservoir. Bluestone Reservoir impounds water in West Virginia and Virginia.

The North Carolina Electric Membership Corp. and the Old Dominion Electric Cooperative, each representing, respectively, a number of REA cooperatives located in North Carolina and Virginia, filed, on May 18, 1965, petitions to intervene. A member of North Carolina Electric, the Blue Ridge Electric Membership Corp., and Mecklenburg Electric Cooperative, a member of Old Dominion, filed similar petitions, as did the Harrison Rural Electrification Association, Inc., of West Virginia.

North Carolina Electric Membership Corp. and Old Dominion state they are interested in the application for license because each of them, and their members, are cooperatives and are therefore entitled, under section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), to preference in the sale by the Secretary of the Interior of power generated by the United States at reservoir projects. They also state that they, and some of their members, are within the feasible marketing area of all sites included in the license application. Similar statements are also made by Blue Ridge, Mecklenburg, and Harrison. The cooperatives assert a need for low-cost power to serve both their present and future requirements.

In its answer Appalachian contends that the cooperatives' interest derives from those of the Secretary of the Interior and therefore their petitions to intervene should be dismissed because the Secretary has not intervened. In support of this contention the Applicant cites United States ex rel. Chapman v. F.P.C., 345 U.S. 153. In the Chapman case the Court held that congressional approval of a general comprehensive plan for river development does not, standing alone, withdraw the projects named in the plan from the licensing jurisdiction of the Commission. The Court recognized, however, that the Secretary of the Interior and an association of REA cooperatives had, under the particular circumstances of the case, an interest sufficient to include standing to obtain court review of a Commission order issuing a license.

The Court did not intimate in the Chapman case that the interest of the cooperative was derived in any way from the fact that the Secretary had also asserted an interest. While the interveners had interests which were held to be of such nature as to confer standing to obtain court review, the Court pointed out that the underlying basis of the Secretary's standing differed from that of the cooperative. The Court gave as a reason for not specifying this difference in detail the fact that its members held divergent views such as to "preclude a single opinion of the Court as to both petitioners." 345 U.S. 153, 156. The Federal Power Act provides for congressional authorization of a hydroelectric project as a federal undertaking upon the recommendation of the Federal Power Commission under section 7(b) of the Federal Power Act. Upon construction of such a project the duty of the Secretary of the Interior to sell the power, under section 5 of the Flood Control Act of 1944, and the preferred right of a cooperative to purchase it, would arise by operation of law. We do not feel that disposition of a cooperative's petition to intervene in a licensing proceeding depends on whether the Secretary of the Interior has filed a petition to intervene.

With their petitions to intervene the cooperatives filed motions to dismiss, one common ground being that installation of power generating facilities had been authorized by Congress as part of the Federal Bluestone Reservoir project. The Secretary of the Interior, in his report on the application received November 3, 1965, and the Chief of Engineers, in his report filed on November 10, 1965, expressed the view that Federal

installation of power generating facilities at Bluestone Reservoir project had been specifically authorized, the Chief of Engineers stating that construction of the power facilities was deferred in 1944.

The Bluestone Reservoir project was recommended to the Congress by the Chief of Engineers for Federal construction as a multipurpose project for power development, flood control and navigation on February 1, 1935. The recommendation was contained in the comprehensive "308" report on the Kanawha River Basin. H.R. Doc. No. 91, 74th Cong., 1st sess. (1935). The project dam, including six penstocks, was completed in 1952.

On September 12, 1935, the President, pursuant to authority conferred by sections 202[1] and 203 of the N.I.R.A. (48 Stat. 195, 201–2), and by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115, 119), issued Executive Order No. 7183A, directing the Secretary of War, through the Chief of Engineers, to construct the Bluestone Reservoir project. The Bluestone Reservoir project was expressly ratified by Congress in the Flood Control Act of 1936 (49 Stat. 1570, 1572, 1586), which approved the project and noted that it was "then under way". The Flood Control Act of 1938 (52 Stat. 1215–17) also specifically authorized the project and incorporated Executive Order 7183A by reference. See United States v. West Virginia Power Co., 91 F. 2d 611 (CA4 1937), pet. for cert. dismissed, 302 U.S. 770 and U.S. v. W. Va. P. Co., 122 F. 2d 733 (CA4 1941) (Parker, J.), cert. denied, 314 U.S. 683.

The Flood Control Act of 1938, was an omnibus act. In reporting this legislation the House Committee on Flood Control made clear that the Bluestone Reservoir project was for the dual purpose of flood control and the development of power, pointing out that Bluestone was one of but two reservoirs in the bill at which the development of power was authorized. The Committee also noted that the Flood Control Act of 1936 had also provided for the construction of Bluestone and two other dual-purpose reservoirs at the expense of the United States. H.R. Rept. No. 2353, 75th Cong. 3d sess. 5–6 (1938).

