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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3110 is amended to show that 25 professional, technical, and administrative positions to staff the program under the Law Enforcement Assistance Act of 1965 may be filled under Schedule A for an additional year and to extend use of the authority to positions in grade GS–9. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (a) of § 213.3110 is amended as set out below.

§ 213.3110 **Department of Justice.**

(a) *General.* * * *

(4) Until December 31, 1967, 25 professional, technical, and administrative positions at grade GS–9 and above to staff the program under the Law Enforcement Assistance Act of 1965.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66–13379; Filed, Dec. 13, 1966; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to extend for one year the Schedule A authorities for 225 positions in the Welfare Administration's Cuban Refugee Program and for 60 positions in medical and related occupations for employment under the Cuban refugee program. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (g) of § 213.3116 are amended as set out below.

§ 213.3116 **Department of Health, Education, and Welfare.**

* * * * *

(e) *General.* (1) Until December 31, 1967, 60 positions in medical and related occupations for employment under the Cuban refugee program. Employment of any person under this authority shall not extend more than one year beyond the expiration of the authority.

* * * * *

(g) *Welfare Administration.* (1) Not to exceed 225 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That employment under this authority shall be temporary and no employment shall be made under it after December 31, 1967.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66–13377; Filed, Dec. 13, 1966; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

President's Committee on Juvenile Delinquency and Youth Crime, Equal Employment Opportunity Commission, and Department of Justice

Effective on publication in the FEDERAL REGISTER, §§ 213.3166, 213.3277, and paragraph (c) of § 213.3210, having expired by their own terms, are revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66–13380; Filed, Dec. 13, 1966; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the Deputy Assistant Secretary for Individual and Family Services is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added under paragraph (n) of § 213.3316 as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(n) *Office of the Assistant Secretary for Individual and Family Services.* * * *

(4) One Deputy Assistant Secretary for Individual and Family Services.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66–13376; Filed, Dec. 13, 1966; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Director, Demonstration Cities Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is added to paragraph (e) of § 213.3384 as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

* * * * *

(e) *Office of the Assistant Secretary for Demonstrations and Intergovernmental Relations.* * * *

(4) Director, Demonstration Cities Administration.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Acting Executive Assistant to the Commissioners.

[F.R. Doc. 66–13378; Filed, Dec. 13, 1966; 8:46 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 115, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after

publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (iii), and (iv) of § 907.415 (Navel Orange Regulation 115, 31 F.R. 15190) are hereby amended to read as follows:

§ 907.415 Navel Orange Regulation 15.

* * * * *

(b) * * *

(1) * * *

(i) District 1: Unlimited movement;

* * * * *

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

* * * * *

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

Dated: December 9, 1966.

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

[F.R. Doc. 66–13413; Filed, Dec. 13, 1966; 8:48 a.m.]

PART 972—VEGETABLES GROWN IN CERTAIN DESIGNATED COUNTIES IN COLORADO

Termination

Notice of rule making with respect to termination of Marketing Agreement No. 67 and Order No. 972 (7 CFR Part 972) was published in the October 15, 1966, FEDERAL REGISTER (31 F.R. 13394). This program has been in effect since August 9, 1936, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 30 days following its publication in the FEDERAL REGISTER. None was submitted.

Prior to World War II, production and marketing of fresh peas and cauliflower were important both to San Luis Valley producers and to the late summer supply and market price structure for these commodities. They continued so after the war, with 6,400 acres in fresh peas in 1948 and 3,200 acres in cauliflower. Since then, with the advent of competition from frozen vegetables, production and marketing of fresh peas and cauliflower in the production area have declined rapidly, especially in the last decade. Current reports indicate San Luis Valley fresh pea production this season of not more than 100 acres and only about 10 acres of cauliflower.

The last grade and size regulations issued under this order were during the 1958 season. Since then, neither the Cauliflower Marketing Committee nor the Fresh Pea Marketing Committee has recommended any regulations.

As economic and marketing conditions in the production area for these two commodities indicate no further need for this marketing order program, it is hereby found that it no longer tends to effectuate the declared policy of the act and should be terminated.

Therefore, Marketing Agreement No. 67 and Order No. 972, including the rules and regulations thereunder (7 CFR Part 972), and the appointment of committee members and alternates, are hereby terminated as of March 1, 1967.

This action is taken pursuant to section 608c(16)(A) of the act (7 U.S.C. 608c(16)(A)) and the applicable provisions of said marketing agreement and order.

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

Dated December 9, 1966, to become effective March 1, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–13384; Filed, Dec. 13, 1966; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 20,322]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts

DECEMBER 8, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 526 of the regulations for the Federal Home Loan Bank System, relating to limitations on rate of return, to adjust the rates of return payable on withdrawable accounts by members of the system in the forthcoming distribution period and for the purpose of effecting such amendment, hereby amends Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR, Part 526) as follows, effective January 2, 1967:

1. In § 526.2, paragraphs (b) and (e) are revised. As amended, § 526.2 reads as follows:

§ 526.2 Maximum rate of return.

* * * * *

(b) *Exceptions.* (1) No such prescribed maximum rate shall apply to the payment of a return at not in excess of the announced rate on regular accounts with respect to that portion of a distribution period which has occurred prior to the date upon which such prescribed maximum rate became effective as to that institution.

(2) No such prescribed maximum rate shall apply to accounts which may receive an additional return after a prescribed period, outstanding prior to the date upon which such rate became effective as to that institution, but shall apply to such accounts upon completion of the minimum term or qualifying period prescribed with respect to such accounts.

* * * * *

(e) *Share loans.* In calculating the rate of return paid, the effect of monthly loans upon the security of a certificate or regular account, in an amount equal to the proportionate amount of the announced rate for the distribution period, may be disregarded. No share loan, except in the form of such a proportionate advance of earnings, may be made by a member at a rate of interest on such loan that is less than 1 percent per annum in excess of the rate of return on any such account.

