

FEDERAL REGISTER

VOLUME 30 • NUMBER 215

Friday, November 5, 1965 • Washington, D.C.

Pages 14003-14028

Agencies in this issue—

Army Department
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Housing and Home Finance Agency
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Public Housing Administration
Securities and Exchange Commission

Detailed list of Contents appears inside.



Announcing a New Statutory Citations Guide

How to Find U.S. Statutes and U.S. Code Citations

This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using

them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

Price: 10 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives]

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402



Area Code 202

Phone 963-3261

Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

ARMY DEPARTMENT

Rules and Regulations

Employment and compensation in Canal Zone; miscellaneous amendments..... 14007

ATOMIC ENERGY COMMISSION

Rules and Regulations

Financial protection requirements and indemnity agreements; restoration of limit of liability endorsement..... 14007

Proposed Rule Making

Licensing and compliance proceedings; review of initial decision..... 14014

Notices

Consolidated Edison Company of New York, Inc.; issuance of facility license amendment..... 14020
Philadelphia Electric Co.; extension of completion date..... 14020

CIVIL AERONAUTICS BOARD

Notices

Standard Airways, Inc.; oral argument..... 14027

COMMERCE DEPARTMENT

See International Commerce Bureau; Maritime Administration.

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Oranges, grapefruit, tangerines, and tangelos grown in Florida; expenses and rate of assessment, 1965-66..... 14014

DEFENSE DEPARTMENT

See Army Department.

FEDERAL AVIATION AGENCY

Rules and Regulations

Restricted areas; alteration..... 14007

Proposed Rule Making

Airworthiness directives:

Boeing Model 727 Series airplanes..... 14017
de Havilland Model 104 Dove Series airplanes..... 14017
Hydraulic system for transport category airplanes..... 14015

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Frequency allocation..... 14013

Proposed Rule Making

Fostering expanded use of UHF television channels; further extension of time for comments..... 14017

Notices

Hearings, etc.:

Advanced Electronics and Industrial Communications Systems, Inc..... 14020
Western Union Telegraph Co. and California Interstate Telephone Co..... 14020

FEDERAL POWER COMMISSION

Rules and Regulations

Rate and certificate filings by small independent producers; relief from requirements..... 14009

Proposed Rule Making

Power system statements; forms..... 14018

Notices

Hearings, etc.:

Del Norte Natural Gas Co. et al..... 14022
El Paso Natural Gas Co..... 14023
Southern Natural Gas Co..... 14023
Transcontinental Gas Pipe Line Corp..... 14023

FEDERAL RESERVE SYSTEM

Notices

Union Bank; order approving merger..... 14024

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices; Fruehauf Trailer Co..... 14008

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting in Kootenai National Wildlife Refuge, Idaho:
Big game..... 14013
Migratory game birds..... 14013
Upland game..... 14013

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; resinous and polymeric coatings..... 14012

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY

See also Public Housing Administration.

Notices

Deputy Urban Renewal Commissioner; redelegation of authority..... 14024

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNATIONAL COMMERCE BUREAU

Notices

Trade-All Enterprises, Inc., and Irving E. Bordo; denial of export privileges for indefinite period..... 14019

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief..... 14026
Motor carrier:
Temporary authority applications..... 14025
Transfer proceedings..... 14025

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land order; Arizona; withdrawal for national forest administrative sites..... 14012

MARITIME ADMINISTRATION

Proposed Rule Making

Charges and fees for certain services; extension of time for comments..... 14014

Notices

Oceanic Steamship Co.; application..... 14019

PUBLIC HOUSING ADMINISTRATION

Rules and Regulations

Department of Housing and Urban Development; seal..... 14012

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Pinal County Development Association..... 14024
Second Presidential Exchange Fund, Inc..... 14024
Third Empire Fund, Inc..... 14024
14005

List of CFR Parts Affected

(Codification Guide)

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

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

5 CFR		16 CFR		43 CFR	
1201.....	14007	13.....	14008	PUBLIC LAND ORDERS:	
1202.....	14007			3858.....	14012
7 CFR		18 CFR		46 CFR	
PROPOSED RULES:		154.....	14009	PROPOSED RULES:	
905.....	14014	157.....	14009	201.....	14014
10 CFR		250.....	14009	206.....	14014
140.....	14007	PROPOSED RULES:		251.....	14014
PROPOSED RULES:		141.....	14018	287.....	14014
2.....	14014	21 CFR		47 CFR	
50.....	14014	121.....	14012	2.....	14013
115.....	14014	24 CFR		PROPOSED RULES:	
14 CFR		1500.....	14012	73.....	14017
73.....	14007			50 CFR	
PROPOSED RULES:				32 (3 documents).....	14013
25.....	14015				
39 (2 documents).....	14017				

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 1201—GENERAL

PART 1202—FILLING POSITIONS

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 1201.100 is amended by the addition of subparagraph (10) to read as follows:

§ 1201.100 Exclusions.

(b) * * *

(10) Positions designated by the Canal Zone Civilian Personnel Policy Coordinating Board as appropriate for use as Student Trainee positions and which are filled under a cooperative work-study agreement between a Canal Zone agency and a college or university approved for participation in such a program by the Canal Zone Civilian Personnel Policy Coordinating Board.

2. Effective upon publication in the FEDERAL REGISTER, § 1202.14 is amended by the addition of paragraph (c) to read as follows:

§ 1202.14 Noncompetitive appointments.

(c) A Student Trainee who has successfully completed his cooperative work-study program may be appointed non-competitively to an NM-5 or NM-7 position for which he meets the qualification requirements, with the exception of any written test requirements, in the field of work in which he received his training, provided:

(1) He has successfully completed all the requirements for a bachelor's degree, including any specialized courses required for the particular position for which he has been in training;

(2) He has completed at least 6 months work experience (i.e., 6 months in a pay status) as a Student Trainee in the agency that recommends his appointment, and

(3) His employing agency recommends him for non-competitive appointment within 90 days after completion of his work-study program.

3. Effective upon publication in the FEDERAL REGISTER, § 1202.15 is amended by the addition of paragraph (e) to read as follows:

§ 1202.15 Tenure following noncompetitive appointment.

(e) The noncompetitive appointment of a person who has successfully com-

pleted a cooperative work-study program under paragraph (c) of this section shall be made as a Canal Zone Career-Conditional Appointment or Canal Zone Career Appointment and shall be subject to the satisfactory completion of a probationary period of one year. Canal Zone Career-Conditional Appointments shall be automatically converted to Canal Zone Career Appointments upon completion of the service requirement. A merit status shall be acquired upon completion of a satisfactory probationary period.

STANLEY R. RESOR,
Secretary of the Army.

[F.R. Doc. 65-11892; Filed, Nov. 4, 1965; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Restoration of Limit of Liability Endorsement

On September 16, 1965, the Commission published in the FEDERAL REGISTER (30 F.R. 11873) for public comment, a proposed amendment to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," consisting of an amendment to an endorsement to the form of the nuclear energy liability insurance policy set forth in Appendix A, 10 CFR Part 140 (25 F.R. 2948, 26 F.R. 6641, 28 F.R. 7077, 29 F.R. 7710 and 29 F.R. 9529). The amendment would provide for an alternate paragraph in the "Restoration of Limit of Liability Endorsement." The alternative provision would be used when the reduction in the limit of liability results from a clearly identifiable nuclear event and restoration of the limit would be made retroactive to the effective date of the policy for claims other than those resulting from the identified event.

The Commission has decided to adopt the proposed amendment. The text of the amendment set out below is identical with the text of the proposed amendment published September 16, 1965, as corrected by publication September 22, 1965.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of 10 CFR Part 140 is published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 140.75, Appendix A, is amended by adding an explanatory note and alternative paragraph 2 to follow existing paragraph 2 of the Nuclear Energy Lia-

bility Policy (Facility Form), Restoration of Limit of Liability Endorsement, to read as follows:

NOTE: When the reduction of the limit of liability results from a clearly identifiable nuclear event and restoration is offered retroactive to the effective date of the policy for claims other than those resulting from said event, above paragraph 2 will be replaced by the following:

2. Such reduced limit is restored to the amount stated in Item 4 of the declarations, except with respect to bodily injury or property damage resulting from (describe nuclear event).

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

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

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 65-11888; Filed, Nov. 4, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-SW-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to relocate the boundary between Restricted Areas R-5107B and R-5107C at White Sands Proving Grounds, N. Mex.

This boundary change will remove a small portion from the southeast corner of R-5107C. R-5107C is a joint use area while R-5107B is a nonjoint use area. Occasionally when R-5107C is not in use except for that portion overlying the White Sands Missile Range, the entire area is withheld from public use because of the need to protect aircraft from the activity within that portion of the missile range. Realignment of the boundary will increase the availability of R-5107C for public use.

Since this amendment is less restrictive upon the public and minor in nature, notice and public procedure hereon are unnecessary and the amendment may be effective in less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 6, 1966, as hereinafter set forth.

In § 73.51 (29 F.R. 17756), the present boundaries of R-5107B and R-5107C at White Sands Proving Grounds, N. Mex., are deleted and the following boundaries are substituted therefor.

R-5107B WHITE SANDS PROVING GROUNDS,
N. MEX.

Boundaries: Beginning at latitude 33°44'45" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 33°49'30" N., longitude 106°16'30" W.; thence along the south side of U.S. Highway 380 to the point of beginning.

R-5107C WHITE SANDS PROVING GROUNDS,
N. MEX.

Boundaries: Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'45" N., longitude 106°04'00" W.; thence along the south side of U.S. Highway 380 to latitude 30°49'30" N., longitude 106°16'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.

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

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

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-11902; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6608o.]

PART 13—PROHIBITED TRADE PRACTICES

Fruehauf Trailer Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets*: 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Order of divestiture, Fruehauf Trailer Co., Detroit, Mich., Docket 6608, May 28, 1965]

Order requiring the Nation's dominant manufacturer of truck trailers located in Detroit, Mich., to divest itself absolutely within a period of 1 year of two former competitors: (1) Hobbs Manufacturing Co., Fort Worth, Tex., and Hobbs Trailer & Equipment Co., Dallas, Tex., acquired on November 1, 1955, and (2) The Strick Co., Philadelphia, Pa., and Strick Plastic Corp., Perkaskie, Pa., acquired on January 1, 1956; and requiring the two firms be recreated as effective competitors in the truck-trailer industry, and to comply with other obligations of the Order as set forth below.

The order of divestiture including further order requiring report of compliance therewith is as follows:

It is ordered, That:

I. (A) Respondent Fruehauf Trailer Co., a corporation, and its officers, directors, agents, representatives, and employees, shall, within one (1) year from the date this order becomes final, divest itself absolutely, in good faith, of all assets acquired by said respondent from Hobbs Manufacturing Co. and Hobbs Trailer & Equipment Co. (hereinafter called Hobbs), together with so much of the plants, machinery, buildings, improvements, equipment, and other property of whatever description that have been added to or placed upon the premises formerly owned by Hobbs, as may be necessary to restore Hobbs as a going concern and effective competitor in all the lines of commerce in which it was engaged immediately prior to its acquisition by respondent.

As used in this order, "assets" shall include any properties, rights and privileges, tangible and intangible, including but not limited to all plants, machinery, equipment, contract rights, patents, licenses, trade names, trademarks, and good will of whatever description.

(B) Pending divestiture, Fruehauf Trailer Co. shall not make any changes in any of the above-mentioned assets which impair their present capacity for the production, distribution, sale or financing of truck trailers, or impair their market value, unless said capacity or value is restored prior to divestiture.

(C) Respondent in such divestiture shall not sell or transfer, directly or indirectly, any of the assets to be divested to anyone who at the time of the divestiture is a stockholder, officer, director, representative, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliated companies, or to anyone who is not approved as a purchaser in advance by the Federal Trade Commission.

(D) If respondent divests the assets, properties, rights and privileges, described in paragraph A of this order, to a new corporation or corporations, the stock of each of which is wholly owned by Fruehauf Trailer Co., and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of Fruehauf Trailer Co., in proportion to their holdings of Fruehauf Trailer Co. stock, then paragraph (C) of this order shall be inapplicable, and the following paragraphs (E) and (F) shall take force and effect in its stead.

(E) No person who is an officer, director or executive employee of Fruehauf Trailer Co., or who owns or controls, directly or indirectly, more than one (1) percent of the stock of Fruehauf Trailer Co., shall be an officer, director or executive employee of any new corporation or corporations described in paragraph (D) or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph (D).

(F) Any person who must sell or dispose of a stock interest in Fruehauf Trailer Co. or the new corporation or corporations described in paragraph (D) in order to comply with paragraph (E) of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of Fruehauf Trailer Co.

II. (A) Respondent, Fruehauf Trailer Co., a corporation, and its officers, directors, agents, representatives, and employees shall, within one (1) year from the date this order becomes final, divest itself absolutely, in good faith, of all assets of its Strick Trailers Division and such other assets as may be necessary to restore The Strick Co. and Strick Plastics Corp. as a going concern and effective competitor in all the lines of commerce in which it was engaged immediately prior to its acquisition by respondent.

As used in this order, "assets" shall include any properties, rights and privileges, tangible and intangible, including but not limited to all plants, machinery, equipment, contract rights, patents, licenses, trade names, trademarks, and good will of whatever description.

(B) Pending divestiture, respondent shall not make any changes in any of the above-mentioned assets which impair their present capacity for the production, distribution, sale or financing of truck-trailers, or impair their market value, unless such capacity or value is restored prior to divestiture.

(C) Respondent in such divestiture shall not sell or transfer, directly or indirectly, any of the assets to be divested to anyone who at the time of divestiture is a stockholder, officer, director, representative, employee or agent of, or under the control, influence or direction of respondent or any of respondent's subsidiary or affiliated companies, or to anyone who is not approved in advance by the Federal Trade Commission.

(D) If respondent divests the assets, properties, rights and privileges, described in paragraph A of this order, to a new corporation or corporations, the stock of each of which is wholly owned by Fruehauf Trailer Co., and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of Fruehauf Trailer Co., in proportion to their holding of Fruehauf Trailer Co. stock, then paragraph (C) of this order shall be inapplicable, and the following paragraphs (E) and (F) shall take force and effect in its stead.

(E) No person who is an officer, director or executive employee of Fruehauf Trailer Co., or who owns or controls, directly or indirectly, more than one (1) percent of the stock of Fruehauf Trailer Co., shall be an officer, director or executive employee of any new corporation or corporations described in paragraph (D) or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph (D).

(F) Any person who must sell or dispose of a stock interest in Fruehauf Trailer Co. or the new corporation or corporations described in paragraph (D) in order to comply with paragraph (E) of this order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of Fruehauf Trailer Co.

III. Respondent Fruehauf shall, within sixty (60) days from the date this order shall become final, and every ninety (90) days thereafter until divestiture is fully effected, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the provisions of this order.

It is further ordered, That the charges of Count I of the complaint with respect to the Carter, Brown, Independent Metals, and Hyde acquisitions and the charges of Count II of the complaint be, and they hereby are, dismissed.