Applicant, in answer to the Secretary of the Interior and the Chief of Engineers, concludes that installation of power facilities at Bluestone Reservoir is not Congressionally authorized. The argument runs that in the project document (H.R. Doc. 91, supra) the Chief of Engineers conditioned his recommendation upon the execution of an agreement for the sale of power and that this condition constituted a condition precedent which was never carried out. The answer to this contention[2] is that it was specifically held in United States v. West Virginia Power Co., supra (122 F. 2d 733, 736–737), that Congress, in authorizing construction of the project in 1936 and 1938, did not adopt the condition.

The Applicant's second argument is that Executive Order 7183A and the authorizing statutes conferred discretionary authority on the Chief of Engineers to change or modify the project plans and specifications. This delegation, properly construed, includes authority, according to the Applicant, to eliminate one of the two major purposes of the project as Congressionally authorized. The Chief of Engineers, the Applicant contends, exercised this authority and, having reported to Congress elimination of installation of power facilities at Bluestone, the Congressional authorization is now "exhausted."

We need not examine the extent of the discretion conferred by the Congress on the Chief of Engineers because the legislative history indicates a mere deferral of installation of power generating facilities. In support of the contention that installation of power facilities was not deferred, the Applicant draws attention to the fact that in 1945 the Engineer Corps, seeking an allocation of lump-sum appropriations to various projects in the Ohio River Basin, did not list Bluestone in tabulations submitted to show flood control reservoirs which included power generating facilities. In this connection the Applicant cites hearings before the Subcommittee of the House Committee on Appropriations on H.R. 4805.[3] From this the Applicant concludes that installation of power facilities was eliminated, not deferred.

The status of Bluestone and the tabulations submitted to the House were specifically considered by the Subcommittee of the Senate Committee on Appropriations, holding hearings on the same legislation in December 1945. The Senate hearings were attended by the Chief of Engineers, accompanied by General Crawford. A witness raised the question why Bluestone and Detroit Reservoir (on the North Santiam River) had not been listed in the tabulations submitted by the Corps at the House hearings to show power reservoirs which included power generating facilities. General Crawford distinguished between the Bluestone and Detroit projects, stating that installation of power generating facilities was authorized at Bluestone but not at Detroit. He stated that at Bluestone "the power generating facilities are being deferred at present" because the "entire storage capacity is needed for flood control."[4]

Bluestone Reservoir, at New-Kanawha river mile 162, controls the Upper New River Subbasin; this is an area of 4,565 square miles, about 37 percent of the entire Kanawha River Basin. The comprehensive report on the Kanawha River Basin in 1935 (H.R. Doc. 91 supra) contemplated that additional flood control storage could be obtained by construction of other projects in the subbasin. Therefore when the Chief of Engineers informed the Congress of a deferral of installation of power generating facilities at Bluestone it was in aid of his responsibility to make continuous studies of the need for flood control. In such a situation weight is given, in determining jurisdiction, to information supplied by the Engineer Corps to a committee of Congress responsible for water resources legislation. See the Chapman case, supra (345 U.S. 153, 166).

The Applicant also refers to the construction and financial history of the project as reflected in the annual reports of the Chief of Engineers. By June 30, 1939, total expenditures of $543,960 had been made from emergency relief funds allotted under Executive Order 7183A, at which time the Chief of Engineers reported that the work remaining to be done would be completed under the authorizations contained in the Flood Control Acts of 1936 and 1938. (1939 Chief of Engineers Rept., Vol. 2, p. 1453.) The project, described as including "the construction of a powerhouse providing for the initial installation of two 30,000-kilowatt units, and the ultimate installation of six 30,000-kilowatt units", was carried in the annual reports of the Chief of Engineers (Vol. 2) for 1941 (p. 1434); 1942 (p. 1260); 1943 (p. 1184); 1944 (p. 1191) and 1945 (p. 1585).

In January 1942, construction of the dam was initiated.[5] In 1944 this work was suspended as soon as a safe stopping point was reached. This was because of the wartime policy to conserve materials and manpower.[6] It appears from the annual reports of the Chief of Engineers that sums were appropriated for the project in accordance with estimates which included the cost of installing power generating facilities. By June 30, 1945, about six million dollars, of a larger sum appropriated, had actually been expended and the dam was about 38 percent constructed. At this stage plans and specifications for construction of the dam, powerhouse and switchyard were complete. Also completed were plans and specifications for "turbine governing

[1] Section 202 of the National Industrial Recovery Act (48 Stat. 195, 201 (1933)) directed the inclusion of river improvements in programs of public works where, as concerned here, the project had been "recommended to Congress by the Chief of Engineers under the established practice," that is, that the recommendation was based "on examinations, surveys, and reports made in pursuance of the [River and Harbor] Acts and submitted to Congress for its consideration when determining whether the project should be undertaken." United States v. Arizona, 295 U.S. 174, 191–2.