2. In § 526.3, paragraph (b) is revised. As amended, § 526.3 reads as follows:

§ 526.3 Maximum rate of return payable on regular accounts.

* * * * *

(b) *Institutions at higher rates.* (1) A member institution whose home office is located (i) in Oregon or in a State as to which the regional Federal Home Loan Bank has determined that a majority measured in savings capital of its member institutions with home offices located therein had as of November 30, 1966, an announced rate of return on regular accounts in excess of 4.75 percent per annum and (ii) in a Standard Metropolitan Statistical Area, or county not in such Area, as to which such a determination has also been made, may pay a return on regular accounts at a rate not in excess of 5 percent per annum.

(2) A member institution whose home office is located in a Standard Metropolitan Statistical Area, or county not in such Area, in which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein has at any time hereafter an announced rate of return on regular accounts in excess of 4.75 percent per annum may pay a return on regular accounts at a rate not in excess of 5 percent per annum.

* * * * *

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendment might result in substantial withdrawals of funds from insured institutions, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of section 508.12 of the General Regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendment for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason and

the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-13419; Filed, Dec. 13, 1966; 8:49 a.m.]

[No. 20,321]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts

DECEMBER 8, 1966.

Resolved that, notice and public procedure having been duly afforded (31 F.R. 14415) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 526.4 of the regulations for the Federal Home Loan Bank System (12 CFR 526.4) establishing the maximum rate of return payable on certificate accounts by members of the Federal Home Loan Bank System, and for the purpose of effecting such amendment, hereby amends said § 526.4 by adding paragraph (d) to read as follows, effective January 2, 1967.

§ 526.4 **Maximum rate of return payable on certificate accounts.**

* * * * *

(d) *Amount Limitation.* A member institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on certificate accounts issued at a time when the total of certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, as the foregoing amendment is designed to adjust the operations of members of the Federal Home Loan Bank System as of the beginning of the next dividend distribution period to changed economic conditions emerging during the current dividend period, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not consistent with the public interest and provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-13417; Filed, Dec. 13, 1966; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-2,922]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts

DECEMBER 8, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending Part 569 of the rules and regulations for Insurance of Accounts, relating to limitations on rate of return, to adjust the rates of return payable on withdrawable accounts by institutions insured by the Federal Savings and Loan Insurance Corporation in the forthcoming distribution period and for the purpose of effecting such amendment, hereby amends Part 569 of the rules and regulations for Insurance of Accounts (12 CFR, Part 569) as follows, effective January 2, 1967:

1. In § 569.2, paragraphs (b) and (e) are revised. As amended, § 569.2 reads as follows:

§ 569.2 **Maximum rate of return.**

* * * * *

(b) *Exceptions.* (1) No such prescribed maximum rate shall apply to the payment of a return at not in excess of the announced rate on regular accounts with respect to that portion of a distribution period which has occurred prior to the date upon which such prescribed maximum rate became effective as to that institution.

(2) No such prescribed maximum rate shall apply to accounts which may receive an additional return after a prescribed period, outstanding prior to the date upon which such rate became effective as to that institution, but shall apply to such accounts upon completion of the minimum term or qualifying period prescribed with respect to such accounts.

* * * * *

(e) *Share loans.* In calculating the rate of return paid, the effect of monthly loans upon the security of a certificate or regular account, in an amount equal to the proportionate amount of the announced rate for the distribution period, may be disregarded. No share loan, except in the form of such a proportionate advance of earnings, may be made by an insured institution at a rate of interest on such loan that is less than 1 percent per annum in excess of the rate of return on any such account.

2. In § 569.3, paragraph (b) is revised As amended, § 569.3 reads as follows:

§ 569.3 **Maximum rate of return payable on regular accounts.**

* * * * *

(b) *Institutions at higher rates.* (1) An insured institution whose home office is located (i) in Oregon or in a State as to which the regional Federal Home Loan Bank has determined that a majority measured in savings capital of its member institutions with home offices located therein had as of November 30, 1966, an announced rate of return on regular accounts in excess of 4.75 percent per annum and (ii) in a Standard Metropolitan Statistical Area, or county not in such Area, as to which such a determination has also been made, may pay a return on regular accounts at a rate not in excess of 5 percent per annum.

(2) An insured institution whose home office is located in a Standard Metropolitan Statistical Area, or county not in such Area, in which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein has at any time hereafter an announced rate of return on regular accounts in excess of 4.75 percent per annum may pay a return on regular accounts at a rate not in excess of 5 percent per annum.

* * * * *

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, since affording notice and public procedure on the above amendment might result in substantial withdrawals of funds from insured institutions, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board or 5 U.S.C. 553(b), and publication of said amendment for the period specified in § 508.14 of the General Regulations of the Federal Home Loan Bank Board and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason and the Board hereby so finds, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-13418; Filed, Dec. 13, 1966; 8:49 a.m.]

[No. FSLIC-2,921]

PART 569—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts

DECEMBER 8, 1966.

Resolved that, notice and public procedure having been duly afforded (31 F.R. 14415) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 569.4 of the Rules and Regulations for Insurance of Accounts (12 CFR 569.4) establishing the maximum rate of return payable on certificate accounts by institutions insured by the Federal Savings and Loan Insurance Corporation, and for the purpose of effecting such amendment, hereby amends said § 569.4 by adding paragraph (d) to read as follows, effective January 2, 1967.

§ 569.4 Maximum rate of return payable on certificate accounts.

* * * * *

(d) *Amount limitation.* An insured institution may not advertise or pay a rate of return, higher than the maximum rate prescribed for regular accounts, on certificate accounts issued at a time when the total of certificate accounts receiving a rate of return (including any deferred return or bonus applicable to a period of less than 3 years) higher than the maximum rate prescribed for regular accounts exceeds 50 percent of total withdrawable accounts.