Issued: May 28, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 65-11918; Filed, Nov. 4, 1965;
8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Order No. 308; Docket No. R-279]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CER- TIFICATES OF PUBLIC CONVEN- IENCE AND NECESSITY AND FOR ORDERS PERMITTING AND AP- PROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

PART 250—FORMS

Miscellaneous Amendments

OCTOBER 29, 1965.

This order amends the regulations under the Natural Gas Act to grant relief from certificate and rate filing requirements in the case of small producer sales in the Permian Basin area. By notice of August 5, 1965 (30 F.R. 10058), issued the same day as the Commission's decision in the Permian Basin area rate case (Docket No. AR61-1), the Commission proposed to relieve small producers of the necessity for filing detailed certificate and rate documents for each sale. Instead, a small producer would operate under a general certificate authorizing one or more sales in the area and would file a single annual rate statement of compliance with the appropriate area price restrictions. Our Permian decision provided that sales made pursuant to a small producer certificate should at no time exceed the base price determined as

just and reasonable, but would not be subject to the further detailed quality adjustments.

Pursuant to the notice of rulemaking, eleven parties have filed comments with the Commission.¹ Amerada, Cockrell, Hunt, and Sun generally oppose the rulemaking proposal. Thus, Amerada contends that the rule constitutes unwarranted discrimination in favor of small producers. The distinguishing characteristics justifying special relief for small producers were set forth in our Permian decision (Opinion No. 468, 34 FPC ____). Moreover, such procedural relief in favor of small producers compensates for some advantages that only large producers enjoy as a practical matter. Thus, "producer warranty-type" sales which have become prevalent in recent years² offer many advantages to pipeline purchasers, but require a degree of reserves support which small producers cannot provide. Our rule helps to correct the imbalance. Moreover, the comments filed by Associated Gas Distributors, OIPA, and TIPRO observe that the rule would improve the marketing of natural gas, simplify the administration of the Act, and benefit both gas consumers and small producers.

Hunt Oil Co., et al. argue that the 10 million Mcf cutoff between large and small producers is arbitrary and unwarranted. Hunt suggests that evidence it offered in another proceeding would justify a higher cutoff. As TIPRO has observed, the 10 million Mcf cutoff evolved out of Commission experience. A line must be drawn at some point; we believe 10 million Mcf is here justified. Addison v. Holly Hill Products, Inc., 322 U.S. 607, 611.

OIPA urges that the proposed rule be extended immediately to pricing areas outside the Permian Basin. There are no just and reasonable rate determinations for the other areas at this time. OIPA would have us use the guideline certificate price under our general policy statement (18 CFR 2.56) as the basis for issuing small producer certificates. However, the appropriate initial price is often subject to controversy and resolution in particular hearings; both producer and consumer interests sometimes contend that the appropriate "in-line" price differs from our guideline. In any event, we believe that our procedural innovation should be tested fully in the Permian Basin area before we consider a separate rulemaking proceeding to extend similar relief to small producer sales elsewhere.

A number of comments question the intent of the proposed rule in situations where two or more producers have an interest in a single sale. We shall clarify

¹ Amerada Petroleum Corp., Associated Gas Distributors, E. Cockrell, Jr., El Paso Natural Gas Company, Hunt Oil Company, et al., Independent Petroleum Association of America, Oklahoma Independent Petroleum Association, Southern Natural Gas Company, Sun Oil Company, Texas Independent Producers & Royalty Owners Association, and United Gas Pipe Line Company.

² Pan American Petroleum Corp., 34 FPC _____, order issued Sept. 15, 1965, in Docket No. C165-584.

the rule to extend relief to every interest of a qualifying small producer, this will include situations in which a small producer's interest is sold under his own contract, or under a large producer's contract, or under another small producer's contract. Where several small producers have interests in a single contract, we shall permit them to be covered by a single small producer certificate. Moreover, where large producer interests in a small producer contract amount to 12½ percent or less, we shall permit the small producer certificate to cover these fractional interests as well as small producer interests. Hunt et al. urge that the rule be amended to cover large producer interests greater than 12½ percent under a small producer certificate. Hunt points out that large producers often farm out leases to small producers retaining an overriding royalty interest in the property (which is sometimes convertible on certain contingencies to a working interest). Hunt says that it "is not uncommon for this overriding royalty interest to exceed 12½ percent." Hunt does not contend, however, that overrides in excess of 12½ percent are common in the Permian Basin area and our attention has not been called to any such instances in this area. On the other hand, the Commission's files reflect a number of farm out agreements in which large producers in the Permian Basin area have retained less than a 12½ percent overriding royalty interest (e.g. seven-eighths of one-eighth interest).³ On the basis of the information and experience now available, we do not believe that any further modification of the rule is warranted.

In order to permit large producers whose interests are covered by small producer rate schedules to file rate schedules of their own, we shall amend the Regulations to permit such filings, even if the large producer is not a signatory to the gas purchase contract. In such cases, the large producer's rate schedule will consist of a copy of the small producer's contract and a document indicating the large producer's ownership interest. As matters now stand, exercise of this rule will be quite rare.

A number of comments (by Hunt et al., IPAA and TIPRO) criticize the proposed provision creating a presumption that producers who are related are under common control and therefore should be treated as one for purposes of determining whether they are small producers. We shall clarify the intent of the rule by providing that relationship may be the basis of common control without creating a formal presumption that such is the case in every instance.

El Paso has suggested that pipeline companies be excluded from the definition of "affiliated producers" under the common control test. We do not adopt this suggestion and make clear, to the contrary, that a company which is affiliated with a pipeline company is not

³ There are a few instances in the Permian Basin in which a large producer has a working interest exceeding 12½ percent in a small producer contract.

eligible for the "small producer" classification, even though its jurisdictional sales be small. The rationale underlying the special relief afforded small producers applies only to fully-independent entities and not to companies which have the advantage of a pipeline affiliation.

El Paso further suggests a clarification to provide that joint operating agreements between two or more producers will not, standing alone, be deemed to indicate common control. This we adopt.

We also adopt El Paso's suggestion that the volumetric test of a small producer, 10 million Mcf a year, be applied on a calendar year basis.

El Paso suggests that where a small producer becomes a large producer, he should be required to make new certificate and rate schedule filings for his previously authorized contracts. We see no reason to impose this burden upon the producer who expands his operation and we do not adopt the suggestion.

Sun Oil Co. suggests that the rule would be more specific if the 10 million Mcf cutoff were tied to a particular pressure base. We shall adopt this suggestion, and select the pressure base of 14.65 p.s.i.a. utilized in Opinion No. 458. Sun further criticizes as vague a provision permitting revocation of a small producer certificate for "other good cause". We agree and shall substitute a provision for revocation in case of violation of the Natural Gas Act, regulations or terms of the certificate.

Sun also expresses the fear that the wording of our rule may subject small producer sales to detailed quality differential adjustments, contrary to the holding in the Permian decision. In order that our rule may be explicit and self-contained, we shall spell out the prices governing sales under a small producer certificate in the language of the Permian decision. If a small producer seeks a different price for a particular sale, he would do so by applying for a separate certificate for that sale.

TIPRO suggests that the application for a small producer certificate list owners of 10 percent or more of the applicant, rather than 5 percent or more as proposed by the notice. TIPRO asserts that this change would substantially reduce the administrative burdens upon applicants. As a matter of administrative convenience we shall adopt TIPRO's proposal.

Southern Natural and El Paso request service of applications for small producer certificates and copies of the Commission's order upon all existing purchasers. Commission practice provides for such service of Commission orders and will continue in effect. We shall adopt the suggestion as to service of the applications.

United Gas Pipeline asserts that the proposed reporting by purchasers from holders of small producer certificates would be unduly burdensome and urges that any reports be filed by the small producers. We do not consider the proposed amendment to the Form 2 to be unduly burdensome. However, the notice proposed reporting in the Form 2 and 2A annual reports only. Since these

reports are made only by pipeline companies, the notice did not extend to reporting by independent producers who purchase gas from small producers. The Commission desires to adopt a reporting procedure applicable to all purchasers from small producers and will, to that end, issue a further notice of proposed rulemaking in this docket limited to the matter of reporting.

The Commission finds:

The amendments herein adopted are necessary and appropriate for the purposes of the administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 830; 56 Stat. 83; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717g) orders:

(A) Parts 154 and 157 of Subchapter E and Part 250 of Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows:

1. Part 157 is amended by adding a new § 157.40 as follows:

§ 157.40 Small producer certificates of public convenience and necessity.

(a) *Definitions.* (1) A "Small Producer" is an independent producer of natural gas as defined in § 154.91 of this chapter, who is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with such sales of "affiliated producers" are not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during any calendar year. As used in this section, the term "jurisdictional sales" includes volumes of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within this section has an interest in such sales, but does not include sales made pursuant to percentage sales contracts.

(2) "Affiliated producers" are persons who, directly or indirectly, control, or are controlled by, or are under common control with, the applicant producer. Such control exists if the producer has the power to direct or cause the direction of, or as a matter of actual practice does direct, the management and policies of a person, whether such power is exercised alone or through one or more intermediary companies, or pursuant to an agreement, and whether such power or practice is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, relationship of blood or marriage, or any other direct or indirect means. For the further purposes of this section, the term "agreement" shall not include any agreement for the operation of a natural gas producing property or a plant processing natural gas unless such agreement otherwise establishes the power to direct or cause the direction of the management and policy of a person.

(3) "Small producer sales" are (i) sales by a small producer of his own interests under his own contracts; (ii)

sales of all interests under a small producer's contract if producers not qualifying as smaller producers have interests which in the aggregate are no greater than 12½ percent; and (iii) sales of a small producer's interests under another producer's contract.

(b) *Requirements for the small producer certificate.* Upon the approval of appropriate applications made pursuant to the provisions of this section, Small Producers will be granted "Small Producer Certificates" authorizing "small producer sales" of natural gas in interstate commerce at prices no higher than the applicable just and reasonable area ceiling for such gas, without further certification from the Commission.

(1) Small Producer Certificates are initially available only to Small Producers operating in the Permian Basin and are applicable only to their small producer sales in that area and will authorize sales at prices no higher than:

(i) For new gas-well gas sold and to be sold pursuant to contracts executed on or after January 1, 1961, and any residue gas derived therefrom:

(a) In Texas Railroad Districts No. 7-c and 8—16.5 cents per Mcf (at 14.65 p.s.i.a.).

(b) In Lea, Eddy and Chaves Counties in New Mexico—15.5 cents per Mcf (at 14.65 p.s.i.a.) plus the applicable state and local production taxes in effect on September 1, 1965.

(ii) For gas-well gas, sold and to be sold pursuant to contracts executed before January 1, 1961, and any residue gas derived therefrom, and for all casinghead gas and any residue gas derived therefrom and to be sold:

(a) In Texas Railroad Districts No. 7-c and 8—14.5 cents per Mcf (at 14.65 p.s.i.a.).

(b) In Lea, Eddy and Chaves Counties in New Mexico—13.5 cents per Mcf (at 14.65 p.s.i.a.) plus the applicable state and local production taxes in effect on September 1, 1965.

(iii) "Gas-well gas" means gas from dry gas reservoirs and gas condensate reservoirs, and gas from gas-cap wells.

Such certificates will apply to the production in other areas and the producers therein located upon the fixing of just and reasonable rates for such areas by the Commission.

(2) Small producers may apply for a small producer certificate to cover all previous and all future jurisdictional sales in the Permian Basin, which do not raise the producer's total jurisdictional sales on a nationwide basis above 10,000,000 Mcf during any calendar year. Applications by these producers shall include the following information: (i) Total jurisdictional sales on a nationwide basis for the year preceding the application; (ii) a list of outstanding certificates and rate schedules together with names and percentage of interest of other interest owners under such rate schedules; (iii) a list of outstanding rate schedules of others in which applicant owns an interest together with applicant's percentage of interest; and (iv) the names of all owners (stockholders, partners, joint venturers, etc.) of the applicant with an

interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company, and any positions such owners may hold with another natural gas company.

(3) An applicant for small producer certificates who has no outstanding certificate issued by, or rate schedule filed with, this Commission for the sale of natural gas shall include the following information in his application:

(i) A list of all contracts to sell natural gas in interstate commerce,

(ii) Source of production, total rate and the annual volume delivery obligations of the producer under each such contract, together with names and percentage of interest of other interest owners under each such contract, and

(iii) A list of owners of the applicant with an interest of 10 percent or more, their percentage of ownership in the applicant and in any other natural gas company and any position such owners may hold with another natural gas company.

(4) The application shall contain the information required by the form set out in § 250.10 of this chapter. A conformed copy shall be served upon each of the applicant's purchasers without regard to the area from which the gas is produced.

(c) *Duration of the small producer certificate.* A small producer certificate issued hereunder shall remain in effect for small producer sales until the Commission on its own motion or on application terminates such certificate because the producer no longer qualifies as a small producer or fails to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificate. Upon such termination the producer will be required to file separate certificate applications and individual rate schedules for future sales but the small producer certificate will still be effective as to those past sales already certificated thereunder.

2. Part 154 is amended by adding a new paragraph (f) to § 154.91; by redesignating § 154.103 as § 154.110 and amending it; and by adding a new § 154.104, as follows:

§ 154.91 Applicability.

(f) *Filings by certain non-signatories.* Where the operator and the signatory co-owners in a particular sale have secured a small producer certificate pursuant to § 157.40 covering the sale, and where any non-signatory co-owner's interests are not covered by the small producer certificate, such co-owner may file rate schedules, rate changes, or certificate applications with respect to such interests notwithstanding the provisions of paragraph (d) of this section.

§ 154.103 [Vacated, reserved]

§ 154.104 Annual statements by small producers.

Annual statements certifying to the matters enumerated in the form set out in § 250.11 of this chapter shall be filed by all producers, either individually or

by groups, to whom small producer certificates have been issued. The statements shall be submitted by February 15 of each year for the preceding calendar year.

§ 154.110 Applicability of §§ 154.92 through 154.102.

Sections 154.92 through 154.102 shall apply only to those persons specified in § 154.91 and shall not apply to small producer sales made under small producer certificates issued pursuant to § 157.40 of this chapter.

3. Part 157 is further amended by redesignating § 157.31 as § 157.39 and amending it as follows:

§ 157.31 [Vacated, reserved]

§ 157.39 Applicability of §§ 157.23 through 157.30.

Sections 157.23 through 157.30 shall be applicable to independent producers as defined in § 154.91 of this Chapter, with the exception of those independent producers who are subject to § 157.40.

4. Part 250 is amended by adding two new sections, as follows:

§ 250.10 Application for small producer certificate of public convenience and necessity.

(See § 157.40(b) (4) of this chapter.)