[2] In further support of this argument Applicant states that efforts to obtain an agreement for the sale of power have long since been discontinued. It is pertinent here that since 1944 surplus power at flood control reservoirs has been disposed of by the Secretary of Interior in accordance with section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890).

[3] Hearings before Subcommittee of House Committee on Appropriations, First Deficiency Appropriation Bill for (Fiscal) 1946, H.R. 4805, 79th Cong., 1st sess., at 77–78 (1945).

[4] *Id.*, Hearings before subcommittee of Senate Committee on Appropriations, at 513–514.

[5] 1953 Chief of Engineers Rept., Vol 2, p. 1331.

[6] 1944 Rept., Vol. 1, p. 8. See also Hearings before Subcommittee of House Committee on Appropriations, War Dept. Civil Functions Appropriation Bill for (Fiscal) 1944, 78th Cong., 1st sess., at 33 (1943).

equipment, generators, transformers, and circuit breakers," etc.[7]

On January 3, 1946, work on the dam was resumed, under supplemental plans, approved by the Chief of Engineers in fiscal 1946, which contemplated elimination of generating units at the project. In 1946 the Chief of Engineers reported a new cost estimate, revised downward to reflect the elimination of power generating facilities. This estimate covered construction, among other things, of a dam in which was to be installed six penstocks,[8] which were built as part of the project as ultimately completed in 1952.[9]

The Applicant refers to the fact that the annual reports of the Chief of Engineers, from 1946 on, give the percentage of completion of the project and finally state that "all project work is physically and financially complete." Progress reports on flood control projects follow a standard pattern and are not intended as primary source material on jurisdiction. Read from the beginning in this case, they indicate that the Corps, in accordance with the direction of Congress, treated the Bluestone Reservoir project authorization as including the installation of power generating facilities. See United States ex rel. Chapman v. FPC, 345 U.S. 153, 165. These reports could not, in any event, support a conclusion contrary to the direct statement of the Corps to the Congress in 1945 that installation of power facilities had been deferred because of the flood control situation.

Where a multiple-purpose project, authorized for construction as a Federal undertaking, is deauthorized to permit application for a license under the Federal Power Act, such deauthorization is expressly provided for and limited by statute. For example, Congress by the Flood Control Act of 1941 (55 Stat. 638, 645) authorized, as a Federal undertaking, a coordinated project consisting of three flood control and power developments, one of which was at the Markham Ferry site on the Grand River. Congress later modified this authorization to permit construction of the Markham Ferry project by the Grand River Dam Authority, subject to the provisions of the Act of July 6, 1954,[10] and the Federal Power Act. Similarly, the provisions of the Flood Control Act of 1950 (64 Stat. 170, 179) were modified to permit development of the Priest Rapids site on the Columbia River, for purposes including flood control, navigation and power, under a Commission license and in accordance with the Federal Power Act and the Act of July 27, 1954.[11] Another instance is the authorization of the development, as a Federal undertaking, of the Alabama-Coosa River for navigation, flood control, power development and other purposes contained in the 1945 River and Harbor Act (59 Stat. 10, 11, 17). In section 2 of the Act of June 2, 1954,[12] Congress suspended the authorization, insofar as it applied to the Coosa River, to permit power development under a Commission license.

It appears from the foregoing that the Bluestone Reservior project was authorized as a Federal undertaking for multiple purposes including flood control and power generation, and that, while construction of power generating facilities has been deferred, authorization for their installation by the Corps of Engineers has not been modified by the Congress.

The cooperatives also moved to dismiss that part of the application for license pertaining to the proposed upstream development on the ground that it preempts the Moores Ferry site claimed to be authorized as a Federal undertaking. In our order issuing a preliminary permit[13] we had occasion to note that the North Carolina Electric Membership Corp. questioned the jurisdiction of the Commission to issue a preliminary permit on the ground that, by virtue of the Flood Control Act of 1938 (52 Stat. 1215, 1217), the Moores Ferry site had been authorized for Federal development and that Applicant's proposed pumped storage development would preempt the site. We held, among other things, that under the Flood Control Act of 1938 a reservoir-only project which is a unit of the comprehensive plan, is authorized when it is "selected and approved" for construction by the Chief of Engineers after preliminary surveys and plans have been completed. As the Moores Ferry project has never been selected and approved for construction by the Chief of Engineers in accordance with the Flood Control Act of 1938, it has not been authorized as a Federal undertaking under the Act so as to remove it from the Commission's licensing jurisdiction. See United States ex rel. Chapman v. FPC, 345 U.S. 153.