(Sec. 4, 80 Stat. 823; 12 U.S.C. 1425b)

Resolved further that, as the foregoing amendment is designed to adjust the operations of savings and loan associations insured by the Federal Savings and Loan Insurance Corporation as of the beginning of the next dividend distribution period to changed economic conditions emerging during the current dividend period, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not consistent with the public interest and provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 66-13420; Filed, Dec. 13, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7790; Amdt. 151-16]

PART 151—FEDERAL AID TO AIRPORTS

U.S. Share of Project Costs in Public Land States

The purpose of this amendment is to revise the table in § 151.43(c) of Part 151 of the Federal Aviation Regulations. The table sets forth, in percentage, the U.S. share of the costs of an approved project for airport development in each state where the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceed 5 percent of the total area of all lands therein. Section 151.43(c) reflects the requirement of section 10(b) of the Federal Airport Act (49 U.S.C. 1109).

The U.S. percentage share of project costs in each of these states has been redetermined on the basis of recent information furnished by the Department of the Interior. This redetermination has resulted in changes of the percentages for all states listed in the table except Alaska, Arizona, Colorado, and Nevada.

The procedural and effective date requirements of section 553 of Title 5, U.S. Code, do not apply to this amendment because it is within the exception in that section relating to public grants, benefits, and contracts, and this amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the table in § 151.43(c) of Part 151 is amended, effective December 14, 1966, to read as follows:

§ 151.43 U.S. share of project costs.

* * * * *

(c) * * *

State	*Percent*
Alaska	62.50
Arizona	61.00
California	53.63
Colorado	53.30
Idaho	55.85
Montana	53.03
Nevada	62.50
New Mexico	56.31
Oregon	55.64
South Dakota	52.55
Utah	60.94
Washington	51.53
Wyoming	57.32

* * * * *

(Secs. 1-15, 17-21, Federal Airport Act; 49 U.S.C. 1101-1114, 1116-1120)

Issued in Washington, D.C., on December 7, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-13359; Filed, Dec. 13, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 80—DIETARY SUPPLEMENTS AND VITAMIN AND MINERAL-FORTIFIED FOODS

PART 125—FOOD FOR SPECIAL DIETARY USES

Order Staying Effective Date of Regulations; Amending Regulations; and Allowing Additional Time for Filing Objections

In the matter of revising the regulations for food for special dietary uses:

On June 18, 1966, orders were published in the FEDERAL REGISTER (31 F.R. 8521 et seq.), to become effective December 15, 1966, exempting from labeling requirements certain artificially sweetened foods (21 CFR 5.5), establishing definitions and standards of identity for dietary supplements of vitamins and minerals and for vitamin and mineral-fortified foods (21 CFR Part 80), and revising the regulations for food for special dietary uses (21 CFR Part 125). The order also deleted § 1.11. Within the 30-day period permitted by the order, objections were filed, together with requests for a public hearing. Therefore, pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008): *It is ordered,* That the effective date of § 5.5, Part 80, and Part 125, published June 18, 1966, be stayed and also that the effective date of the deletion of § 1.11 be stayed.

At a later date the Commissioner will announce by publication in the FEDERAL REGISTER the date and place for the commencement of the public hearing to be held upon the following issues raised by the objections:

I. *Issues concerning § 5.5.* Whether the conditions of exemption set forth in § 5.5 *Certain foods with added artificial sweetener not intended for special dietary use* are reasonable and necessary to fully inform purchasers of the value of such foods.

II. *Issues concerning Part 80.* A. With respect to § 80.1 *Dietary supplements of vitamins and minerals; identity; label statements:*

1. Whether it will promote honesty and fair dealing in the interest of consumers, and will assist in carrying out the purpose of the law of providing full information to consumers as to the value of such foods for special dietary use, to promulgate a standard of identity for dietary supplements of vitamins and minerals.

2. Whether such standard should limit the nutrients contained therein to those listed in § 80.1(b), as amended by this order.

3. Whether such standard should limit the minimum and maximum amounts of nutrients supplied to those listed in § 80.1(b), as amended by this order.

4. Whether the label of the dietary supplement should bear the statement, as prescribed by § 80.1(e), "Multivitamin supplement," "Mineral supplement," "Multivitamin and mineral supplement," "Vitamin _____ supplement," "_____ mineral supplement," or "Vitamin _____ and _____ mineral supplement," as the case may be, the blanks to be filled in with the name(s) of the vitamins and/or minerals which the supplement is represented to contain.

5. Whether the label of dietary supplements should bear the statement prescribed by § 80.1(f), as amended by this order, which reads:

> Vitamins and minerals are supplied in abundant amounts by commonly available foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.

as a necessary means of fully informing consumers of the value of such dietary supplements for special dietary use.

6. Whether the label of the dietary supplement should bear the name and amount of each vitamin and mineral supplied by the supplement, as prescribed by § 80.1(g).

7. Whether the label of the dietary supplement should name the ingredients used to provide the vitamins and minerals, and the source of these ingredients.

8. Whether the label of the dietary supplement containing one or more vitamins should bear, as prescribed by § 80.1(k), as amended by this order, an expiration date which will assure that the supplement contains the full declared level of the vitamins when purchased by the consumer.

B. With respect to § 80.2 *Vitamin and mineral-fortified foods; identity; label statements.:*

1. Whether it will promote honesty and fair dealing in the interest of consumers, and will assist in carrying out the purpose of the law of providing full information to consumers as to the value of such foods for special dietary use, to promulgate a standard of identity for vitamin and mineral-fortified foods.

2. Whether it will promote honesty and fair dealing in the interest of consumers to permit fortification of foods only in those classes of foods listed in § 80.2(c), as amended by this order, and to exclude from the standard those classes of foods listed in § 80.2(b), as amended by this order.

3. Whether it will promote honesty and fair dealing in the interest of consumers to limit the fortification of foods to the nutrients listed, in the amounts stated, and under the conditions set forth in § 80.2(c), as amended.