APPLICATION FOR SMALL PRODUCER—CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOTE: Independent Producers of natural gas whose total jurisdictional sales on a nationwide basis for the preceding calendar year, combined with those of "affiliated producers," were not in excess of 10,000,000 Mcf may file the information called for in the following form: In four copies, to the Federal Power Commission, Washington, D.C., 20426. Include volume of gas paid for but not taken under prepayment clauses or otherwise, and volumes of gas sold under other independent producer rate schedules in the proportion that the independent producer seeking to come within section 157.40 has an interest in such sales. Do not include sales made pursuant to percentage sales contracts. If insufficient space is given for a complete answer, continue the answer on the reverse side, noting the relevant number.

1. Name of applicant		2. State of organization	
3. Location of principal place of business		4. Type of organization (corporation, partnership, joint venture, etc.)	
5. Names of States in which authorized to do business.			
6. Name, title and mailing address of person responsible for application.			
(Name and title)		(Mailing address)	
7. Total jurisdictional sales volumes at 14.65 p.s.i.a. for preceding calendar year.			
8. List all certificates presently held by docket number and all contracts on file with the Commission as rate schedules by rate schedule name and number.			
9. If applicant does not have any outstanding certificates issued by the Commission for the sale of gas, list for each jurisdictional sale or transportation contract: (a) Name of purchaser; (b) sources of production by State, county and field; (c) annual contract volume delivery obligation (indicate p.s.i.a. per Mcf); (d) total price per Mcf at time of filing.			
10. List all owners of more than 10 percent interest in applicant: (a) Individual name; (b) percent of ownership.			
11. List all interest owned by the individually named owners in other natural gas companies: (a) Individual name; (b) company names; (c) percent of ownership.			
12. List any positions held by these individual owners in applicant company or any other natural gas company.			
13. Is applicant or any individual owner listed, affiliated with any purchaser of jurisdictional gas from applicant (if so list name of buyer and seller for each such sale and nature of affiliation).			
14. List all owners of more than 1/4 interest in each gas sale contract to be covered by this certificate and the amount of their interest.			
(Signature)		(Title)	(Date)

§ 250.11 Annual statement for independent producers holding small producer certificates.

(See § 157.40(c) of this chapter.)

I hereby certify that total sales subject to the jurisdiction of the Federal Power Commission made by the undersigned under Docket No. _____ for the calendar year 19__ were _____ Mcf at 14.65 p.s.i.a.

I certify also that all sales for which separate certificates were not obtained were "small producer sales" as defined in section 157.40 and were made at prices not in excess of the applicable area rates fixed by the Commission.

(Name of small producer)

Signed
Representative
capacity

(Secs. 4, 7, 16, 52 Stat. 822, 824, 830; 56 Stat. 83; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o)

(B) The amendments prescribed herein shall become effective upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11893; Filed, Nov. 4, 1965; 8:49 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 F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1793) filed by American Cyanamid Co., Wayne, N.J., 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for broader use of cyanoguanidine as a catalyst for epoxy resins in food-contact coatings by deleting the limitation presently restricting this epoxy resin catalyst to use only in coatings intended for repeated use in contact with food. The deletion of this limitation will permit cyanoguanidine to be used as a catalyst for epoxy resins employed in coatings intended for one-time use in contact with food in addition to coatings intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the

Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2514(b) (3) (viii) (b) is amended by changing the item "Cyanoguanidine for use only in coatings subject to the provisions of paragraph (c) (3) or (4) of this section" to read as follows:

§ 121.2514 Resinous and polymeric coatings.

- • • • •
• • • • •
(b) • • • • •
(3) • • • • •
(viii) • • • • •
(b) • • • • •

Cyanoguanidine.

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: October 29, 1965.

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

[F.R. Doc. 65-11904; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Public Housing Administration, Housing and Home Finance Agency

PART 1500—GENERAL PROCEDURAL PROVISIONS

Seal

Chapter III, Public Housing Administration, is amended by adding a new § 1500.8 Seal as follows:

§ 1500.8 Seal.

On and after November 9, 1965, the seal of the Department of Housing and Urban Development as approved by the Secretary pursuant to section 7(g) of P.L. 89-174, 79 Stat. 670, shall be the seal to be affixed to documents executed in

the name of the Public Housing Administration which require the seal of the Public Housing Administration.

Approved: October 29, 1965.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 65-11900; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3858]

[Arizona 035025]

ARIZONA

Withdrawal for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 28, 1952 (17 P.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws, in aid of programs of the Department of Agriculture:

GILA AND SALT RIVER MERIDIAN

APACHE NATIONAL FOREST

As an Administrative Site

T. 5 N., R. 30 E.,

Sec. 14, N $\frac{1}{2}$ SE $\frac{1}{4}$.

Containing 80 acres.

COCONINO NATIONAL FOREST

For Protection of Archeological Values of Great Antiquity

T. 13 N., R. 5 E.,

Sec. 11, lots 3 and 4.

T. 21 N., R. 9 E.,

Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 16 N., R. 11 E.,

Sec. 12, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 13, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;

NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$;

SE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 310.20 acres.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 29, 1965.

[F.R. Doc. 65-11901; Filed, Nov. 4, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15722]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments; Correction

In the matter of amendment of Part 2 of the Commission's Rules to conform, to the extent practicable with the Geneva (1959) Radio Regulations, as revised by the Space EARC, Geneva, 1963.

In the Appendix to the Report and Order in the above entitled matter which was released on May 20, 1965, and published in the FEDERAL REGISTER on May 28, 1965 (30 F.R. 7153), § 2.106 of the Table of Frequency Allocations, is corrected with respect to the band 7300-7750 Mc/s to read as shown below.

(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: November 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

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

Section 2.106 of the Commission's rules is amended, in part, to read as follows:

Band (Mc/s)	Service
(7)	(8)
7300-7750	COMMUNICATION-SATELLITE (US91). METEOROLOGICAL-SATELLITE (G/NG) (US92). [FIXED(G) MOBILE(G)].

[F.R. Doc. 65-11911; Filed, Nov. 4, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kootenai National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publica-

tion in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting season makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots and gallinules on the Kootenai National Wildlife Refuge, Idaho, is permitted from November 6, 1965, through January 16, 1966, and the hunting of geese from November 6, 1965, through January 6, 1966, but only on the area designated by signs as open to hunting. This open area comprising 2,530 acres is delineated on maps available at the refuge headquarters, Bonners Ferry, Idaho, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1966.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1965.

[F.R. Doc. 65-11908; Filed, Nov. 4, 1965; 8:47 a.m.]

PART 32—HUNTING

Kootenai National Wildlife Refuge, Idaho

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

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

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants and blue, ruffed and spruce grouse on the Kootenai National Wildlife Refuge, Idaho, is permitted from November 6 through November 14, 1965,

but only on the area designated by signs as open to hunting. This open area comprising 2,530 acres is delineated on maps available at refuge headquarters, Bonners Ferry, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1965.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1965.

[F.R. Doc. 65-11907; Filed, Nov. 4, 1965; 8:47 a.m.]

PART 32—HUNTING

Kootenai National Wildlife Refuge, Idaho

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

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

IDAHO

KOOTENAI NATIONAL WILDLIFE REFUGE

The public hunting of deer and bear on the Kootenai National Wildlife Refuge, Idaho, is permitted from November 6 through November 28, 1965, but only on the area designated by signs as open to hunting. This open area comprising 2,530 acres is delineated on maps available at refuge headquarters, Bonners Ferry, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer and bear.

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

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 29, 1965.

[F.R. Doc. 65-11906; Filed, Nov. 4, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Parts 201, 206, 251, 287]

CHARGES AND FEES FOR CERTAIN SERVICES

Notice of Extension of Time for Filing Comments

In notice of proposed rule making appearing in F.R. Doc. 65-10742, in the FEDERAL REGISTER issue of October 9, 1965 (30 F.R. 12889), comments on the proposed charges or fees were permitted to be filed "by close of business on November 8, 1965."

Notice is hereby given that the time within which comments may be filed is extended to "by close of business on December 1, 1965."

By order of the Maritime Administrator.

Dated: November 3, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-11947; Filed, Nov. 4, 1965;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGLOS GROWN IN FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1965-66 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and necessary to be incurred by the Growers Administrative Committee during the period August 1, 1965, through July 31, 1966, will amount to \$163,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.005 per standard packed box.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as

is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 2, 1965.

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

[F.R. Doc. 65-11923; Filed, Nov. 4, 1965;
8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 2, 50, 115]

LICENSE AND COMPLIANCE PROCEEDINGS

Review of Initial Decisions

The Commission has under consideration amendments to its rules of practice, Part 2, which would eliminate the present procedure for petitions for review of initial decisions in licensing and compliance proceedings and substitute appeals as of right by the filing of exceptions by the parties, and amendments to related sections of Part 50—Licensing of Production and Utilization Facilities; and Part 115—Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements. Those sections presently prescribe, or refer to, a procedure whereby Commission review of initial decisions may be had only by the filing of a petition for review which the Commission in its discretion may or may not grant.

Experience under that procedure indicates that the use of the petition for review delays, rather than expedites, the disposition of cases, by adding additional steps to the adjudicatory process. It has not, on the other hand, lessened the workload of either the Commission or the staff. Accordingly, the Commission is considering adoption of the less cumbersome procedure of allowing appeals from initial decisions by the filing of exceptions. These amendments would not affect the Commission's opportunity to review initial decisions within 45 days on its own motion. The Commission's principal purpose here is not to encourage the taking of appeals from initial

decisions, but rather to expedite the Commission's decisional process by the elimination of procedural requirements which have not proved necessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR Parts 2, 50, and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Paragraph (i) of § 2.743 is revised to read as follows:

§ 2.743 Evidence.

(i) *Official notice.* Official notice may be taken of any fact of which judicial notice might be taken by the courts of the United States and of any technical or scientific fact within the knowledge of the Commission as an expert body, if (1) the fact is specified in the record or is brought to the attention of the parties before final decision, and (2) every party adversely affected by the decision is afforded an opportunity to controvert the fact. Any party may oppose a request that official notice be taken of a fact. If a decision is stated to rest in whole or in part on official notice of a fact which the parties have not had a prior opportunity to controvert, a party may controvert the fact by exceptions to an initial decision or a petition for reconsideration of a final decision, clearly and concisely setting forth the information relied on to show the contrary.

2. Paragraph (a) and subparagraphs (3) and (4) of paragraph (c) of § 2.760 are revised to read as follows:

§ 2.760 Initial decision and its effect.

(a) After hearing, the presiding officer will render an initial decision which will constitute the final action of the Commission 45 days after its date when it authorizes the issuance or amendment of a license for a facility, or thirty days after its date in any other case, unless exceptions are taken in accordance with section 2.762 or the Commission directs that the record be certified to it for final decision.

(c) * * *

(3) The appropriate ruling, order or denial of relief with the effective date;

(4) The time within which exceptions to the decision may be filed, the time within which briefs in support of or in opposition to the exceptions may be filed and, in the case of an initial decision which may become final in accordance with paragraph (a) of this section, the date when it may become final.

3. Subparagraph (1) of § 2.761(a) and subparagraph (1) of § 2.761(c) are revised to read as follows:

§ 2.761 Expedited decisional procedure.

(a) * * *
 (1) All parties stipulate that the initial decision may be omitted and waive their rights to file exceptions, to request oral argument, and to seek judicial review;

(c) * * *

(1) All parties stipulate that the initial decision may be made effective immediately and waive their rights to file exceptions, to request oral argument, and to seek judicial review.

4. Section 2.762 is revised to read as follows:

§ 2.762 Exceptions to initial decisions and briefs to the Commission.

(a) Within 20 days after service of any initial decision, or such longer period as may be fixed therein, any party may file exceptions to the decision with the Commission and shall serve copies of such exceptions on all other parties. Each exception shall be separately numbered, shall identify the part of the initial decision to which objection is made; shall specify precisely the portions of the record relied upon; and shall state the grounds for the exception including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions will be deemed to be waived.

(b) Within such period after service of an initial decision as may be fixed therein, any party to a proceeding may file a brief before the Commission in support of his exceptions to the decision or in opposition to the exceptions filed by any other party.

5. Section 2.763 is revised to read as follows:

§ 2.763 Oral argument.

In its discretion the Commission may allow oral argument upon the request of a party made in his exceptions or brief, or upon its own initiative.

6. Paragraph (b) of § 2.764 is revised to read as follows:

§ 2.764 Expedited effectiveness of initial decision directing issuance or amendment of construction permit.

(b) If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending the filing, within five (5) days after its issuance, of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission on the exception.

7. Paragraph (a) of § 2.771 is revised to read as follows:

§ 2.771 Petition for reconsideration.

(a) A petition for reconsideration of a final decision may be filed by a party within ten (10) days after the date of the decision. No petition may be filed with respect to an initial decision which has become final through failure to file exceptions thereto.

8. Paragraph (e) of § 50.57 is revised to read as follows:

§ 50.57 Provisional operating license.

(e) In a case where a hearing has been held in connection with a proceeding under this section the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective ten (10) days after issuance subject to (1) the review thereof and further decision by the Commission upon exceptions filed by any party, and (2) such order as the Commission may enter upon such exceptions or upon its own motion within forty-five (45) days after the issuance of such initial decision. In the absence of a Commission order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such forty-five (45) day period. If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending filing within five (5) days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission on the exception.

9. Paragraph (e) of § 115.45 is revised to read as follows:

§ 115.45 Provisional operating authorization.

(e) In a case where a hearing has been held in connection with a proceeding under this section the presiding officer may, upon written motion and upon good cause shown, provide that any initial decision issued pursuant to this section shall become effective ten (10) days after issuance subject to (1) the review thereof and further decision by the Commission upon exceptions filed by any party, and (2) such order as the Commission may enter upon such exceptions, or upon its own motion within forty-five (45) days after the issuance of such initial decision. In the absence of a Commission order pursuant to the foregoing, and in the absence of exceptions to the initial decision, the initial decision shall become the final decision of the Commission at the end of such forty-five (45) day period. If any party opposes the motion for expedited effectiveness of the initial decision, the presiding officer may stay its effectiveness pending filing within five (5) days after its issuance of an exception to the provision for expedited effectiveness, and thereafter until decision by the Commission on the exception.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

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

For the Atomic Energy Commission,

F. T. HOBBS,
Assistant Secretary.

[F.R. Doc. 65-11921; Filed, Nov. 4, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 25]

[Docket No. 7008; Notice No. 65-33]

HYDRAULIC SYSTEM FOR TRANSPORT CATEGORY AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 25 of the Federal Aviation Regulations to prescribe more comprehensive design and test requirements for airplane hydraulic systems and to require that the reliability of the systems be established by functional tests and analyses.

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 January 5, 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.

The current airworthiness regulations governing hydraulic systems on transport category airplanes have been in effect without significant change since 1952. During this period of time, however, aircraft design has advanced to the point where the required hydraulic systems are substantially more complex than any contemplated at the time of the adoption of the current rules. Service experience with hydraulic systems meeting the current design requirements has established that there is a need for more detailed and comprehensive regulations concerning the hydraulic systems. In this connection, it is proposed to amend the present strength, design, and fire protection requirements for hydraulic systems and to add a new regulation concerning the reliability of the systems.