Besides petitions to intervene and motions to dismiss the application, the cooperatives have filed answers alleging, among other things, that the Commission should refuse to issue the license and should recommend to the Congress, under section 7(b) of the Federal Power Act, that a multiple-purpose project at the Moores Ferry site should be undertaken by the United States itself. In this connection the cooperatives state that the reach of the river sought to be developed by the Applicant upstream from Fries, Va., is important from the standpoint of flood control, power generation, low flow augmentation and recreation, and that the Applicant's proposed project inadequately provides for these public uses. In view of the importance of the issues raised by Appalachian Power Co.'s application and the petitions to intervene, a public hearing would be desirable.

The Commission finds:

(1) Intervention by the North Carolina Electric Membership Corp., the Old Dominion Electric Cooperative, the Blue Ridge Electric Membership Corp., Mecklenburg Electric Cooperative and the Harrison Rural Electrification Association, Inc., may be in the public interest.

(2) The Bluestone Reservoir project, including power-generating facilities, has been authorized for construction under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

(3) Federal construction of the Moores Ferry Reservoir project has not been authorized.

(4) It is appropriate and in the public interest to hold a public hearing, as hereinafter provided, on Appalachian's application insofar as it seeks authorization for project works other than at the Bluestone Reservoir project, and respecting the matters involved and issues presented, including the issue whether pursuant to the provisions of section 7(b) of the Act the Commission should recommend construction of the project works by the United States.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions for leave to intervene: *And provided further,* That the admission of the aforesaid petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 7(b), 10(a) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on September 13, 1966, at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters involved and the issues presented in this proceeding.

(C) The following procedure is prescribed for this proceeding:

[7] 1945 Rept., Vol. 2, pp. 1586–7.

[8] Compare 1946 Rept., vol. 2, p. 1740 with 1961 Rept., vol. 2, p. 1156.

[9] 1953 Rept., vol. 2, p. 1331.

[10] 68 Stat. 450. See United States *v.* Grand River Dam Authority, 363 U.S. 229; Grand River Dam Authority, 8 FPC 635, Project No. 1954; Jan. 18, 1949 (Markham Ferry: dismissing preliminary permit application); 14 FPC 815, Project No. 2183, June 22, 1955 (Markham Ferry issuing license).

[11] 68 Stat. 573. See PUD No. 2 of Grant County, Wash., 13 FPC 1462, Project No. 2114, Oct. 21 1954 (order issuing preliminary permit).

[12] 68 Stat. 302. See Alabama Power Co., 18 FPC 257, Op. No. 305, Project No. 2146, Sept. 4, 1957 (issuing license).

[13] Appalachian Power Co., 29 FPC 445, Project No. 2317, Mar. 11, 1963 (order issuing preliminary permit).

1. The Applicant shall file by June 7, 1966, with the Secretary of the Commission an original and 10 copies of all testimony, including qualifications of the witnesses, and exhibits to be presented in Applicant's direct case.

2. All other participants, including the Commission staff, shall file by August 2, 1966, with the Secretary, an original and ten copies of all direct testimony and exhibits including qualifications of witnesses.

3. All motions to strike shall be filed with the Presiding Examiner by August 23, 1966, with replies to such motions to be filed by September 1, 1966.

4. All of the testimony, except exhibits, shall be in question and answer form.

5. No exhibits, except those of which official notice may properly be taken, shall contain narrative material other than brief explanatory notes.

6. Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence in which it is to be marked for identification.

7. The Presiding Examiner will specify the order of cross-examination and time to be permitted for preparation of rebuttal evidence.

(D) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent that they are modified or supplemented herein.

(E) The motions to dismiss the application for license, insofar as they refer to the installation of power generating facilities at the Bluestone Reservoir project, are hereby granted.

(F) The motions to dismiss the application for license, insofar as they refer to the developments upstream from Fries, Va., are hereby denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-2741; Filed, Mar. 15, 1966; 8:45 a.m.]

[Docket No. G-19024]

BRITISH-AMERICAN OIL PRODUCING CO. AND REX MONAHAN

Order Accepting Decreased Rate Filing

MARCH 9, 1966.

The British-American Oil Producing Co. (British-American) on January 28, 1966, tendered for filing a renegotiated rate decrease from 13.7424 cents to 5.4970 cents per Mcf at 15.025 p.s.i.a., reflecting a change in delivery point and pressure for certain gas produced from the dedicated acreage. The current rate of 13.7424 cents per Mcf at 15.025 p.s.i.a., in effect subject to refund in Docket No. G-19024, is for delivery at a central point of high pressure gas (up to 800 p.s.i.g.), whereas the proposed decreased rate of 5.497 cents per Mcf is for delivery at wellhead of low pressure casinghead gas (not less than 15 p.s.i.g. nor more than 20 p.s.i.g.). The decreased rate filing is set forth in Appendix A hereof.