4. Whether any of the classes of foods listed in § 80.2(c), as amended, should be eliminated from the standard.

5. Whether the designated serving set forth in § 80.2(c), as amended, for each class of food is reasonable.

III. *Issues concerning Part 125.* A. With respect to § 125.1 *Definitions and interpretations of terms.:*

1. Whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to define "special dietary use" as set forth in § 125.1(a).

2. Whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to establish "recommended dietary allowances" for essential nutrients.

3. Whether the "recommended dietary allowances" as set forth in § 125.1(b), and amended by this order, are reasonable.

4. Whether the definition of "artificial sweetener" in § 125.1(c) is reasonable.

B. With respect to § 125.2 *General label statements; dietary properties; value; placement,* whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods bear a statement as required and limited by that section, as amended by this order.

C. With respect to § 125.3 *Label statements relating to vitamins and minerals,* whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses, to require that the labels of such foods by reason of their vitamin or mineral content bear a statement of the percentages of the recommended dietary allowances of such vitamins and minerals contained in such food, with the limitation that vitamin and mineral supplements and foods fortified with vitamins and/or minerals may not bear on their labels a declaration of any quantity of added vitamins or minerals in the supplements or fortified foods which supply more than 100 percent of the recommended dietary allowance for any nutrient.

D. With respect to § 125.4 *Label statements relating to infant food,* whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for special dietary uses for infants, to require that the label of such foods bear the statements set forth in that section, as amended by this order.

E. With respect to § 125.5 *Label statements relating to food for use in reducing, maintaining, or gaining body weight,* whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods represented for use in reducing, maintaining, or gaining body weight, to require that the labels of such foods bear the information required by that section, as amended by this order.

F. With respect to § 125.6 *Label statements relating to food for use in the diets of diabetics,* whether it is necessary and reasonable, in order fully to inform purchasers of the value of foods for use in the diets of diabetics, that such foods be labeled as such and that their labels bear the information required by that section, and whether the term "dietetic" shall be prohibited, or shall be restricted to the labels of food for the diets of diabetics.

The Commissioner has determined that the final orders establishing Part 80 and revising Part 125, published in the FEDERAL REGISTER of June 18, 1966, should be amended in certain minor respects to clarify the orders and in other respects to meet some of the objections filed. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(j), 701(e), 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371(e)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.120; 31 F.R. 3008), Parts 80 and 125 are amended to read as follows and, although amended hereby, the effective date of these parts is stayed as announced above:

Sec.
80.1 Dietary supplements of vitamins and minerals; identity; label statements.
80.2 Vitamin and mineral-fortified foods; identity; label statements.

AUTHORITY: The provisions of this Part 80 issued unders secs. 401, 403(j), 701, 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371.

CROSS REFERENCES: For other regulations in this chapter concerning dietary foods see §§ 3.9, 3.32, 3.42, and 5.5 and Part 125.

§ 80.1 Dietary supplements of vitamins and minerals; identity; label statements.

(a) The dietary supplements for which definitions and standards of identity are prescribed by this section are prepared in tablet, capsule, pill, wafer, or similar uniform units, or in powder, granular, flake, or liquid form, and purport to be or are represented for special dietary use by man to supplement his diet by increasing the total dietary intake of one or more of the essential vitamins and minerals specified in paragraph (b) of this section.

(b) The dietary supplements contain one or more of the following vitamins and minerals within the limits specified in units reasonably suitable for and practicable of consumption in a period of 1 day, and which provide for 1 day no less than the following minimum amounts nor more than the following maximum amounts:

TABLE 1—VITAMIN SUPPLEMENTS

Vitamins	Unit of measurement	Minimum amounts for any person except an infant [1]	Maximum amounts for—				
			Adult	Pregnant or lactating woman	Child 9 through 17 years of age	Child 1 through 8 years of age	Infant (not more than 12 months of age)
MANDATORY FOR MULTIVITAMIN SUPPLEMENTS							
Vitamin A	U.S.P. units	1,250	5,000	8,000	5,000	3,500	1,500
Vitamin D	do	100	400	400	400	400	400
Ascorbic acid (vitamin C)	Milligrams	18	70	100	80	60	30
Thiamine (vitamin B_1)	do	0.3	1.2	1.2	1.4	0.8	0.4
Riboflavin (vitamin B_2)	do	0.5	1.7	1.9	2	1.3	0.6
Niacin or niacinamide	do	5	19	21	22	14	6
OPTIONAL							
Vitamin E	International units	8	30	30	30	15	5
Vitamin B_6	Milligrams	0.5	2	2	2	1	0.4
Folic acid	do	0.03	0.1	0.1	0.1	0.05	0.05
Pantothenic acid	do	2.5	10	10	10	5	5
Vitamin B_{12}	Micrograms	2	5	5	5	2.5	2.5

[1] The minimum amounts of the vitamins and minerals of a dietary supplement for an infant are one-half of the respective amounts specified for an infant.

TABLE 2—MINERAL SUPPLEMENTS

Minerals	Unit of measurement	Minimum amounts for any person except an infant [1]	Maximum amounts for—				
			Adult	Pregnant or lactating woman	Child 9 through 17 years of age	Child 1 through 8 years of age	Infant (not more than 12 months of age)
MANDATORY FOR MINERAL SUPPLEMENTS							
Calcium	Milligrams	200	800	1,300	1,400	800	700
Iron	do	4	15	20	15	12	8
OPTIONAL							
Phosphorus	Milligrams	200	800	1,300	1,400	800	350
Magnesium	do	75	300	300	300	200	150
Iodine	do	0.04	0.15	0.15	0.15	0.08	0.08
Copper	do	0.5	2	2	2	1	1

[1] The minimum amounts of the vitamins and minerals of a dietary supplement for an infant are one-half of the respective maximum amounts specified for an infant.