At the present time all elements of the hydraulic system must be designed to withstand all structural loads without permanent detrimental deformation. However, the Agency is aware that a temporary deformation can cause a pressure or flow restriction. Therefore, it is proposed to amend the regulations to require that all elements must be designed to withstand all structural loads without any detrimental deformation.

It is further proposed to change the present regulations to require that there be no detrimental deformation under limit structural loads plus system design operating pressure loads and that there be no rupture under ultimate structural loads plus system design operating pressure loads.

Under this proposal, the pressure test requirements would be amended to make it clear that the complete system as installed in an aircraft must be tested to a pressure of 1.5 times the design operating pressure. On the other hand, each element in a hydraulic system would be required to be pressure-tested to withstand without rupture various specified ultimate pressures.

In some aircraft the fluid surge pressure and the ambient temperature in engine nacelles has been found to exceed the design conditions for the hydraulic system hoses, seals, and packings. Therefore, the Agency considers it necessary to require a fluid temperature indicator at a crewmember station. Moreover, in order to provide, without delay, complete information to the flight crew concerning the condition of the hydraulic system, it is proposed to require a hydraulic fluid quantity indicator as a necessary supplement to the pressure and fluid temperature indicator.

Service experience has shown that the general requirements of § 25.1309 concerning systems and installations are too broad to ensure the necessary reliability in the modern, complex hydraulic systems. Therefore, the Agency considers it necessary to specifically require that compliance with § 25.1309 be shown by functional tests and analyses of the hydraulic system as installed in the aircraft. However, the regulation permits the use of a mockup of the system if it provides for interaction among portions of the hydraulic system. Moreover, in order for reliability requirements to be completely meaningful, it is considered necessary to include substantiation that the system can be relied upon to function normally in the expected environment. Therefore, this proposal requires that the capability of the system to withstand the repeated loads and temperatures of variable magnitude expected in service must be substantiated by tests.

The present requirements concerning hydraulic system fire protection would be amended under this proposal to include the substance of the referenced sections and to delete all reference to the word "flammable" since the Agency is aware that all hydraulic fluids are flammable to varying degrees.

Finally, it is proposed to include requirements designed to prevent harmful or hazardous concentrations of hydraulic fluid or vapors in the crew and passenger compartments, if the hydraulic fluid could be harmful when liberated in any form.

In consideration of the foregoing, it is proposed to amend Part 25 of the Federal Aviation Regulations by amending § 25.1435 as follows:

§ 25.1435 Hydraulic systems.

(a) *Design.* Each hydraulic system must be designed as follows:

(1) Each element of the hydraulic system must be designed to withstand the design operating pressure loads in combination with limit structural loads which may be imposed without deformation that would prevent it from performing its intended function and to withstand the design operating pressure loads in combination with ultimate structural loads without rupture.

(2) There must be means provided at a flight crewmember station to indicate the pressure in each primary hydraulic power system.

(3) There must be means available to the flight crew to indicate the quantity of fluid in each main hydraulic power system. This means must be provided at a flight crewmember station unless the ultimate functional services by the failed system remain adequately served by at least two additional completely separate systems, not including an emergency system.

(4) There must be means provided at a flight crewmember station to indicate the fluid temperature in each primary hydraulic power system.

(5) There must be means to ensure that no pressure, including transient (surge) pressure, in any part of the system will exceed safe limit above design operating pressure and to prevent excessive pressures resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to occur.

(6) Each hydraulic element must be installed and supported to prevent excessive vibration and to withstand inertia loads and must be protected from abrasion, corrosion, and mechanical damage. If hydraulic fluid could be harmful to occupants when liberated in any form, there must be a means to prevent harmful or hazardous concentration of fluid or vapors in the crew and passenger compartments.

(7) Means for providing flexibility must be used to connect points in a hydraulic fluid line between which relative motion or differential vibration exists.

(b) *Tests.* (1) Each element of the hydraulic system must be tested to show that it can withstand without rupture the following ultimate pressures (excluding surge pressure)—

(i) 250 percent of design operating pressure for elements under oil pressure;

(ii) 300 percent of design operating pressure for elements subject to back pressure;

(iii) 400 percent of design operating pressure for elements under oil and air pressure; and

(iv) 400 percent of design operating pressure for lines, hoses, and fittings.

(2) The complete hydraulic system must be tested to show that it can withstand a pressure of 1.5 times the design operating pressure without a deformation of any part of the system that would prevent it from performing its intended function. For the purpose of this test, the pressure relief valve may be made inoperable to permit application of the required pressure.

(c) *Fire protection.* (1) If hydraulic fluids or vapors might be liberated by the

leakage or failure in hydraulic systems, there must be means to—

(i) Prevent the ignition of these fluids or vapors; or

(ii) Control any fire resulting from that ignition.

(2) No tank or reservoir that is part of a system containing hydraulic fluids may be in a designated fire zone unless the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and control provide a degree of safety equal to that which would exist if the tank or reservoir were outside such a zone.

(3) There must be at least one-half inch of clear airspace between each tank or reservoir and each firewall or shroud isolating a designated fire zone.

(4) Absorbent materials close to hydraulic fluid system components that might leak must be covered or treated to prevent the absorption of hazardous quantities of fluids.

(5) There must be a means to shut off or otherwise prevent hazardous quantities of hydraulic fluid from flowing into, within, or through, any designated fire zone.

(6) The closing of any fluid shutoff valve for any designated fire zone may not make fluid unavailable to the remaining parts of the system associated with other designated fire zones.

(7) Operation of any shutoff may not interfere with the later emergency operation of other equipment.

(8) Each shutoff must be outside of designated fire zones unless an equal degree of safety is otherwise provided.

(9) No hazardous quantity of hydraulic fluid may drain into any designated fire zone after shutoff.

(10) There must be means to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has been closed.

(11) Each line and fitting carrying hydraulic fluids in designated fire zones, except vent and drain lines and their fittings, whose failure will not result in or add to, a fire hazard, must meet the following requirements:

(i) The line and fitting must be at least fire resistant.

(ii) Flexible hose assembly (hose and end fitting) must be approved.

(iii) The ambient and fluid temperature limitations and the fluid pressure limitation of the hose must equal or exceed those limitations of the zone in which the hose is used.

(d) *Reliability.* (1) Compliance with § 25.1309 for hydraulic systems must be shown by functional tests and analyses. Mockup testing of the complete system or subsystems is acceptable if interaction with other subsystems is accounted for. The tests must include a demonstration that the emergency system operates satisfactorily after a failure is introduced in the primary system.

(2) All elements in high-pressure systems must be shown by tests to be capable of withstanding the repeated loads and temperatures of variable magnitude expected in normal operation.

(3) For the tests specified in subparagraphs (1) and (2), the following apply:

(i) Flight loads expected to be experienced in normal operations must be rationally determined and realistically applied.

(ii) The tests must realistically simulate repeated complete flights through all reasonable foreseeable environmental conditions that can affect system operation, so as to duplicate actual conditions wherein all hydraulic elements and subsystems are repeatedly operated in sequence from engine start to engine shutdown, as a check on unusual back pressure, surges, temperature, and other possible causes of failure.

(iii) Cyclic loads used during the tests must take into account flight and ground structural loads, the effects of vibration, and variations in pressure and temperature.

(iv) Elements subject to leakage, fatigue, thermal effects, or deterioration due to usage must be tested under representative environmental conditions.

(v) Elements which have failed during the tests must be redesigned to ensure against similar failures.

These regulations are proposed under sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on November 1, 1965.

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

[P.R. Doc. 65-11924; Filed, Nov. 4, 1965;
8:49 a.m.]

[14 CFR Part 39]

[Docket No. 7004]

AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 Series airplanes. There have been failures of the engine cowl latch assemblies which could cause loss of the cowl panels in flight with resultant damage to the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require modification of the engine cowl latch assemblies on Boeing Model 727 Series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 6, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals

contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 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 Model 727 Series airplanes.

Compliance required as indicated.

To prevent loss of the engine cowl panels in flight and resultant damage to the airplane structure, accomplish the following:

(a) Within 1500 hours' time in service after the effective date of this directive, unless already accomplished, modify the side engine cowl panel latch assemblies in accordance with Boeing Service Bulletin 71-14 or later FAA-approved revisions.

(b) Within 3000 hours' time in service after the effective date of this directive, unless already accomplished, modify the center engine cowl panel latch frames in accordance with Boeing Service Bulletin 71-27 or later FAA-approved revisions.

Any deviation from the above requirements must be approved as an equivalent by Chief, Aircraft Engineering Division, Western Region.

(Boeing Service Bulletins 71-14 and 71-27 cover this subject.)

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

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

[P.R. Doc. 65-11925; Filed, Nov. 4, 1965;
8:49 a.m.]

[14 CFR Part 39]

[Docket No. 7005]

AIRWORTHINESS DIRECTIVES

de Havilland Model 104 Dove Series Airplanes

Amendment 3 (23 P.R. 439) AD 57-20-2, requires replacement of the pistons in Dunlop pneumatic retraction jacks fitted to the main and nose landing gear assemblies on de Havilland Model 104 Dove Series airplanes. Subsequent to the issuance of Amendment 3, the manufacturer has developed a modification that when accomplished, allows the repetitive replacement required in the AD to be discontinued. Also, the compliance time is now stated in terms of hours' time in service instead of landings. This is based upon an average flight duration of one hour by operators of the subject airplanes. Therefore it is proposed to amend Part 39 of the Federal Aviation Regulations by adding an airworthiness directive superseding Amendment 3 to provide for a permanent repair of the affected pneumatic jacks and to have the compliance time stated in hours' time in service.

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 December 6, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

DE HAVILLAND. Applies to all Model 104 Dove Airplanes with Serial Numbers through 04504.

Compliance required as indicated.

To prevent further cracking of pistons P/N AHO.19742, installed in Dunlop pneumatic retraction jacks (cylinders) P/N AH-8463 and AC.11130, fitted to the main and nose landing gear assemblies, accomplish the following:

(a) Unless already accomplished, replace piston P/N AHO.19742 in the pneumatic retraction jacks P/N AH.8463 and AC.11130 on all airplanes that have accumulated 10,000 hours' time in service and thereafter at intervals not to exceed 10,000 hours' time in service.

(b) Replacement of the pistons required in (a) may be discontinued after installation of de Havilland Modification No. 1144 which provides jacks with pistons that have an increased service life.

(de Havilland Service Technical News Sheet TMS Series C.T.(104) Issue 2 dated July 11, 1960 covers this subject.)

This supersedes Amendment 3 (23 P.R. 439) AD 57-20-2.

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

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

[P.R. Doc. 65-11926; Filed, Nov. 4, 1965;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14229]

EXPANDED USE OF UHF TELEVISION CHANNELS

Order Further Extending Time for Filing Comments

1. The National Association of Educational Broadcasters (NAEB) has filed a

petition requesting that the time for filing comments with respect to the further notice of proposed rule making concerning the proposal to utilize Channels 70-83 for community television stations, be extended from November 1, 1965, to December 15, 1965.

2. NAEB desires additional time so that it can examine the corrected UHF assignment plan before submitting its comments with respect to the proposed new community TV service.

3. The Commission wishes to have the most comprehensive comments with respect to the proposed new community TV service before reaching a final decision. The desire of NAEB to relate the UHF assignment table to the various aspects of the proposed new service appears reasonable.

4. Accordingly, it is ordered, This 1st day of November 1965, that the request of the National Association of Educational Broadcasters is granted and the time for filing comments is extended from November 1, 1965, to December 15, 1965, and the time for filing replies thereto is extended from November 15, 1965, to January 5, 1966.

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

Released: November 2, 1965.

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

[P.R. Doc. 65-11913; Filed, Nov. 4, 1965;
8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-289]

POWER SYSTEM STATEMENTS

Notice of Proposed Rule Making

OCTOBER 28, 1965.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to amend, effective for the reporting year 1965, FPC Forms Nos. 12, 12-A, and 12-D, Power System Statements, prescribed by §§ 141.51, 141.52, and 141.55, respectively, of the Commission's regulations and required to be filed by electric utilities, licensees and others engaged in the generation, transmission or distribution of electric energy.

2. Except for minor editorial changes, the amendments all result from, and are substantially in agreement with, suggestions proposed by representatives of the companies and other entities which make the reports. Furthermore, the proposals for the most part, reduce present reporting requirements but, in addition provide new schedules for the reporting of information relating to the operation of pumped storage facilities by the few hydroelectric licensees which have such facilities.

3. The exact nature of the proposed revisions of existing schedules, together with the new schedule for pumped storage, is fully set forth in the respective appended pages¹ of the following schedules:

¹ Amended pages of forms filed with the original document.

Schedule heading	Page No.	
	New	Old
FPC Form No. 12:		
General information	3	3
Capacity and output, etc.	4	4
Do	5	5
System hydroelectric data	8	8
Plant data (small plants)	9	9
Do	10	10
Hydroelectric plant data	11	11
Do	12	12
Pumped storage plant data	13	
Do	14	
Steam electric, etc., plant data	15	15
Internal combustion, etc., plant data	17	15
FPC Form No. 12-A:		
General information	2	2
General instructions	3	3
FPC Form No. 12-D: General information	1	1

4. The amendments described herein are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act particularly sections 4 (a), (b), (c), 301(a), 302, 304, 309, and 311 thereof (49 Stat. 839, 854, 855, 858, 859; 16 U.S.C. 797 (a), (b), (c), 825(a), 825a(a), 825(c), 825(h), and 825(j)).

5. Any person may submit to the Federal Power Commission, Washington, D.C., 20426, not later than November 29, 1965, data, views, comments and suggestions in writing concerning the proposed revised schedules. An original and nine conformed copies of any such submittal should be filed. The Commission will consider any such written submittals before acting on the proposed revised report forms.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 65-11898; Filed, Nov. 4, 1965;
8:49 a.m.]

Notices

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 24-59]

TRADE-ALL ENTERPRISES, LTD., AND IRVING E. BORDO

Order Denying Export Privileges for an Indefinite Period

In the matter of Trade-All Enterprises, Ltd. and Irving E. Bordo, President, Post Office Box 26, Station T, 1645 Bathurst Street, Toronto 19, Ontario, Canada, respondents; File No. 24-59.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the above respondents since September 1, 1965 (30 F.R. 11534 and 12548).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence presented shows that Trade-All Enterprises Limited is a Canadian corporation with a place of business in Toronto, Ontario, Canada, and is engaged in the import-export business; that Irving E. Bordo is president of said firm and is the official primarily responsible for conducting its affairs; that the aforesaid Investigations Division is conducting an investigation into the disposition by said respondents of certain commodities which Trade-All imported into Canada from the United States; that said investigation is to determine whether said respondents re-exported said commodities in violation of the U.S. Export Regulations, or otherwise disposed of said commodities with the intention of having them ultimately delivered to an unauthorized destination or with knowledge that the disposition by them of the commodities would result in their ultimate delivery to an unauthorized destination. It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Regulations. Said respondents have failed to furnish responsive answers

to said interrogatories as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. This order supersedes the Temporary Denial Order entered against the above-named respondents on September 1, 1965 (30 F.R. 11534), and extended on September 27, 1965 (30 F.R. 12548).