The proceeding in Docket No. G-19024 involves a rate increase filed by British-American on July 1, 1959, proposing to increase its rate to 13.7424 cents at 15.025 p.s.i.a. for sales of natural gas to Kansas-Nebraska Natural Gas Co., Inc., in the Cedar Creek North, Cedar Creek, Darby Creek, Garnet, Goathill, Lewis Creek, and West Peetz Fields, Logan County, Colo. The proposed increase, designated as Supplement No. 7 to British-American's FPC Gas Rate Schedule No. 9, was suspended by the Commission's order issued July 30, 1959, until January 1, 1960, and was later permitted to become effective subject to refund on January 1, 1960.

British-American requests a retroactive effective date of August 1, 1964, for its proposed rate decrease, which is the contractually provided effective date. Since the proposed rate decrease is due to a change in delivery point and pressure for certain gas produced from dedicated acreage under British-American's rate schedule, we believe that it would be in the public interest to waive the 30-day notice requirement provided in section 4(d) of the Natural Gas Act and accept for filing the rate decrease effective as of August 1, 1964, subject to refund in the existing rate suspension proceeding in Docket No. G-19024.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder to accept for filing the proposed rate decrease, designated as Supplement No. 16 to British-American's FPC Gas Rate Schedule No. 9, subject to the existing rate suspension proceeding in Docket No. G-19024 and refund obligation related thereto.

The Commission orders: The proposed rate decrease, designated as Supplement No. 16 to British-American's FPC Gas Rate Schedule No. 9, is accepted for filing, effective as of August 1, 1964, subject to the existing rate suspension proceeding in Docket No. G-19024 and refund obligation related thereto.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed descreased rate	
G-19024	The British-American Oil Producing Co., Mercantile Dallas Bldg., Dallas, Tex., 75221, Attn.: Mr. L. L. Williams.	9	16	Kansas-Nebraska Natural Gas Co., Inc. (Cedar Creek North, Cedar Creek, Darby Creek, Garnet, Goathill, Lewis Creek, and West Peetz Fields, Logan County, Colo.).	$13,048	1-28-66	[1] 8-1-64	----------	[4] 13.7424	[2] [3] [4] 5.4970	G-19024.

[1] The stated effective date is the contractually provided effective date.
[2] Renegotiated rate decrease.
[3] Pressure base is 15.025 p.s.i.a.
[4] Rate for low pressure casinghead gas delivered at or near wellhead (not less than 15 p.s.i.g. nor more than 20 p.s.i.g.).
[5] Rate for high pressure gas delivered at a central point (up to 800 p.s.i.g.).

[F.R. Doc. 66-2742; Filed, Mar. 15, 1966; 8:45 a.m.]

[Docket No. E-7275]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS ELECTRIC & GAS CO.

Notice of Application

MARCH 8, 1966.

Take notice that on March 2, 1966, Commonwealth Edison Co. (Edison) and Central Illinois Electric & Gas Co. (Central), filed a joint application with the Federal Power Commission pursuant to section 203 of the Federal Power Act for an order authorizing Edison and Central to merge, with Edison to be the surviving corporation.

Edison is incorporated under the laws of the State of Illinois with its principal place of business office at Chicago, Ill., and is engaged in the production, purchase, transmission, distribution and sale of electric energy in all of 6 counties and parts of 19 other counties in northern Illinois.

Central is incorporated under the laws of the State of Illinois with its principal place of business office at Rockford, Ill., and is engaged in furnishing electric service in 61 communities in the State of Illinois as well as in the furnishing of gas and other utility services in various communities in Illinois. Approximately 78 percent of Central's electric customers are located in the 900-square-mile portion of its service area in which the city of Rockford is located.

According to the application the plan of merger executed between the two Applicants contemplates the merger of the business, facilities and assets of Central with those of Edison with Edison assuming all the liabilities of Central. Holders of the common shares of Central will receive one share of a new convertible

preferred stock of Edison for each share of common stock of Central. At the option of the holder, each share of such preferred stock will be convertible at any time into 6/10 of a share of the common stock of Edison. Each share of such preferred will carry a $1.42½ cumulative dividend and will be redeemable at Edison's option on or after 5 years from the effective date of the merger at a redemption price of $42 a share. The plan of merger is subject to the approval of the stockholders of Edison and Central at meetings scheduled to be held on May 17, 1966.

The Applicants represent that the proposed transaction will have no material effect upon any existing contract for the purchase or sale or interchange of electric energy, since all rights and liabilities under such contracts will rest in the surviving corporation.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1966, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-2743; Filed, Mar. 15, 1966; 8:45 a.m.]

[Docket No. CP66-279]

IOWA SOUTHERN UTILITIES CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MARCH 8, 1966.