(c) The vitamins and minerals of the dietary supplements may be supplied by any suitable synthetic or natural substances which are not food additives as defined by section 201(s) of the Federal Food, Drug, and Cosmetic Act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(d) Suitable substances may be used as preservatives, stabilizers, flavors, colors, sweeteners, seasonings, carriers, bases, vehicles, or to facilitate preparation of the vitamin and mineral substances, and the dietary supplements are so prepared that such substances do not exceed the minimum quantity required to establish their intended physical or technical effect, and the biological availability of the vitamins and minerals is not impaired by the presence of such substances; however, such substances shall not be food additives as defined by section 201(s) of the act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(e) The name of the dietary supplement shall appear conspicuously on the main panel of the label. The name of a dietary supplement which contains all of the mandatory vitamins listed in table 1 of paragraph (b) of this section is "Multivitamin supplement"; the name of a dietary supplement which contains both of the mandatory minerals listed in table 2 of paragraph (b) of this section is "Mineral supplement"; and the name of a dietary supplement which contains all of the mandatory vitamins and minerals listed in tables 1 and 2 of paragraph (b) of this section is "Multivitamin and mineral supplement." A dietary supplement which contains less than all of the mandatory vitamins and minerals listed in paragraph (b) of this section shall be designated as "Vitamin _____ supplement" or "_____ mineral supplement," or "Vitamin _____ and _____ mineral supplement," as the case may be, the blanks to be filled in with the name(s) of the vitamins and/or minerals which the supplement is represented to contain.

(f) Immediately following the name on the main panel of the label of each dietary supplement, the following statement shall appear in prominent type:

Vitamins and minerals are supplied in abundant amounts by commonly available foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.

This statement is not required for foods which purport to be or are represented solely for use as a food for an infant, a child 1 through 8 years of age, or a pregnant or lactating woman. Any statement in the label or labeling inconsistent with this statement shall be misleading and shall cause the product to be deemed misbranded within the meaning of sections 201(n) and 403(a) of the Federal Food, Drug, and Cosmetic Act.

(g) Immediately following the statement required by paragraph (f) of this section, the label shall bear a statement listing each of the vitamins and/or minerals supplied by the specified daily quantity of the dietary supplement as prescribed in paragraph (b) of this section, together with a statement of the quantity of the dietary supplement to be taken daily and the frequency of ingestion. No other ingredients shall be identified by name except as specifically prescribed by paragraphs (i) and (j) of this section.

(h) [Reserved]

(i) If a chemical preservative, artificial flavoring, artificial coloring, or artificial sweetener is used, the label shall bear the statement: "_____ added as a preservative," the blank to be filled in with the name of the chemical preservative; "Contains added _____," the blank to be filled in with the words "artificial flavoring," "artificial coloring," or "artificial sweetener," whichever applies.

(j) When the dietary supplement is in liquid form and contains alcohol, the label shall state the percent by volume of alcohol present.

(k) The dietary supplement containing one or more vitamins shall bear on its outside wrapper or container, as well as on the label of its immediate container, the statement: "Expiration date: _____," the blank to be filled in by the month and year. The expiration date shall be the date selected by the manufacturer, packer, or distributor of the food on the basis of tests or other information showing that the food, until that date, under the conditions of handling and storage prescribed by directions appearing on its label, or, in the absence of such prescribed directions, under customary or usual conditions of handling and storage, will contain not less than the quantity of each vitamin as set forth on its label.

(l) In addition to the requirements of this part, the dietary supplements shall bear the label statements required by, and shall conform to, Part 125 of this chapter.

§ 80.2 Vitamin and mineral-fortified foods; identity; label statements.

Definitions and standards of identity are established for vitamin and mineral-fortified foods as follows:

(a) The Food and Drug Administration endorses and adopts the "Statement of General Policy in regard to the Addition of Specific Nutrients to Foods" adopted jointly (May 1961) by the Food and Nutrition Board, National Research Council-National Academy of Sciences, and by the Council on Foods and Nutrition, American Medical Association, which reads in part as follows:

The principle of the addition of specific nutrients to certain foods is endorsed, with defined limitations, for the purpose of maintaining good nutrition in all segments of the population at all economic levels. The requirements which should be met for the addition of a particular nutrient to a given food include acceptable evidence that the supplemented food would be physiologically or economically advantageous for a significant segment of the consumer population, assurance that the food item concerned would be an effective vehicle of distribution for the nutrient to be added, and evidence that such addition would not be prejudicial to the achievement of a diet good in other respects.

The desirability of meeting nutritional needs by the use of an adequate variety of foods as far as practicable is emphasized strongly. To that end, research and education are encouraged to insure the proper choice and preparation of foods and to improve food production, processing, storage, and distribution so as to retain their essential nutrients.

Foods suitable as vehicles for the distribution of additional nutrients are those which have a diminished nutritive content as a result of loss in refining or other processing or those which are widely and regularly consumed. The nutrients added to such foods should be the kinds and quantities associated with the class of foods involved. The addition of other than normally occurring levels of nutrients to these foods may be favored when properly qualified judgment indicates that the addition will be advantageous to public health and when other methods for effecting the desired purpose appear to be less feasible.

Scientific evaluation of the desirability of restoring an essential nutrient or nutrients to the diet is necessary whenever technologic or economic changes lead to a nutritionally significant reduction in the intake of a nutrient or nutrients.

Such reduction might result either from a marked decrease in the consumption of an important food or from a considerable increase in the consumption of foods of diminished nutritive quality. Similar evaluation is desirable, with the limitations defined above (first paragraph of this policy statement), whenever advances in nutritional

science and in food technology make possible the preparation of nutrient-enriched products which are likely to make important contributions to good nutrition.

(b) Pursuant to the statement of policy in paragraph (a) of this section, definitions and standards of identity are established in this section for classes of human foods to which foods one or more vitamins and minerals have been added, but excluding the following classes of foods:

(1) Dietary supplements of vitamins and/or minerals.

(2) Foods for which standards of identity have been separately established under section 401 of the act, and imitations of such foods, provided that the addition, if any, of one or more vitamins and minerals to such imitation is at the same level as prescribed in the standard of identity for such food.