II. The respondents, their assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or else-

where, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 30, 1965.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 65-11891; Filed, Nov. 4, 1965;
8:45 a.m.]

Maritime Administration OCEANIC STEAMSHIP CO. Notice of Application

Notice is hereby given that The Oceanic Steamship Co. has requested approval under Article II-16 of its Operating-Differential Subsidy Agreement, Contract No. FMB-44, to permit Matson Navigation Co., holding company of Oceanic, to operate a weekly service utilizing non-subsidized U.S. flag freight vessels in foreign commerce between ports in California, Washington, Oregon, British Columbia, and Hawaii and ports

in the Far East (Continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive, Japan, Taiwan, Philippines, and Okinawa and other Pacific Islands not owned or controlled by the United States).

Any person, firm or corporation having an interest in this matter and who desires to submit written comments of an advisory nature relating to whether the service already provided by vessels of U.S. registry in the Trans-Pacific foreign commerce between ports within Trade Route No. 29 is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon should submit such comments in triplicate to the close of business on November 15, 1965, to the Secretary, Maritime Administration. The Maritime Administrator will consider these comments and take such action with respect to Oceanic's request as may be deemed appropriate.

Dated: October 29, 1965.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-11909; Filed, Nov. 4, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to Provisional Operating License No. DPR-5. The amendment authorizes Consolidated Edison Co. of New York, Inc., (1) to replace the present Indian Point reactor core containing thorium oxide with a low-enrichment uranium-oxide core, and (2) to increase the steady state operating power level to 615 thermal megawatts, in accordance with the application for license amendment dated April 6, 1965, and supplements thereto dated May 6, 1965, and June 9, 1965.

The license amendment, as issued, is substantially in the form published in the notice of proposed issuance of provisional Operating License Amendment published in the FEDERAL REGISTER on September 2, 1965, 30 F.R. 11287, except that the Technical Specifications and Schedule of Transfers of Special Nuclear Material referenced therein have been added.

Pursuant to such notice, The Hempstead Town Lands Resources Council, New York, N.Y., filed a "Petition of Intervention" on October 11, 1965. The petition for leave to intervene was denied by the Atomic Energy Commission by order dated October 28, 1965.

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

For the Atomic Energy Commission.

E. G. CASE,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 65-11889; Filed, Nov. 4, 1965; 8:45 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to January 31, 1966, the latest completion date specified in Construction Permit No. CPPR-12 for construction of the high temperature, gas-cooled power demonstration reactor being constructed near Peach Bottom, Pa.

Copies of the order and of the application by Philadelphia Electric Co. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

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

For the Atomic Energy Commission.

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

[F.R. Doc. 65-11890; Filed, Nov. 4, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15469, 15470; FCC 65M-1426]

ADVANCED ELECTRONICS AND INDUSTRIAL COMMUNICATIONS SYSTEMS, INC.

Order Scheduling Prehearing Conference

In re applications of R. L. Mohr, doing business as Advanced Electronics, Docket No. 15469, File No. 214-C2-P-63; for a construction permit in the Domestic Public Land Mobile Radio Service at Palos Verdes, Calif.; Industrial Communications Systems, Inc., Docket No. 15470, File No. 1050-C2-P-63; for a construction permit for station KMD990 in the Domestic Public Land Mobile Radio Service at Los Angeles, Calif.

By its Memorandum Opinion and Order released October 29, 1965 (FCC 65R-389, 75446), the Review Board added four issues in the above-entitled proceeding and remanded the same for further hearing on a reopened record.

Accordingly, it is ordered, This 1st day of November 1965, by the Hearing Examiner on his own motion, that a prehearing conference is hereby scheduled

to commence at 10 a.m., November 18, 1965, in the Commission's offices in Washington, D.C.

Released: November 2, 1965.

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

[F.R. Doc. 65-11912; Filed, Nov. 4, 1965; 8:47 a.m.]

[Docket Nos. 16260-16265; FCC 65-971]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Western Union Telegraph Co., Docket No. 16260, File No. T-C-1661-10; for removal of restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, Calif.; California Interstate Telephone Co., Docket No. 16261, File No. 6844-C1-P-65; for a construction permit to add new facilities to Station KMW61 in the Domestic Public Point-to-Point Microwave Radio Service at Barstow, Calif.; Docket No. 16262, File No. 6845-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Goldstone Echo, Calif.; Docket No. 16263, File No. 6846-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Lane Mountain, Calif.; Docket No. 16264, File No. 6847-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Ford Mountain, Calif.; Docket No. 16265, File No. 6848-C1-P-65; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Fort Irwin, Calif.

The Commission has before it: (1) An application (pursuant to section 214 of the Communications Act of 1934, as amended), filed by The Western Union Telegraph Co. (Western Union) on February 9, 1965, for authority to increase the services offered on Western Union's existing microwave radio relay system between Pasadena and Goldstone, Calif.; (2) an "Opposition of California Interstate Telephone Co. to Application of Western Union Telegraph Co.," filed on March 1, 1965; (3) a "Reply of The Western Union Telegraph Co.," filed on March 18, 1965; (4) five applications, filed by California Interstate Telephone Co., (CITCO) on June 8, 1965, to modify microwave relay station KMW61 at Barstow, Calif., and to construct new facilities at Lane Mountain, Ford Mountain, Fort Irwin, and Goldstone Echo, Calif.; (5) a "Petition To Deny Applications,"

filed by Western Union on September 9, 1965; (6) an "Opposition of California Interstate Telephone Co. * * *" filed on September 20, 1965; and (7) a "Reply of The Western Union Telegraph Co. * * *" filed on October 7, 1965.

1. The Western Union Telegraph Co. filed, pursuant to section 214 of the Communications Act of 1934, as amended, an application (File No. T-C-1661-10) concerning its existing microwave radio relay system between Pasadena and Goldstone, Calif., for authority to provide service under all of the company's tariffs on file¹ without restriction as to the type of traffic handled by such facilities. The said microwave radio relay system now provides one simplex 6 Mc/s channel and a duplex 240 Kc/s channel. Its principal function is to meet unique spacecraft telemetry and data transmission requirements of the Jet Propulsion Laboratories (JPL). Pursuant to authorizations heretofore granted, Western Union has installed channelizing equipment in connection with the above-mentioned duplex 240-Kc channel (which has a capacity equivalent to 60 voice frequency channels) so as to derive channels of several bandwidths utilizing spectrum space equivalent to 45 voice-grade channels. However, the Commission has not authorized Western Union to use these facilities to handle administrative communications of JPL or to provide general private line communication channels to subscribers. It is this restriction that Western Union now seeks to remove.

2. In support of the subject application (File No. T-C-1661-10), Western Union points out, in effect, that no regulatory restrictions as to use have been placed on any of its other facilities authorized by the Commission, and submits that there is no valid reason why the company should be restricted as to the services which it can provide over its Goldstone-Pasadena microwave facilities. Western Union further contends that in addition to a general public need for the services which the telegraph company offers, JPL and certain other civil and military agencies which operate in the Goldstone area, or which communicate with that area, have indicated specific requirements for additional private line communication channels serving Goldstone. The company argues that in order "that efficient and economic use may be made of these facilities and radio frequencies, Western Union should be permitted to furnish over such facilities all services which it is generally authorized to provide." No specific customer requirements or service orders are delineated in the application.

3. In its opposition to the application of Western Union, CITCO contends that, in conjunction with the Pacific Telephone and Telegraph Company, it now provides all messages toll telephone and private line services, including voice, telegraph, data and other types of communication, between Goldstone and the Pasadena headquarters of JPL, except-

ing those particular and unique services requested of Western Union by JPL, and that it is able and ready to meet all common carrier communication requirements in its service territory. It alleges that Western Union seeks the authorization of the Commission to utilize the plant in direct competition and duplication with CITCO. The telephone company further states that it has entered into arrangements to serve the United States Army Armor and Desert Training Center at Fort Irwin, and to provide all communication service requirements of NASA space facilities in the area between Goldstone and Pasadena, except the specialized service which Western Union is authorized to render. CITCO also disclosed its intention to construct new microwave radio relay facilities between its office at Barstow and certain locations in the Goldstone area to meet these firm service orders. Additionally, CITCO alleged that Western Union's application was procedurally deficient in a number of respects.

4. Thereafter, CITCO filed applications for construction permits (File Nos. 6844/6845/6846/6847/6848-C1-P-65) to modify an existing microwave radio relay station at Barstow, and to construct new stations at Lane Mountain, Ford Mountain, Fort Irwin and Goldstone Echo, all in California. In support of these applications, CITCO states that there is an increasing demand for additional facilities to provide message toll, teletypewriter, local trunk and private line services to the Fort Irwin-Goldstone area. The company cites an agreement reached with the 6th Army to construct new facilities and render service to the area, and an arrangement with the Government to lease the existing Army-owned open wire system between Barstow and Fort Irwin-Goldstone until completion of the microwave system. The estimated cost of the proposed microwave system is \$975,000. In its filing, CITCO alludes to discussions with Western Union concerning the possibility of making physical and economical interconnection of facilities, but states that, while negotiations will continue, no conclusions have been reached which indicate that a workable interconnection can be made.

5. Western Union filed a petition to deny CITCO's applications. This petition alleges that grant of the applications would result in a needless and wasteful duplication of facilities for the reason that Western Union's system already in place has the capacity to serve all communication needs in the area, and suggests that CITCO should meet its anticipated needs by leasing facilities from Western Union rather than by constructing its own duplicating system. In opposition to the petition to deny, CITCO denies that the construction proposed would constitute wasteful duplication, contends that if Western Union had the full authority it seeks it could not meet the communication requirements which CITCO must provide, and asserts that there appears to be no workable plan by which Western Union's microwave system could be utilized, even though the two companies have explored the possibilities of an interconnected system for

some 6 months. In its reply to CITCO's opposition, Western Union relates some of the facts concerning a proposed interconnection arrangement, utilizing certain existing Western Union facilities and some new CITCO facilities, which it argues would serve the existing public need at less cost than CITCO's current proposal. By a leasing of Western Union facilities to CITCO, it is alleged that all the new service could be provided by CITCO with a minimum of new construction. Western Union has set an annual rental for the proposed facilities to be leased of \$113,800. The pleadings indicate that this annual charge may be less than the annual cost to CITCO of constructing and operating its own facilities.

6. Although we have not discussed the pleadings in detail, we find that they serve to develop and particularize the conflicts and issues posed by the applications. It appears that the Western Union application and the CITCO applications are designed to serve substantially the same local communications requirements and that the economic interests of the public to be served may not justify the establishment of duplicating systems. In short, we are unable, at this time, to find that one or both of the proposals submitted will serve the public interest, convenience or necessity. Therefore, an evidentiary hearing is required. Inasmuch as the public interest may require an arrangement of new and existing facilities which has not been formally proposed by either applicant, a general interconnection issue is included to permit a more complete development of alternatives by the parties. Since any interconnection arrangement would probably be based on greater utilization of Western Union's existing facilities, with some advantage accruing to the carrier, we will place the burden of proof on that issue on Western Union.

7. We also find that except for the matters placed in issue herein, the applicants are legally, financially, technically and otherwise qualified to render the proposed services.

8. Accordingly, in the light of our aforesaid conclusions, and pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended;

It is ordered, That the above-entitled applications are designated for hearing in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the facts with respect to the facilities proposed by CITCO, including the rates, charges, practices, classifications, regulations, personnel and services;

(b) To determine the need for the services proposed by CITCO and the nature and extent of any benefits to the public which would accrue as a result of authorizing the proposed facilities and services;

(c) To determine whether, and to what extent, any disadvantages may accrue to the public if the facilities and services proposed by CITCO are authorized;

¹ Western Union, a telegraph company, does not propose to offer local exchange or message toll telephone service.

(d) To determine the facts with respect to the existing facilities and services and the proposed extension of services by Western Union, including the rates, charges, practices, classifications, regulations, personnel and services;

(e) To determine the need for the extension and/or increase of services proposed by Western Union and the nature and extent of any benefits to the public which would accrue as a result of authorizing the additional services;

(f) To determine whether, and to what extent, any disadvantages may accrue to the public if the services proposed by Western Union are authorized;

(g) To determine whether it is necessary and desirable to establish physical connections between the existing facilities of Western Union and CITCO, to establish through routes and charges applicable thereto and the divisions of such charges and to provide facilities and regulations for operating such through routes, within the meaning of section 201(a) of the Communications Act of 1934, as amended; and, if so, what connections, routes, charges, facilities and regulations should be established;

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, convenience or necessity will be served by a grant of any of the subject applications and/or by the establishment of an interconnected system.

9. *It is further ordered*, That the burden of proof with respect to Issues (a), (b), and (f) is placed on CITCO; and the burden of proof with respect to Issues (c), (d), (e) and (g) is placed on Western Union.

10. *It is further ordered*, That, except as otherwise provided herein, the "Opposition of California Interstate Telephone Co. to Application of Western Union Telegraph Co." and Western Union's "Petition To Deny Applications" are denied.

11. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with § 1.221 of the Commission's rules.

Adopted: October 27, 1965.

Released: November 2, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-11914; Filed, Nov. 4, 1965;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-104 etc.]

DEL NORTE NATURAL GAS CO. ET AL.

Notice of Applications

OCTOBER 28, 1965.

Del Norte Natural Gas Co., Docket Nos. CP66-104, CP66-106; El Paso Natural Gas Co. and El Paso Gas Transportation

² Commissioners Hyde and Bartley absent.

Corp., Docket No. CP66-105; Southern Union Gas Co., Docket No. G-513.

Take notice that on October 12, 1965, Del Norte Natural Gas Co. (Applicant), 1026 Southwest National Bank Building, El Paso, Tex., filed in Docket No. CP66-104 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to export natural gas from the United States to the Republic of Mexico (Mexico). On the same date Applicant filed in Docket No. CP66-106 an application for a permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the operation, maintenance and connection of facilities at the international boundary between the United States and Mexico for the exportation of natural gas to Mexico. By these applications, Applicant proposes to succeed to Southern Union Gas Co. (Southern Union) in the exportation and sale of natural gas which was authorized by the Commission on January 2, 1945, in Docket No. G-513 (4 FPC 826). On October 18, 1965, pursuant to an agreement between Applicant and Southern Union, Southern Union filed in the aforementioned Docket No. G-513 an application for an order of the Commission vacating its Presidential Permit and authorization for exportation of natural gas.