Take notice that on February 28, 1966, Iowa Southern Utilities Co. (Applicant), 300 Sheridan, Centerville, Iowa, filed in Docket No. CP66-279 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver natural gas to Applicant for distribution and resale in the community of Oakville, Iowa, 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 a gas distribution system in the community of Oakville. Applicant also proposes that Respondent construct a lateral pipeline of less than 300 feet (pursuant to Respondent's 10-cent formula), a gas measuring station and related facilities. The application states that Oakville is located in southeast Louisa County, Iowa, on State Highway 407 and has a population of 346 and 8 commercial establishments.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	12,766	19,801	21,566
Peak day (Mcf)	109	158	176

The total estimated cost of Applicant's proposed distribution system is $42,443, which cost will be financed with internally generated funds and short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 4, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-2744; Filed, Mar. 15, 1966; 8:45 a.m.]

[Docket No. RI66-303]

MARATHON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Effective Subject to Refund

MARCH 9, 1966.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I, and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 27, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-303	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840, Attn.: Jack Fariss, Esq.	96	2	El Paso Natural Gas Co. (Argo No. 1 Well, San Juan Area, San Juan County, N. Mex.) (San Juan Basin Area).	$3,324	2-9-66	[1] 3-12-66	[2] 3-13-66	[5] 13.0 [5] 13.0	[3] [4] [6] 14.0536 [3] [4] [7] 14.2486	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.0 cents per Mcf added to reflect minimum guarantee for liquids.
[6] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax (gas exempt from tax prior to Apr. 1, 1963).
[7] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax (gas not exempt from tax prior to Apr. 1, 1963).

The periodic rate increase filed by Marathon Oil Co. (Marathon) did not include as part of its proposed rate the contractually provided 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate results in a total rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area. Under the circumstances, Marathon's proposed rate increase should be suspended for 1 day from March 12, 1966, the proposed effective date.

Marathon's proposed rate increase also reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filing as well as the statutory lawfulness of Marathon's proposed increased rate and charge which El Paso has or will protest.

[F.R. Doc. 66-2745; Filed, Mar. 15, 1966; 8:45 a.m.]

[Docket No. RI66-304, etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 9, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 27, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-304	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	45	3	Northern Natural Gas Co. (H. M. Riffle unit, Hugoton Field, Finney, County, Kans.).	$676	2-9-66	[2] 3-12-66	8-12-66	[5] [6] 12.0	[3] [4] [5] 13.0	
RI66-305	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	165	42	Michigan Wisconsin Pipe Line Co. (Laverne, et al., Fields, Harper and Beaver Counties, Okla.) (Panhandle Area).	260,356	2-8-66	[2] 3-11-66	8-11-66	[7] 17.0	[3] [4] [7] 19.5	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Settlement rate and initial rate under Marathon's companywide settlement in Docket No. RI60-92, et al. Settlement order issued June 28, 1962. Moratorium expired Dec. 28, 1963.
[6] Subject to upward and downward B.t.u. adjustment.

The proposed increased rates and charges filed by Marathon Oil Co. and Sinclair Oil & Gas Co. (Operator), et al., exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Chapter I, Part 2, § 2.56].

[F.R. Doc. 66-2746; Filed, Mar. 15, 1966; 8:46 a.m.]

[Project No. 99]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Surrender of License for Constructed Project

MARCH 9, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Co. (correspondence to: S. L. Selby, President, Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif., 94106) for surrender of its license for constructed Project No. 99, located on Trinity River and its tributary, Canyon Creek, in Humboldt and Trinity Counties, Calif., and affecting lands of the United States within Trinity and Six Rivers National Forests.

The existing project consists of a rock-filled timber crib dam, a powerhouse, a conduit and two penstocks, and two short transmission lines located within the project boundary.

According to the application, a storm and floods in December 1964 caused extensive damage to the dam and other project works, costs to repair and replace would not be economically justified, and the company's power consumers are presently being served from other sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 25, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-2747; Filed, Mar. 15, 1966; 8:46 a.m.]

[Docket No. RI66-301, etc.]

SUNRAY DX OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Effective Subject to Refund [1]

MARCH 9, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before April 20, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI66-301	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	83	10	Phillips Petroleum Co.[2] (Hugoton Field, Sherman County, Tex.) (R.R. District No. 10).	$508	2-14-66	[3] 3-17-66	[4] 3-18-66	[7] [9] [10] 10.55163	[5] [6] [7] [9] [10] 11.70741	RI61-385.
RI66-302	LAB Oil Co., Box 1391, Corpus Christi, Tex.	[12] 5	1	Valley Gas Transmission, Inc. (North Santa Cruz Field and Independence Field, Duval County, Tex.) (R.R. District No. 4).	800	2-14-66	[3] 4-28-66	[4] 4-29-66	14.0	[8] [11] 15.0	

[2] Phillips Petroleum Co. resells the gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co., at a presently effective rate of 15.22 cents, plus applicable tax reimbursement, which was made effective subject to refund in Docket No. RI65-526 on Dec. 10, 1965.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Revenue-sharing rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Includes 0.10033 cent tax reimbursement before increase and 0.11132 cent tax reimbursement after increase.
[8] Based on 162.267 percent of a base rate of 7.1463 cents (162.267 percent equals Phillips' present rate of 15.22 cents divided by Phillips' related base rate of 9.3796 cents times 100).
[9] Subject to downward B.t.u. adjustment.
[10] Subject to a deduction of 0.4466 cent from base rate is gas is sour (filing reflects that gas is sweet).
[11] Periodic rate increase.
[12] Contraact dated subsequent to the issuance of General Policy Statement No. 61-1.