(3) Foods supplying a special dietary need by reason of being a food for use as the sole item of the diet or of a meal.

(4) Infant formulas suitable as complete or partial substitutes for human milk.

(5) Infant and junior cereal products.

(6) Foods in bulk intended for further manufacturing.

(c) Vitamins and/or minerals which are added to foods to improve nutritive value are limited to the particular vitamins and minerals, in the quantities, with the restrictions, and in the foods indicated, as follows:

Class of food	Added vitamins and minerals	Levels permitted [1]		Designated serving
		Minimum	Maximum	
Fluid or powdered whole milk, fluid or powdered whole milk product (all when purport to be or are represented for beverage purposes).	Vitamin D	100 U.S.P. units	100 U.S.P. units	8 fluid oz.
Fluid skimmed milk, fluid skimmed milk product, fluid or powdered low fat milk, fluid or powdered low fat milk product (all when purport to be or are represented for beverage purposes).	Vitamin A Vitamin D	500 U.S.P. units 100 U.S.P. units	500 U.S.P. units 100 U.S.P. units	Do. Do.
Fruit or vegetable: Juices, drinks, nectars, drink bases, or imitations of such articles.	Ascorbic acid (vitamin C).	30 mg	60 mg	4 to 6 fluid oz.
Infant and junior fruit products	do	30 mg	60 mg	4 oz.
Processed cereals (breakfast cereals).	Thiamine (vitamin B_1).	0.12 mg	0.25 mg	1 oz.
	Riboflavin (vitamin B_2).	0.03 mg	0.06 mg	Do.
	Niacin or niacinamide.	1.1 mg	2.2 mg	Do.
	Iron	0.7 mg	1.5 mg	Do
Salt	Iodine	0.005%	0.010%	

[1] The levels permitted for processed cereals (breakfast cereals) apply to the foods themselves before the addition of or to milk. For all other foods, the levels permitted apply to the articles as prepared for consumption in accord with the label directions for use; such as, after reconstitution or after the addition of or to milk, if necessary. For each article, if a vitamin or mineral is added all of the nutrients shown under "Added vitamins and minerals" must be present in the designated serving of the food.

(d) The definitions and standards of identity prescribed by this section pertain solely to the added vitamin(s) and mineral(s) and not otherwise to the compositional identity of the foods and classes of foods listed in paragraph (c) of this section to which the vitamin(s) and mineral(s) are added.

(e) Except for the classes of foods specifically excluded by paragraph (b) of this section, the addition of vitamins and/or minerals to foods shall be limited as listed in paragraph (c) of this section, both as to the food permitted to be fortified and the nutrients and amounts permitted to be added, subject to amendment of paragraph (c) of this section in accordance with section 701(e) of the act, to add, delete, or change foods, nutrients, or amounts, except that no amendment for the addition of specific nutrients to food adopted herein shall be permitted that is not in accord with the statement of policy in paragraph (a) of this section and section 401 of the act and regulations promulgated thereunder.

(f) The vitamins and minerals added to the foods or classes of foods as listed in paragraph (c) of this section may be supplied by any optional synthetic or natural substances which are suitable for their intended purposes and which are not food additives as defined by section 201(s) of the act, or if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

(g) (1) The name of the food consisting of salt fortified with iodine is "Iodized Salt."

(2) Except for "Iodized Salt," the name of each food to which vitamin(s) and/or mineral(s) have been added, wherever such name appears on the display panel of the label, shall be immediately preceded or followed by the statement "Fortified with _____," the blank to be filled in with the name or names of the vitamins and minerals added to such food.

(h) The labels of each food to which vitamin(s) and/or mineral(s) have been added shall also bear the label statements required by, and conform to, the regulations issued under Part 125 of this chapter.

(i) Compliance with the provisions of the standard of identity prescribed by this section shall not exempt the fortified food from compliance with the requirements of any other applicable provision of the act or regulations promulgated thereunder.

Sec.

AUTHORITY: The provisions of this Part 125 issued under secs. 403, 701, 52 Stat. 1047, as amended, 1055, as amended; 21 U.S.C. 343, 371.

CROSS REFERENCES: For other regulations in this chapter concerning special dietary foods, see §§ 3.9, 3.32, 3.42, 5.5, and Part 80.

§ 125.1 Definitions and interpretations of terms.

For the purposes of the regulations in this part, the definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms in these regulations, in addition to the following:

(a) The term "special dietary use" as applied to food used by man means a particular use for which an article purports to be or is represented, including but not limited to the following uses:

(1) Supplying a special dietary need that exists by reason of a physical, physiological, or other condition, including but not limited to the conditions of convalescence, pregnancy, lactation, allergic hypersensitivity to food, underweight, overweight, diabetes mellitus, or the need to control the intake of sodium. Except as otherwise provided by § 5.5 of this chapter, the use of an artificial sweetener in a food shall be considered to be a use for reducing or maintaining body weight or for use in the diets of diabetics.

(2) Supplying a special dietary need for infants or children.

(3) Supplying a vitamin, mineral, or other dietary property to supplement a diet.

(4) Supplying a special dietary need by reason of being a food for use as the sole item of the diet or of a meal.