Also filed on October 12, 1965, was a joint application by El Paso Natural Gas Co. (Gas Co.) and El Paso Gas Transportation Corp. (Transportation Corp.), Post Office Box 1492, El Paso, Tex., 79999, in Docket No. CP66-105 for permission and approval under section 7(b) of the Natural Gas Act, and for certificates of public convenience and necessity under section 7(c) of the Natural Gas Act, for, on the part of Gas Co., the abandonment of the sale of natural gas made by Gas Co. to Southern Union and for authorization for the sale and delivery of natural gas by Gas Co. to Applicant and for, on the part of Transportation Corp., the abandonment of the transportation of natural gas by Transportation Corp. for Southern Union and for authorization for the construction and operation of certain facilities and the transportation of natural gas for the account of Applicant.

The proposal involved is more fully set forth in the applications submitted in the above docket numbers. These applications are on file with the Commission and open to public inspection.

The applications incorporate a proposal by Applicant to provide natural gas to Ciudad Juarez, Chihuahua, Mexico, a community situated adjacent to the City of El Paso, Tex. Applicant proposes to succeed to Southern Union in the sale and delivery and natural gas to Juarez Gas Co., S.A. (Juarez Gas), the sole distributor presently serving the community of Juarez, and to initiate the sale and delivery of natural gas to Gas Natural de Juarez, S.A. (Juarez Natural), a new distributor proposing to render natural gas service in areas of Juarez not now served by Juarez Gas. Such export and sale would be made at four points situated on the international

boundary between the said communities of Juarez and El Paso.

The exportation and sale of gas to Juarez Gas is presently made by Southern Union by means of gas sold to it by Gas Co. and transported for it by Transportation Corp. It is this sale and this transportation for which Gas Co. and Transportation Corp. seek, respectively, permission and approval to abandon. The exportation and sale to Juarez Natural at the remaining two export points would be initiated by Applicant.

Natural gas available to Applicant from Gas Co. is deliverable at a point situated within El Paso. Transportation Corp. proposes and seeks authorization to transport such gas for the account of Applicant from the point at which it is deliverable by Gas Co. to Applicant, to three points of delivery to Applicant on Transportation Corp.'s existing system within El Paso. At each of such points of delivery to Applicant, Transportation Corp. proposes and seeks authorization to construct and operate a standard orifice-type measuring and regulating station at an aggregate cost of \$32,100 to be financed from working funds.

Applicant proposes to lease from Southern Union and operate certain existing facilities and certain other facilities to be constructed by Southern Union, such facilities connecting the three delivery points from Transportation Corp. to Applicant with the four export points. The estimated cost of the facilities to be constructed by Southern Union is \$71,990. Distribution facilities are proposed in Juarez by Juarez Natural at an estimated cost of \$2,570,500. The other Mexican distributor, Juarez Gas, proposes no substantial construction at this time.

Specifically, the facilities to be constructed by Southern Union and leased to Applicant would consist of the following:

(a) 5,210 feet of 12-inch transmission line and a measuring and regulating station at a cost of \$34,050;

(b) 7,000 feet of 6-inch transmission line and a measuring and regulating station at a cost of \$30,915;

(c) An addition to existing facilities consisting of 500 feet of 6-inch and 1,800 feet of 4-inch transmission line at a cost of \$7,025.

The estimated peak day and annual natural gas requirements of Juarez Natural and Juarez Gas for the first three full years of operation of the proposed facilities are stated to be:

	First year	Second year	Third year
Juarez Natural:			
Annual (Mcf).....	2,548,153	2,765,028	3,036,138
Peak day (Mcf).....	15,230	18,037	21,084
Juarez Gas:			
Annual (Mcf).....	367,500	378,000	388,500
Peak day (Mcf).....	4,084	4,819	4,935

Sales and deliveries to be made by Gas Co. to Applicant would be in accordance with Gas Co.'s Rate Schedule A-3 and B-2, FPC Gas Tariff, Original Volume No. 1, on file with the Commission.

Transportation service to be performed by Transportation Corp. for Applicant would be in accordance with and at rates contained in Transportation Corp.'s Rate Schedule T-1, FPC Gas Tariff, First Revised Volume No. 1, on file with the Commission.

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 November 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 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 permit, certificates and approval for the proposed abandonment 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. 65-11894; Filed, Nov. 4, 1965;
8:45 a.m.]

[Docket No. CP65-45]

EL PASO NATURAL GAS CO.
Notice of Petition To Amend

OCTOBER 28, 1965.

Take notice that on October 20, 1965, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65-45 a petition to amend the certificate of public convenience and necessity issued by the Commission in said docket on November 9, 1964, which order authorized the delivery of natural gas to Pacific Gas and Electric Co. (PG&E), as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of November 9, 1964, Petitioner was authorized to deliver natural gas on an interruptible, best efforts basis under Petitioner's Rate Schedule G-X-3, FPC Gas Tariff, Original Volume No. 1, limited to a quantity, during a limited term, which was not to exceed the quantity which PG&E had paid for in prior years. The gas which PG&E had paid for but not taken, but had the right to take without further payment under Rate Schedule G of Petitioner's said tariff, was authorized to be delivered through December 31, 1965.

By the instant filing, Petitioner requests authorization to extend the term of the authorized deliveries to December 31, 1966, or until such earlier time as PG&E takes delivery of all prepaid gas. Petitioner and PG&E have entered into a service agreement dated September 13, 1965, which provides for the proposed service.

Petitioner states that no additional facilities are required to be constructed to continue the service.

Petitioner estimates that on December 31, 1965, PG&E will have recovered all of the 70,147,076 Mcf of natural gas available and paid for at the time of the order of November 9, 1965, except 21,151,362 Mcf.

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 November 22, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-11895; Filed, Nov. 4, 1965;
8:45 a.m.]

[Docket No. CP66-116]

SOUTHERN NATURAL GAS CO.
Notice of Application

OCTOBER 28, 1965.

Take notice that on October 20, 1965, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66-116 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing it to construct during the 12 months' period commencing on the date of the Commission's order issuing the certificate herein and to operate (1) facilities to make sales of gas to existing distributors in existing market areas, (2) facilities to make direct sales of natural gas to consumers located in areas outside the franchise area of any local natural gas distributor, and (3) facilities which represent miscellaneous rearrangements of existing facilities and will not result in any change in service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed construction will consist of line taps, metering and regulating stations and various types of pipelines, including lateral and loop lines. Applicant's total estimated cost for all such facilities does not exceed \$300,000, with no single project estimated to exceed \$50,000. These amounts will be financed from funds on hand or funds generated from operations.

The application states that the certificate requested will augment Applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas and of small direct sale customers lo-

cated in areas outside the franchise areas of natural gas distributors.

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 November 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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. 65-11896; Filed, Nov. 4, 1965;
8:45 a.m.]

[Docket No. CP66-122]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 28, 1965.

Take notice that on October 22, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP66-122 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rendition of additional pipeline service to United Cities Gas Co., South Carolina Division (United Cities), an existing customer, in the amount of 100 Mcf per day under Applicant's Rate Schedule OG-2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United Cities has requested the additional service commencing with the 1965-1966 winter heating season.

No additional facilities are required in order to render the service proposed in the application.

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 November 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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.

[P.R. Doc. 65-11897; Filed, Nov. 4, 1965;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

UNION BANK

Order Approving Merger of Banks

In the matter of the application of Union Bank for approval of merger with The Republic National Bank of San Diego.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Union Bank, Los Angeles, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Republic National Bank of San Diego, San Diego, Calif., under the charter and title of the former. As an incident to the merger, the sole office of The Republic National Bank of San Diego would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered. For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 29th day of October 1965.

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of San Francisco.

By order of the Board of Governors.²

[SEAL] MERRITT SHERMAN,
Secretary.

[P.R. Doc. 65-11899; Filed, Nov. 4, 1965;
8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY URBAN RENEWAL
COMMISSIONER

Redelegation of Authority With Respect to Open-Space Land and Urban Beautification and Improvement

The Deputy Urban Renewal Commissioner is hereby authorized to exercise the authority delegated to the Urban Renewal Commissioner under the Housing and Home Finance Administrator's delegation of authority effective August 10, 1965 (30 F.R. 11156, August 28, 1965), with respect to open-space land and urban beautification and improvement under Title VII of the Housing Act of 1961, as amended by Title IX of the Housing and Urban Development Act of 1965 (42 U.S.C. 1500).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation)

Effective as of the 10th day of August 1965.

[SEAL] WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[P.R. Doc. 65-11905; Filed, Nov. 4, 1965;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

PINAL COUNTY DEVELOPMENT
ASSOCIATION

Order Suspending Trading

NOVEMBER 1, 1965.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1969, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered. Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period November 1, 1965, through November 10, 1965, both dates inclusive.

² Voting for this action: Unanimous, with all members present.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 65-11915; Filed, Nov. 4, 1965;
8:48 a.m.]

[812-1834]

SECOND PRESIDENTIAL EXCHANGE FUND, INC.

Amended Notice of Application for Order of Exemption

NOVEMBER 1, 1965.

Second Presidential Exchange Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000.

The Commission, on October 27, 1965, issued a notice of the filing of said application (Investment Company Act Release No. 4386). The notice, which is incorporated herein by reference, gives any interested person until November 23, 1965 at 5:30 p.m., to submit to the Commission in writing a request for a hearing on the matter, or request that he be notified if the Commission shall order a hearing thereon.

Notice is given that the said notice is hereby amended to provide that the time within which an interested person may submit such requests on this matter shall be not later than November 12, 1965 at 5:30 p.m.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 65-11916; Filed, Nov. 4, 1965;
8:48 a.m.]

[812-1835]

THIRD EMPIRE FUND, INC.

Amended Notice of Application for Order of Exemption

NOVEMBER 1, 1965.

Third Empire Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of

which it is the issuer unless it has a net worth of at least \$100,000.

The Commission, on October 27, 1965, issued a notice of the filing of said application (Investment Company Act Release No. 4385). The notice, which is incorporated herein by reference, gives any interested person until November 23, 1965, at 5:30 p.m., to submit to the Commission in writing a request for a hearing on the matter, or a request that he be notified if the Commission shall order a hearing thereon.

Notice is given that the said notice is hereby amended to provide that the time within which an interested person may submit such requests on this matter shall be not later than November 12, 1965, at 5:30 p.m.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-11917; Filed, Nov. 4, 1965;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 80]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 2, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 284 TA), filed October 29, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's representative: Douglas W. Paris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from San Antonio, Dallas, and Houston, Tex., to points in New Jer-

sey, New York, and Connecticut, for 180 days. Supporting shipper: Ametalco, Inc., 1290 Avenue of the Americas, New York, N.Y., 10019. Send protests to: District Supervisor G. J. Baccel, Interstate Commerce Commission, Bureau of Operations and Compliance, 435 Federal Building, Cleveland, Ohio, 44114.

No. MC 107839 (Sub-No. 93 TA), filed October 29, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Post Office Box 16021, Denver, Colo., 80216. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, and meat byproducts*, (b) *dairy products*, and (c) *articles distributed by meat packinghouses in the appendix to the report in Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Denver, Colo., to Taos, Velarde, Sapello, Mora, Fairview, Pecos, Penasco, Ranches de Taos, Socorro, Cuba, Manuelitas, Holman, and Embudo, N. Mex., for 150 days. Supporting shipper: Cudahy Packing Co., 4801 Brighton Boulevard, Denver, Colo. Send protests to: Acting District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, Denver, Colo., 80202.

No. MC 108120 (Sub-No. 11 TA), filed October 28, 1965. Applicant: KENNEDY MOTOR LINES, INC., 457 38th Street, Brooklyn, N.Y. Applicant's representative: Maurice Kennedy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Domestic science school laboratory tables, or desks*, with or without fume hoods, crated or uncrated, in mixed or unmixed shipments from Carle Place, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Laboratory Furniture Co., Inc., Post Office Box 2308, Richmond, Va., 23217. Send protests to: District Supervisor R. E. Johnston, Interstate Commerce Commission, Bureau of Operations and Compliance, 346 Broadway, New York, N.Y., 10013.

No. MC 111868 (Sub-No. 1 TA), filed October 29, 1965. Applicant: JOHN HENNES TRUCKING COMPANY, 320 South 19th Street, Milwaukee, Wis., 53233. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad housing castings*, between the plantsite of the Falk Corp. at Milwaukee, Wis., on the one hand, and, on the other, the plantsite of Modern Steel Treating Co. at Chicago, Ill., for 180

days. Supporting shipper: The Falk Corp., Box 492, Milwaukee, Wis., 53201, J. L. Moebus, traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11918; Filed, Nov. 4, 1965;
8:48 a.m.]

[Notice 1257]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68196. By order of October 28, 1965, Transfer Board approved the transfer to McNaughton Bus Lines, Ltd., a corporation, Newbury, Ontario, Canada, of the operating rights issued by the Commission March 6, 1956, under certificate in No. MC-114824, to McNaughton Automotive, Ltd., a corporation, Newbury, Ontario, Canada, authorizing the transportation of passengers, in charter operations, over irregular routes, between ports of entry between the United States and Canada at or near Port Huron, Marine City, and Detroit, Mich., and points within 10 miles of Detroit. Messrs. Benoit and Van Raay, 107 Wellington Street West, Chatham, Ontario, Canada, attorneys for applicants.

No. MC-FC-68213. By order of October 29, 1965, Transfer Board approved the transfer to Samuel Tischler, doing business as Tischler Motor Freight, Rosenhayn, N.J., of the certificate in No. MC-83784, issued May 21, 1963, to Harry Pavel, doing business as Pavel's Express, Philadelphia, Pa., authorizing the transportation of: *Glassware*, over regular routes, from Philadelphia, Pa., to Wilmington, Del.; and *glassware, china-ware, and advertising matter*, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109, counsel for applicants.

No. MC-FC-68226. By order of October 29, 1965, Transfer Board approved the transfer to Deaton, Inc., Birming-

ham, Ala., of the operating rights in Certificate No. MC-11207, and numerous subsequently issued operating authorities, running from (Sub-No. 47), though not consecutively, through (Sub-No. 237), issued on various dates in the years, 1946, 1950, 1952, 1954, 1955, 1956, 1962, 1963, 1964, and 1965, to Deaton Truck Line, Inc., Birmingham, Ala., 35201, authorizing the transportation of: General commodities, and Commodities of a general commodity nature specifically named, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. A. Alvis Layne, 948 Pennsylvania Building, Washington, D.C., 20004, attorney for applicants.

No. MC-FC-68238. By order of October 28, 1965, Transfer Board approved the transfer to Raymond L. Dowler and Merlin E. Dowler, a partnership, doing business as Dowler Bros., St. Charles, Iowa, of Certificate No. MC-66396 issued September 5, 1958, to Susan Dorothy Huffman, doing business as J. P. Maxwell and Son, St. Charles, Iowa, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Des Moines, Iowa, and Truro, Iowa, serving the intermediate points of Norwalk, Prole, Martensdale, Wick, St. Marys, and St. Charles, Iowa; and between Truro, Iowa, and New Virginia, Iowa, serving no intermediate points. William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306, practitioner for applicants.