Sunray DX Oil Co. (Sunray) proposes a revenue-sharing rate increase for a wellhead sale of gas to Phillips Petroleum Co. (Phillips) from the Hugoton Field, Sherman County, Tex. (R.R. District No. 10). Phillips gathers the gas, processes it in its Sherman Gasoline Plant and resells the residue gas to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents per Mcf plus tax reimbursement which is in effect subject to refund in Docket No. RI65-526. Sunray's proposed revenue-sharing increase is based on Phillips' 15.22 cents per Mcf resale rate. The proposed rate also exceeds the applicable area increased rate ceiling of 11.0 cents per Mcf for the area involved. The sale involved is for nonpipeline quality gas. We consider the increased rate ceiling to be applicable at the outlet of the processing plant which is the point of delivery to the pipeline company. Under the circumstances, we believe Sunray's rate increase should be suspended for one day from March 17, 1966, the proposed effective date, as hereinbefore ordered.

The contract related to the rate filing proposed by LAB Oil Co. (LAB) was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, LAB's rate filing should be suspended for one day from April 28, 1966, the proposed effective date.

[F.R. Doc. 66-2749; Filed, Mar. 15, 1966; 8:46 a.m.]

[Docket No. CP66-280]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 9, 1966.

Take notice that on February 28, 1966, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP66-280 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 for the sale of natural gas to St. Regis Paper Co. (St. Regis), to be used in St. Regis' pulp and paper mill located near the town of Wanilla, Lawrence County, Miss., pursuant to a contract between the parties dated February 7, 1966, 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 approximately 7.35 miles of 8-inch pipeline, beginning at approximately milepost 190.7 on its 30-inch offshore to Kosciusko main line and extending in an easterly direction to a point in the SE¼ of S. 26, T. 8 N., R. 21 W., Lawrence County, Miss.

The total estimated volumes of natural gas necessary to meet St. Regis' annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	3,920,000	9,000,000	9,000,000
Peak day (Mcf)	32,000	32,000	32,000

The total estimated cost of Applicant's proposed construction is $368,801, which cost will be financed out of current 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 April 4, 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. 66-2750; Filed, Mar. 15, 1966; 8:46 a.m.]

[Docket No. CI65-659 etc.]

HARVEY E. YATES, ET AL.

Findings and Order After Statutory Hearing

MARCH 7, 1966.

Applicants herein have filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Indian Basin Area, Eddy County, N. Mex., to Natural Gas Pipeline Co. of America, all as more fully set forth in the applications.

The contract executed by Applicant in Docket No. CI65-995 provides for an initial rate of 16.0 cents per Mcf at 14.65 p.s.i.a. plus upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.'s per cubic foot. The contracts executed by Applicants in Docket Nos. CI65-659 and CI65-692 provide for an initial rate of 16.608 cents per Mcf less a downward B.t.u. adjustment from a base of 1,038 B.t.u.'s per cubic foot. The estimated B.t.u. content of the gas is 1,038 per cubic foot, and on this basis all of the contracts provide for a rate of 16.608 cents per Mcf. All of the contracts contain quality standards which meet or exceed those standards for pipeline quality gas prescribed in Opinion Nos. 468, 34 FPC ____, and 468-A, 34 FPC ____.

By order issued August 5, 1965, in Docket No. AR61-1, et al., Applicants were ordered to show cause why they should not receive permanent certificate authorization at the rates prescribed in Opinion No. 468. Said opinion, as modified by Opinion No. 468-A, prescribes an initial rate for gas sold from the New Mexico portion of the Permian Basin of 15.5 cents per Mcf plus applicable state and local taxes in effect on September 1, 1965, a moratorium until January 1, 1968, on rate increases, and upward B.t.u. adjustment from a maximum standard of 1,050 B.t.u.'s per cubic foot and downward B.t.u. adjustment from a minimum standard of 1,000 B.t.u.'s per cubic foot.