(b) The term "recommended dietary allowance" means the following daily amounts of the following vitamins and minerals:

Vitamins and minerals	Unit of measurement	Adult	Pregnant or lactating woman	Child 9 through 17 years of age	Child 1 through 8 years of age	Infant (not more than 12 months of age)
Vitamin A	U.S.P. units	5,000	8,000	5,000	3,500	1,500
Vitamin D	do	400	400	400	400	400
Vitamin E	International units	30	30	30	15	5
Ascorbic acid (vitamin C)	Milligrams	70	100	80	60	30
Thiamine (vitamin B_1)	do	1.2	1.2	1.4	0.8	0.4
Riboflavin (vitamin B_2)	do	1.7	1.9	2.0	1.3	0.6
Niacin or niacinamide	do	19	21	22	14	6
Vitamin B_6	do	2	2	2	1	0.4
Folic acid	do	0.1	0.1	0.1	0.05	0.05
Pantothenic acid	do	10	10	10	5	5
Vitamin B_{12}	Micrograms	5	5	5	2.5	2.5
Calcium	Milligrams	800	1,300	1,400	800	700
Phosphorus	do	800	1,300	1,400	800	350
Magnesium	do	300	300	300	200	150
Iron	do	15	20	15	12	8
Iodine	do	0.15	0.15	0.15	0.08	0.08
Copper	do	2	2	2	1	1

These nutrient levels have been adapted by the Food and Drug Administration from information in a report of the Food and Nutrition Board, National Academy of Sciences-National Research Council (Publication 1146 (1964) titled "Recommended Dietary Allowances"). The recommended dietary allowances established by the Food and Nutrition Board are intended to serve as goals toward which to aim in planning food supplies and as guides for the interpretation of food consumption records of groups of people. In order fully to inform purchasers of the value of vitamins and minerals in foods for special dietary use, the nutrient levels in this paragraph have been established for calculating the proportion or percentage of the recommended dietary allowances contained in such foods.

(c) The term "artificial sweetener" means a sweetening substance not used in normal metabolism as a source of calories.

(d) The term "infant" means a person not more than 12 months of age.

(e) The term "serving" means that quantity of a food reasonably suitable for or practicable of consumption as a part of a meal by an adult male engaged in moderate physical activity, or, if the article purports to be or is represented for infant feeding or for consumption by a child, by an infant or child, respectively. A label statement regarding a serving, as used in this part, shall be in terms of a convenient unit of such food or a convenient unit of measure that can be readily understood by purchasers of such food; for example, a serving may be expressed in terms of slices, cookies, and wafers, or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls. A teaspoonful shall be considered to mean 5 milliliters (approximately one-sixth fluid ounce) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately one-half fluid ounce) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid ounces) in volume.

(f) The term "diabetic" means a person having diabetes mellitus.

§ 125.2 General label statements; dietary properties; value; placement.

(a) If a food purports to be or is represented for any special dietary use, the main panel of its label shall bear a conspicuous statement of usefulness of the food limited to a listing of the dietary properties upon which such use is based: *Provided, however,* That if insufficient space is available on the main panel, the panel adjacent to the main panel may be used, if such use is consistent with § 1.9 of this chapter. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other special dietary property of such food upon which such use is based. The label of the food shall not bear any statement concerning the dietary properties of the food if such properties in such food are of no significant value or need in human nutrition, taking into account the role in the diet of the particular food and dietary property, since such statements would be misleading within the meaning of sections 201(n) and 403(a) of the act by implying that such dietary properties are significant or necessary for special dietary use in human nutrition. In determining whether the label bears any such statement, the label of the food shall be considered in the entire setting in which the food is presented, including statements appearing in its labeling, promotional material, and advertising for such food.

(b) A food which purports to be or is represented as a food for special dietary use by reason of its vitamin or mineral property shall not be considered to be in conformity with the requirements of sections 201(n), 403(a), and 403(j) of the act, if its labeling, promotional material or advertising bears any statement, vignette, or other printed or graphic matter that represents, suggests, or implies:

(1) That the food is adequate or effective for the treatment, prevention, or mitigation of any disease, condition or symptom, whether or not clinical or subclinical, by reason of the presence of vitamin(s) and mineral(s) added to such food.

(2) That a diet of ordinary foods will not supply adequate amounts of vitamins and minerals.

(3) That significant segments of the population of the United States are suffering or are in danger of suffering from a dietary deficiency of vitamins or minerals.

(4) That a dietary deficiency or threatened dietary deficiency of vitamins and/or minerals is or may be due to loss of nutritive value of food by reason of the soil on which the food is grown, or the storage, transportation, processing, and cooking of food.

§ 125.3 Label statements relating to vitamins and minerals.

(a) If a food purports to be or is represented for special dietary use by reason of its vitamin or mineral property, the label shall bear a statement of the proportion or percentage of the recommended dietary allowance of such vitamins and minerals, as set forth in § 125.1(b), supplied by such food when consumed in a specified quantity during a period of 1 day. If such purported or represented special dietary use is for persons within two or more age groups for which the recommended dietary allowance is set forth, such statement shall include such proportion or percentage for each age group, but if such use is for persons irrespective of age groups, such statement may be limited to the proportion or percentage of the recommended dietary allowance set forth for adults. The quantity specified in this paragraph shall be a quantity reasonably suitable for and practicable of consumption within 1 day. When such proportion or percentage is a whole number and a fraction or a whole number and a decimal, it may be expressed as the whole number and the fraction or decimal disregarded. For a food which is a vitamin or mineral supplement to the diet, or to which an ingredient has been added for the purpose of fortifying such food with a vitamin or mineral, in no case shall the quantity so declared be more than 100 percent of the recommended dietary allowance for any nutrient.

(b) The requirements of this section shall not apply to any of the following foods intended for beverage use: Fluid or powdered whole milk (of cows), fluid or powdered whole milk (of cows) product, fluid or powdered low fat milk (of cows), fluid or powdered low fat milk (of cows) product, fluid skimmed milk (of cows), or fluid skimmed milk (of cows) product, if such food purports to be or is represented for special dietary use by reason of its content of vitamin D, if its declared content of vitamin D is 400 U.S.P. units per quart or reconstituted quart. The requirements of this section shall not apply to evaporated milk with increased vitamin D content as prescribed in the definition and standard of identity for evaporated milk in § 18.520 of this chapter.

(c) The requirements of this section shall not apply to iodized salt when the declared iodine is not less than 0.005 percent nor more than 0.010 percent by weight.

§ 125.4 Label statements relating to infant food.

(a) If a food purports to be or is represented for special dietary use for infants, the label shall bear, in case such food is fabricated from two or more ingredients, the common or usual name of each ingredient, including spices, flavoring, and coloring.