No. MC-FC-68247. By order of October 28, 1965, Transfer Board approved the transfer to Twins, Inc., Kearny, N.J., of Permits Nos. MC-118867 and MC-118867 (Sub-No. 2) issued November 20, 1959, and September 23, 1963, respectively, to Matthew Totich, Jr., Kearny, N.J., authorizing the transportation over irregular routes of contaminated radio-active waste, in containers, each weighing less than 2,000 pounds, when transported in shipper owned vehicles, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia to Kearny, N.J., and empty containers and shipper owned vehicles, on return; and contaminated radio-active waste, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Fleming

County, Ky., with no transportation for compensation on return except as otherwise authorized. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306, representative for applicants.

No. MC-FC-68250. By order of October 28, 1965, Transfer Board approved the transfer to Allen M. Galloway, doing business as Arndt Truck Line, Sweet Springs, Mo., of Certificate No. MC-98173 (Sub-No. 4), issued August 23, 1965, to Chester L. Roberts, doing business as Roberts Motor Freight, Sweet Springs, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Kansas City, Missouri-Kansas, and Eagleville, Mo., serving the intermediate points of Civil Bend, Pattonsburg, and Bethany, Mo., and the off-route points of Coffey, Gilman City, Ridgeway, Blythedale, Ford City, McFall, Evona, and Martinsville, Mo.; between St. Joseph, Mo., and Bethany, Mo., serving the intermediate points of Avenue City, Rochester, Union Star, King City, Stanberry, Carmack, Albany, and New Hampton, Mo., and the off-route points of Helena, Ford City, McFall, and Evona, Mo.; and between St. Joseph, Mo., and junction U.S. Highways 36 and 69 at or near Cameron, Mo., as an alternate route for operating convenience only, with no service authorized over said route on traffic moving between Kansas City, Missouri-Kansas, and St. Joseph, Mo., serving no intermediate points and serving the junction of U.S. Highways 36 and 69 as a point of joinder only. Carl V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo., Representative for applicants.

No. MC-FC-68258. By order of October 28, 1965, Transfer Board approved the transfer to Platte Valley Transport Co., a corporation, Lexington, Nebr., the Certificate of Registration No. MC-97321 (Sub-No. 1), issued November 14, 1963, to Reuben J. Koch, Eustis, Nebr., evidencing a right to engage in interstate or foreign commerce in the transportation of commodities generally, and property, between points in Nebraska. Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501, attorney for applicants.

No. MC-FC-68260. By order of October 28, 1965, Transfer Board approved the transfer to Anderson Truck & Terminal, Inc., Dallas, Tex., of the operating rights in Permits Nos. MC-114900 and MC-114900 (Sub-No. 1), issued April 2, 1957, and August 20, 1964, to Luther M. Anderson, doing business as Anderson Truck Lines, Grand Saline, Tex., authorizing the transportation, over irregular routes, of: Salt, from Grand Saline, Tex., and points within 10 miles thereof, to points in New Mexico, with no transportation for compensation on return except as otherwise authorized. Mineral mixtures, in bags and packages, and pepper, in cartons and packages, in mixed loads with salt (presently authorized), from Grand Saline, Tex., and points within 5 miles thereof, to points in New Mexico; and damaged shipments of the commodities specified above, from points in New Mexico, to Grand Saline, Tex., and points

within 5 miles thereof. T. S. Christopher, 2412 Continental Life Building, Fort Worth, Tex., 76102, attorney for applicants.

No. MC-FC-68261. By order of October 29, 1965, Transfer Board approved the transfer to J & G Express, Inc., Jackson, Miss., of the operating rights issued by the Commission, April 22, 1952, under Certificate in No. MC-30808, to John W. Forester, doing business as Parker Truck Line, Holly Springs, Miss., authorizing the transportation, over a regular route, of general commodities, except household goods, and other specified commodities, between Holly Springs, Miss., and Memphis, Tenn., and charcoal furnaces, in truckload lots, over irregular routes, from Holly Springs, Miss., to points in Mississippi, and Tennessee, within 250 miles of Holly Springs. James N. Clay III, 340 Sterick Building, Memphis, Tenn., attorney for applicants.

No. MC-FC-68262. By order of October 28, 1965, Transfer Board approved the transfer to Wurz Carry-All, Inc., Utica, N.Y., of the certificate of registration in No. MC-121059 (Sub-No. 1), issued December 13, 1963, to William E. Force (Hazel G. Force, administratrix), doing business as Airlines Limousine Service, Whiteboro, N.Y., authorizing transportation in interstate and foreign commerce corresponding to the grant authority in State Certificate No. 8099, issued January 17, 1961, by the Public Service Commission of the State of New York. Robert W. Durr, care of Durr & Keinz, 712 First National Bank Building, Utica, N.Y., attorney for applicants.

No. MC-FC-68263. By order of October 29, 1965, Transfer Board approved the transfer to John C. Peterson, doing business as Dapson's Express, Waterville, N.Y., of the operating rights issued by the Commission October 27, 1949, under Certificate No. MC-20453, to Duane R. Slocum and Leith A. Slocum, a partnership, doing business as Dapson's Express, Remsen, N.Y., authorizing the transportation, over regular route, of general commodities, except household goods, commodities in bulk, and other specified commodities, between Utica, N.Y., and Morrisville, N.Y. Service is authorized to and from all intermediate points, and some off-route points. Richard S. Woodman, 130 East Main Street, Waterville, N.Y., attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 65-11920; Filed, Nov. 4, 1965;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 2, 1965.

Protests to the granting of an application must be prepared in accordance with § 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. 40096—Commodities between points in Texas. Filed by Texas-Louisiana

ana Freight Bureau, agent (No. 550), for interested rail carriers. Rates on insulating material, paper articles, chemicals and other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 39 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 40098—*Lead and zinc from and to points in WTL Territory.* Filed by Western Trunk Line Committee, agent (No. A-2430), for interested rail carriers. Rates on lead, pig or ingot, also zinc, slab or ingot, in carloads, between points in Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 21 to Western Trunk Line Committee, agent, tariff ICC A-4530.

AGGREGATE-OF-INTERMEDIATES

FSA No. 40097—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 551), for interested rail carriers. Rates on insulating material, paper articles, chemicals and other commodities named in the application, in carloads, from, to and

between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 39 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-11922; Filed, Nov. 4, 1965;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13890]

STANDARD AIRWAYS, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on November 16, 1965, at 10 a.m. e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before the board.

Dated at Washington, D.C., November 2, 1965.

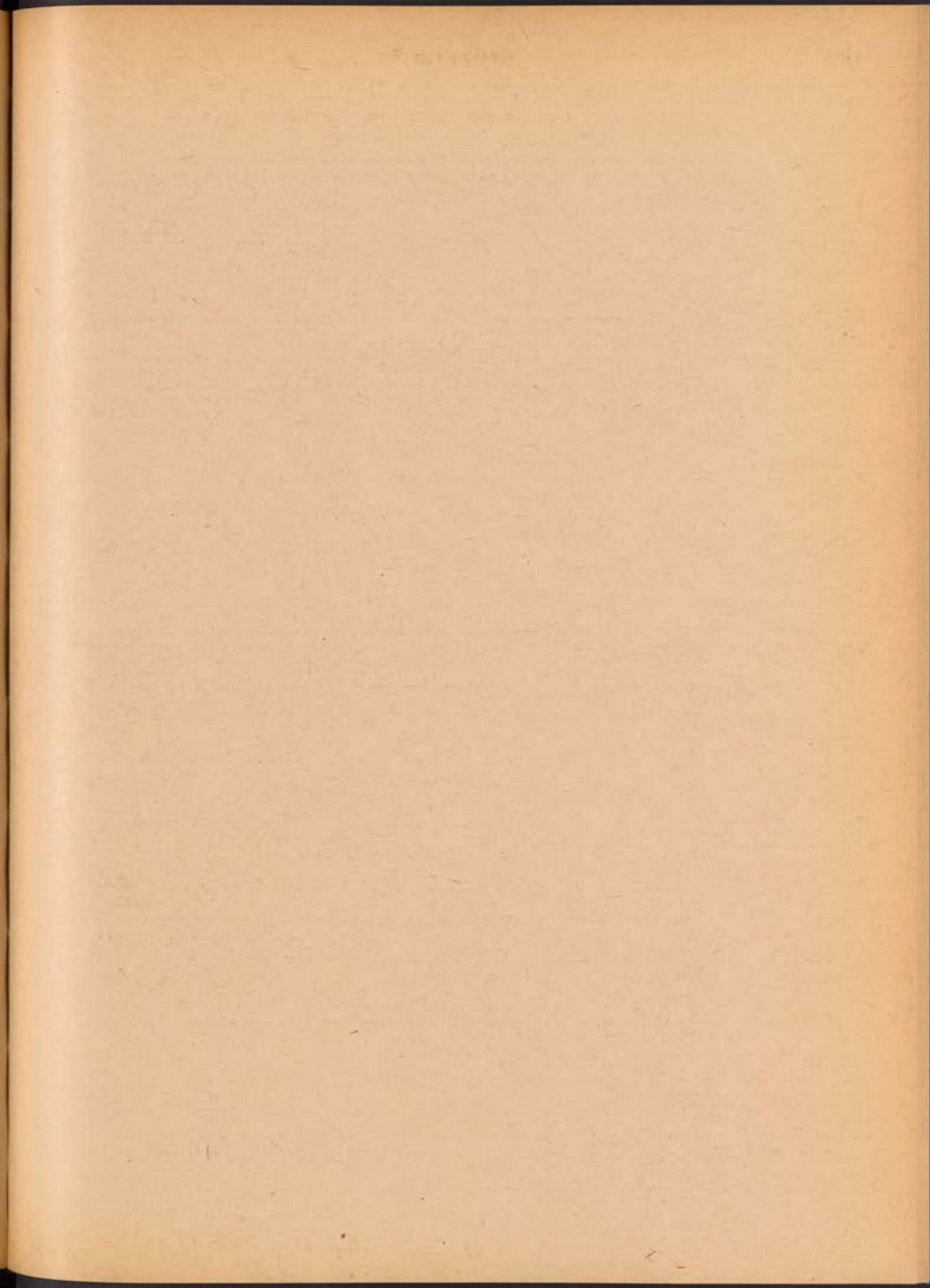
[SEAL] FRANCIS W. BROWN,
Chief Examiner.

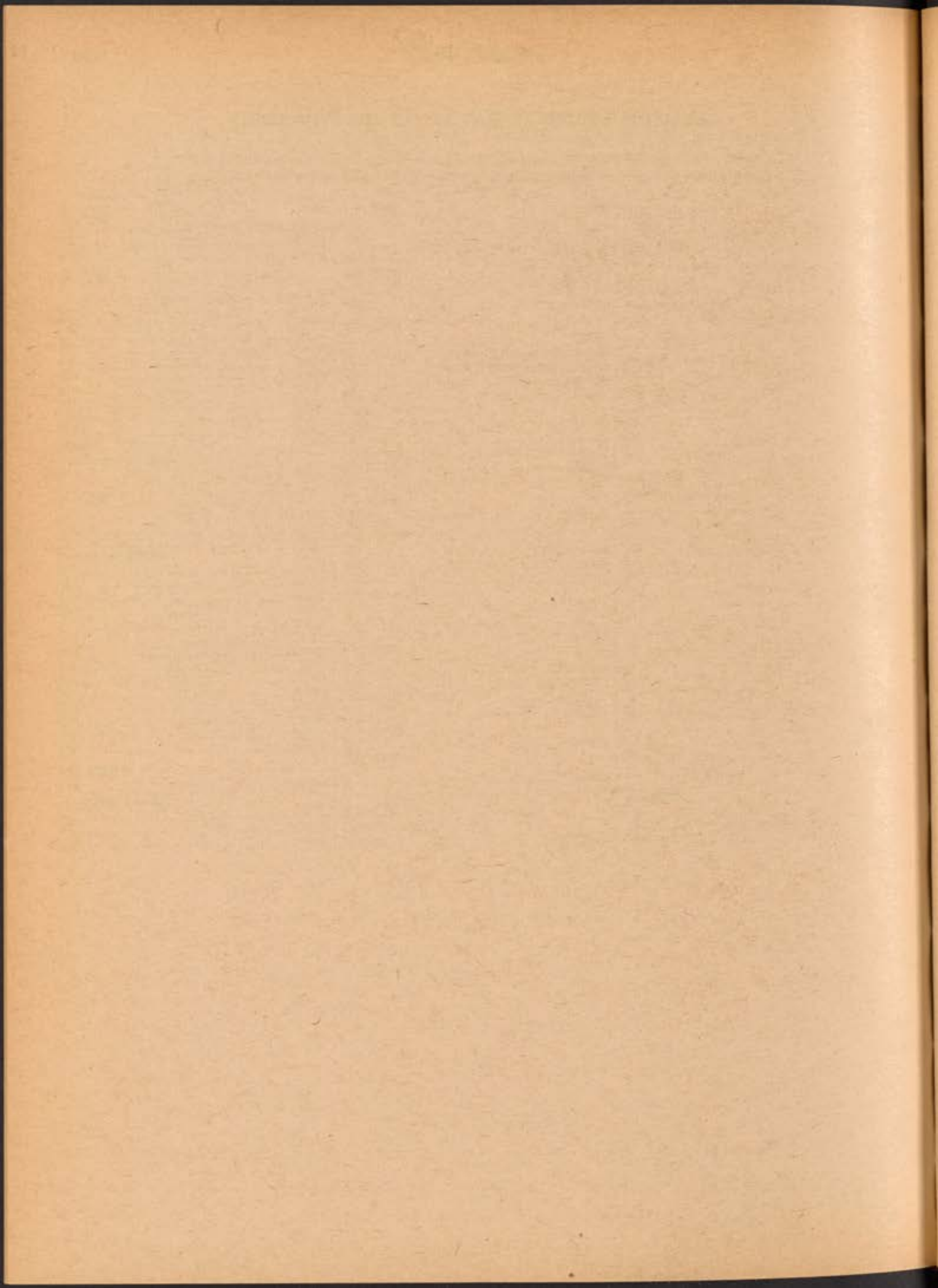
[F.R. Doc. 65-11910; Filed, Nov. 4, 1965;
8:47 a.m.]