Applicants in Docket Nos. CI65-659 and CI65-692 have submitted settlement proposals and have offered to accept permanent certificates at the rates and with the conditions prescribed in Opinion Nos. 468 and 468-A. Applicant in Docket No. CI65-995 has advised the Commission by letter that it is willing to accept a permanent certificate at the rates and with the conditions prescribed in Opinion Nos. 468 and 468-A. Applicants adopt the rate schedule quality statement filed in Docket No. CI65-603 by Marathon Oil Co., operator of the jointly owned processing plant, which statement shows that the quality of the gas, based upon plant design specifications, is within the quality standards prescribed in Opinion Nos. 468 and 468-A. Marathon Oil Co. and other producers have received permanent certificates pursuant to settlement proposals to sell gas under contracts similar to those involved herein.[1]

Applicant's proposals have been filed within the spirit of the Commission's opinion determining just and reasonable rates for producers in the Permian Basin on an area basis and afford an appropriate opportunity for the issuance of certifications under conditions which will provide a complete and effective plan of regulation. The rates to which Applicants have agreed and the moratorium by which they have agreed to abide correlate to those required by Opinion Nos. 468 and 468-A. Accordingly, the applications will be severed from the proceeding on the order to show cause in Docket No. AR61-1, et al., and certificates of public convenience and necessity will be issued under the conditions prescribed in the area rate opinion.

After due notice no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on March 3, 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.

(2) The sales of natural gas hereinbefore described, all as more fully described in the applications, will be made in interstate commerce subject to the jurisdiction of 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) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the offers of settlement submitted by Applicants in Docket Nos. CI65-659 and CI65-692 should be accepted and that the applications in Docket Nos. CI65-659, CI65-692, and CI65-995 should be severed from the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61-1, et al.

(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 certificates 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 FPC gas rate schedules submitted by Applicants should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sales of natural gas by Applicants in interstate commerce for resale, 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 respective applications and offers of settlement 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 thereunder.

(C) The grant of the certificates issued by paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 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 customer 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 of natural gas subject to said certificates.

(D) The offers of settlement submitted by Applicants in Docket Nos. CI65-659 and CI65-692 are accepted and the applications in Docket Nos. CI65-659, CI65-692, and CI65-995 are severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al.

(E) Applicants shall comply with the requirements of Opinion Nos. 468 and 468-A, and particularly

[1] Order issued Nov. 3, 1965, in the Atlantic Refining Co., et al., Docket No. CI65-513, et al.

(a) The initial rate shall be the applicable area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, or the contract rate, whichever is lower, and

(b) No increase in rate in excess of that provided in (a) above shall be filed before January 1, 1968.

(F) Within 90 days of initial delivery each Applicant shall file three copies of a rate schedule quality statement in the form provided by Opinion No. 468–A.

(G) Each Applicant shall file three copies of a revised billing statement specifying a rate of 15.5 cents per Mcf at 14.65 p.s.i.a. plus the computed amount of applicable tax. Such statements shall show the method of computation used in computing the applicable tax.

(H) The FPC gas rate schedules submitted by Applicants are accepted for filing to be effective on the date of initial delivery and are designated as follows:

Docket No. and filing date	Applicant	Description and date of instrument	Rate schedule	Supplement
CI65–659 1–8–65	Harvey E. Yates, et al	Contract 9–10–64	1	
		Amendment 8–25–65 [2]	1	1
CI65–692 1–11–65	Southern Petroleum Exploration, Inc.	Contract 9–10–64	17	
		Amendment 8–25–65 [2]	17	1
CI65–995 4–8–65	The Superior Oil Co	Contract 9–10–64	115	

[2] Amends pricing provisions of contract.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–2751; Filed, Mar. 15, 1966; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 563]

MISSISSIPPI AND ALABAMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of March 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the States of Mississippi and Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid States and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about March 3, 1966.

OFFICES

Small Business Administration Regional Office, Capital and West Streets, Jackson, Miss.

Small Business Administration Regional Office, 908 South 20th Street, Birmingham, Ala.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 30, 1966.

Dated: March 4, 1966.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 66–2754; Filed, Mar. 15, 1966; 8:46 a.m.]

TARIFF COMMISSION

[AA1921–47]

TITANIUM DIOXIDE FROM JAPAN

Notice of Hearing

Notice is hereby given that the U.S. Tariff Commission, on March 10, 1966, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to titanium dioxide, pigment grade, rutile type, from Japan, exported by Sakai Trading Co., Ltd., Osaka, Japan, the Kouyoh Trading Co., Ltd., Osaka, Japan, and Marubeni-Iida Co., Ltd., Osaka, Japan. Notice of the institution of this investigation was published in the FEDERAL REGISTER on March 2, 1966 (31 F.R. 3319).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., at 10 a.m., e.s.t., on April 18, 1966. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least 3 days in advance of the date set for the hearing.

Issued: March 10, 1966.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 66–2755; Filed, Mar. 15, 1966; 8:46 a.m.]

[337–L–32]

VEHICLE SEAT SUSPENSION SYSTEMS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on February 11, 1966 of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by the Bostrom Corp. of Milwaukee, Wis., alleging unfair methods of competition and unfair acts in the importation and sale of certain vehicle seat suspension systems.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and, if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than April 11, 1966. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: March 11, 1966.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 66–2764; Filed, Mar. 15, 1966; 8:47 a.m.]

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