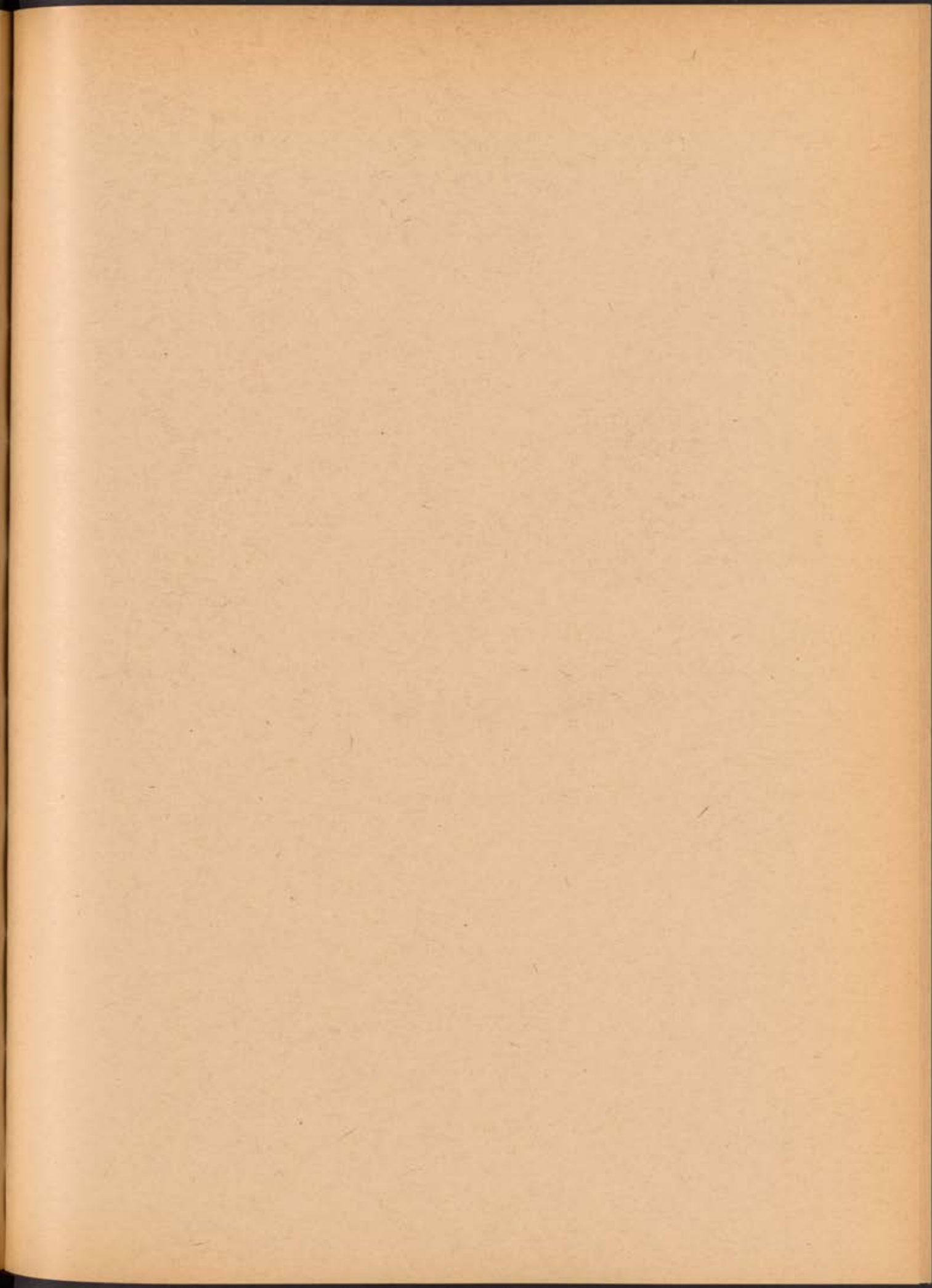
CUMULATIVE LIST OF CFR PARTS AFFECTED—NOVEMBER

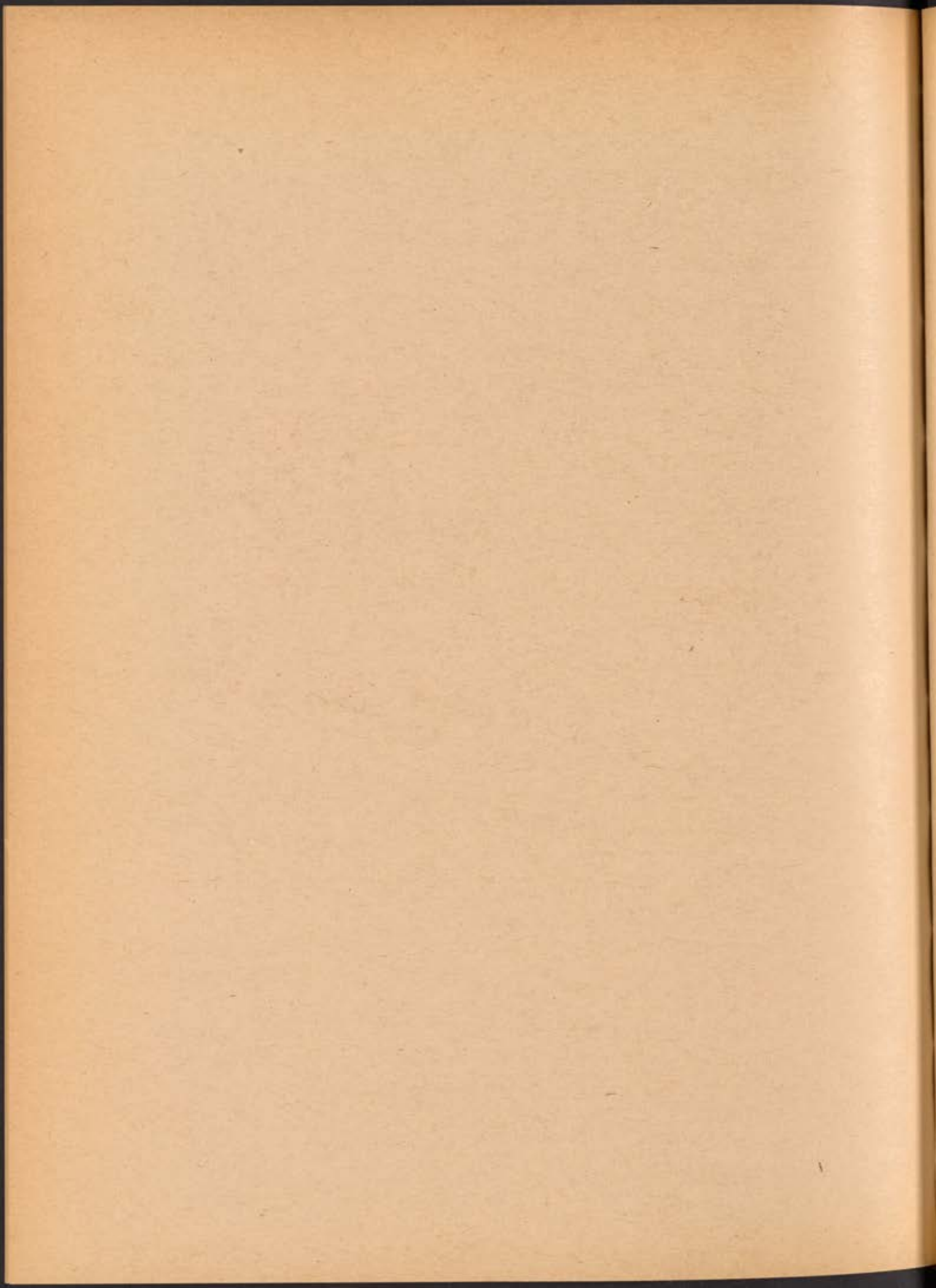
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

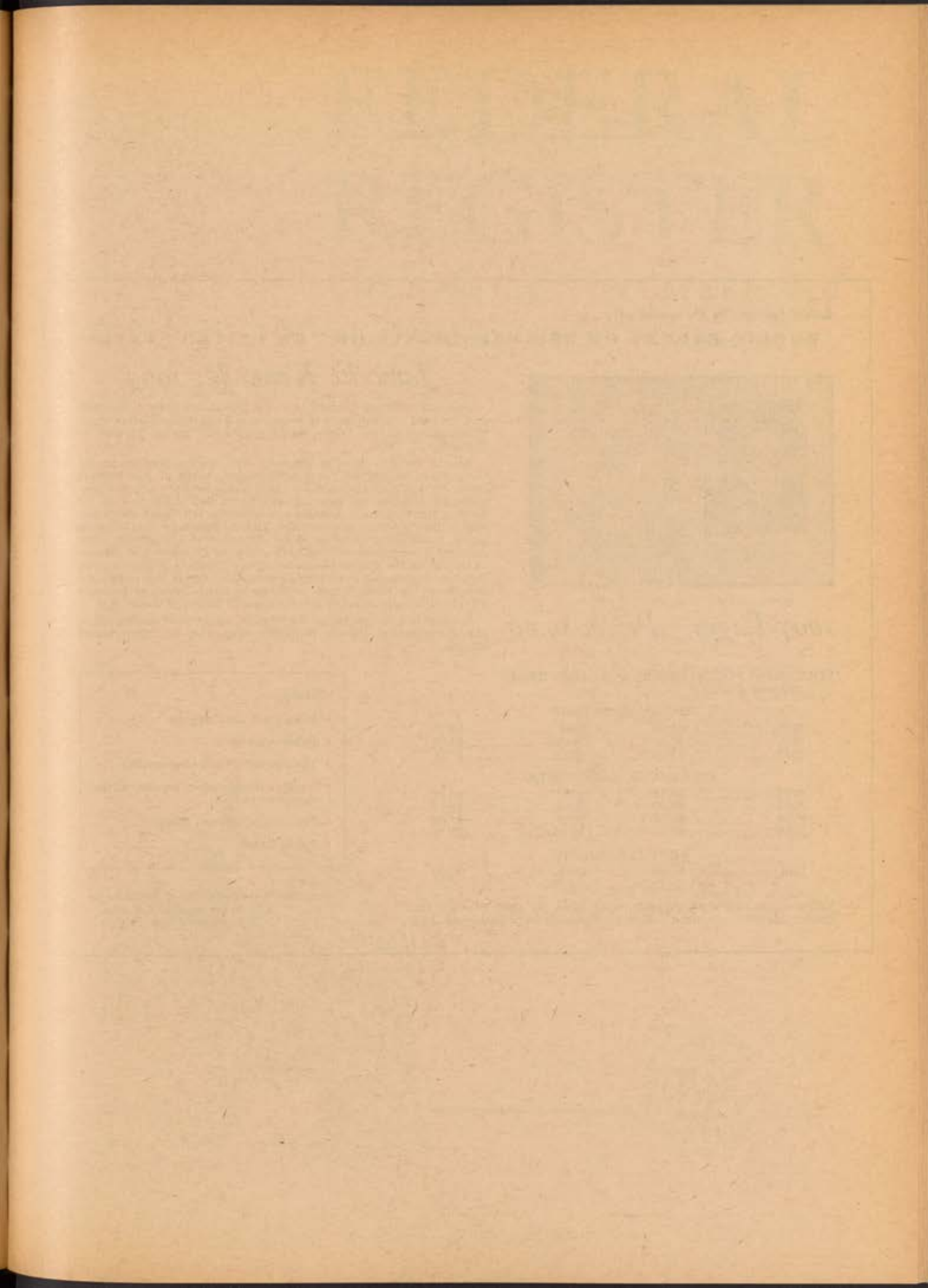
5 CFR	Page	12 CFR	Page	33 CFR	Page
213.....	13859, 13860, 13897	541.....	13902	202.....	13904
1201.....	14007	545.....	13902	39 CFR	
1202.....	14007	563.....	13902	113.....	13869
7 CFR		13 CFR		42 CFR	
16.....	13897	PROPOSED RULES:		PROPOSED RULES:	
850.....	13860	107.....	13872	73.....	13872
871.....	13897	14 CFR		43 CFR	
873.....	13899	39.....	13948	PUBLIC LAND ORDERS:	
905.....	13933	71.....	13863, 13864, 13903, 13948, 13949	3858.....	14012
908.....	13901	73.....	13864, 13903, 13949, 14007	45 CFR	
909.....	13934	75.....	13865	500.....	13869
910.....	13861	95.....	13865	531.....	13869
971.....	13935	PROPOSED RULES:		580.....	13869
980.....	13935	25.....	14014	801.....	13904
982.....	13901	39.....	13963, 14017	46 CFR	
1602.....	13861	71.....	13877, 13963, 13964	PROPOSED RULES:	
PROPOSED RULES:		298.....	13877	201.....	14014
905.....	14014	378.....	13877	206.....	14014
8 CFR		16 CFR		251.....	14014
103.....	13862, 13936	13.....	14008	287.....	14014
264.....	13862	18 CFR		47 CFR	
299.....	13862	154.....	14009	2.....	14013
PROPOSED RULES:		157.....	14009	31.....	13949
103.....	13956	250.....	14009	73.....	13950
204.....	13956	PROPOSED RULES:		PROPOSED RULES:	
205.....	13956	104.....	13877	73.....	13964, 14017
206.....	13956	141.....	14018	89.....	13965
211.....	13956	204.....	13877	91.....	13965
212.....	13956	21 CFR		93.....	13965
212a.....	13956	121.....	14012	49 CFR	
221.....	13956	166.....	13903	73.....	13936
235.....	13956	PROPOSED RULES:		77.....	13936
242.....	13956	42.....	13963	PROPOSED RULES:	
243.....	13956	24 CFR		71-90.....	13967
245.....	13956	1500.....	14012	50 CFR	
249.....	13956	26 CFR		10.....	13870
299.....	13956	1.....	13862	32.....	13871, 13905, 13953, 14013
10 CFR		31.....	13937	33.....	13905, 13953
140.....	14007	31 CFR			
PROPOSED RULES:		PROPOSED RULES:			
2.....	14014	209.....	13955		
50.....	14014				
115.....	14014				











Latest Edition in the series of . . .

PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES

John F. Kennedy, 1963



Contains verbatim transcripts of the President's news conferences and speeches and full texts of messages to Congress and other materials released by the White House during the period January 1–November 22, 1963.

Among the 478 items in the book are: special messages to the Congress on education, youth conservation, needs of the Nation's senior citizens, and on improving the Nation's health; radio and television addresses to the American people on civil rights and on the nuclear test ban treaty and the tax reduction bill; joint statements with leaders of foreign governments; and the President's final remarks at the breakfast of the Fort Worth Chamber of Commerce. Also included is the text of two addresses which the President had planned to deliver on the day of his assassination; President Johnson's proclamation designating November 25 a national day of mourning; and remarks at the White House ceremony in which President Kennedy was posthumously awarded the Presidential Medal of Freedom.

A valuable reference source for scholars, reporters of current affairs and the events of history, historians, librarians, and Government officials.

1007 Pages Price: \$9.00

VOLUMES of PUBLIC PAPERS of the PRESIDENTS
currently available:

HARRY S. TRUMAN:

1945.....	\$5.50	1948.....	\$9.75
1946.....	\$6.00	1949.....	\$6.75
1947.....	\$5.25	1950.....	\$7.75

DWIGHT D. EISENHOWER:

1953.....	\$6.75	1957.....	\$6.75
1954.....	\$7.25	1958.....	\$8.25
1955.....	\$6.75	1959.....	\$7.00
1956.....	\$7.25	1960-61.....	\$7.75

JOHN F. KENNEDY:

1961.....	\$9.00	1962.....	\$9.00
1963.....	\$9.00		

Volumes are published annually, soon after the close of each year. Earlier volumes are being issued periodically, beginning with 1945.

Contents:

- Messages to the Congress
- Public speeches
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups
- Public letters

Order from the: Superintendent of Documents
Government Printing Office
Washington, D.C. 20402