(b) If such food, or any ingredient thereof consists in whole or in part of plant or animal matter and the name of such food or ingredient does not clearly reveal the specific plant or animal which is its source, such name shall be so qualified as to reveal clearly the specific plant or animal that is such source.

(c) If such use of the food is by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk, the label shall also bear:

(1) A statement of the percent by weight or weight per unit volume of moisture, protein, fat, available carbohydrate, and crude fiber contained in such food.

(2) A statement of the number of available calories supplied by a specified quantity of such food as customarily or usually prepared for consumption.

(3) A statement of the amount of each added vitamin or mineral supplied by a specified quantity of such food as customarily or usually prepared for consumption.

(4) If a quantity which supplies 800 available calories of such food as customarily or usually prepared for consumption contains less than 14.4 grams of protein, or if the protein quality is less than 70 percent of that of casein, the statement: "This product should not be used as the sole source of protein of the infant diet."

(5) If a quantity which supplies 800 available calories of such food as customarily or usually prepared for consumption contains less than the following amounts of vitamins and minerals, a statement that an additional quantity of such vitamin(s) or mineral(s), as the case may be, should be supplied from other sources:

Vitamins and minerals	Unit of measurement	Minimum amounts
Vitamin A	U.S.P. units	1,500
Vitamin D	do	400
Vitamin E	International units	5
Ascorbic acid (vitamin C)	Milligrams	30
Thiamine (vitamin B_1)	do	0.4
Riboflavin (vitamin B_2)	do	0.6
Niacin or niacinamide	do	6
Vitamin B_6	do	0.4
Folic acid	do	0.05
Pantothenic acid	do	5
Vitamin B_{12}	Micrograms	2.5
Calcium	Milligrams	700
Phosphorus	do	350
Magnesium	do	150
Iron	do	8
Iodine	do	0.08
Copper	do	1

(d) The provisions of paragraph (c) of this section shall not apply to cow's milk or evaporated milk except with respect to vitamin D under paragraph (c)(5) of this section.

(e) A food which purports to be or is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk, and which complies with the provisions of this section, shall be exempt from the provisions of §§ 125.3 and 125.5(a).

§ 125.5 Label statements relating to food for use in reducing, maintaining, or gaining body weight.

(a) The label of a food which purports to be or is represented for special dietary use by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, or calories, for the purpose of reducing, maintaining, or gaining body weight, shall bear a statement of the quantity in grams of protein, fat, and available carbohydrate and a statement of the number of available calories in a specified serving of such food; and, if such use if for the purpose of reducing or maintaining body weight, the statement "For calorie restricted diets."

(b) If a food purports to be or is represented for special dietary use by reason of the presence of an artificial sweetener for the purpose of reducing or maintaining body weight, such food shall conform to the following label requirements (see § 5.5 of this chapter for exemptions from the requirements of this paragraph):

(1) If the artificial sweetner is the only sweetening ingredient added to such food, the label shall bear in type of uniform size and prominence, the statement, "Artificially sweetened," or "Artificial sweetener added," whichever more properly describes the article, immediately before or after the name of such food.

(2) If one or more nutritive sweeteners are also added to such food, the label shall bear in type of uniform size and prominence, the statement: "Artificial and nutritive sweeteners added," or "Artificial sweetener and _____ added," the blank to be filled in by the name(s) of the nutritive sweetener(s) added.

(3) The label shall bear, wherever the common or usual name of the artificial sweetener appears on the label, and in juxtaposition therewith and in type of the same size, the word "Nonnutritive."

(4) The label shall bear a statement of comparison between the caloric content of a specified serving of the artificially sweetened article and the caloric content of an equivalent serving of the same food made with an amount of added sugar equivalent in sweetness to the amount of the artificial sweetener(s) used in the artificially sweetened article. For the purposes of this section, 1 gram of cyclamic acid or of a cyclamic acid salt, such as sodium or calcium cyclamate, is equivalent in sweetness to 30 grams of sugar, and 1 gram of saccharin or of a saccharin salt is equivalent in sweetness to 300 grams of sugar. If the comparison required by this subparagraph shows that use of an artificial sweetener does not result in a significant caloric reduction of an article (taking into account, where applicable, the role in the diet of the particular food involved), the artificial sweetener shall not be used, because such use and label declaration concerning such use would be misleading within the meaning of section 201(n) and 403(a) of the act. For a food which is of caloric importance in the ordinary diet, a reduction of less than 50 percent in calories resulting from the use of an artificial sweetener shall be considered to be insignificant, in which event the food should not be offered for use as a food for special dietary use based on its caloric content.

(5) The label shall bear the statements supplying the information required by paragraph (a) of this section.

(c) If a food purports to be or is represented for special dietary use by reason of being an artificial sweetener for the purpose of reducing or maintaining body weight, the label shall bear:

(1) The statement "Artificial sweetener," in type of uniform size and prominence, immediately before or after the name of the food.

(2) A statement that the article is nonnutritive.

(3) If it is in tablet, capsule, pill, or similar unit form, a statement of the amount of the artificial sweetener in each such unit; or, if it is in powder or liquid form, a statement of the amount of artificial sweetener in a specified serving.

(4) The statement "_____ (weight, volume, or number of unit(s), whichever more properly applies) _____ is as sweet as _____ (number) teaspoonful(s) of sugar."

(d) If a food purports to be or is represented for special dietary use by reason of the presence of any constituent which is not utilized in normal metabolism as a source of calories (other than an artificial sweetener) for the purpose of reducing or maintaining body weight, the label shall bear:

(1) A statement of the percent by weight of such constituent and, in juxtaposition with the name of such constituent, the word "Nonnutritive." If such constituent is fibrous plant matter, it shall be considered to be crude fiber and its percent expressed as such.

(2) A statement of comparison between the caloric content of a specified serving of the food containing such constituent which is not utilized in normal metabolism as a source of calories and the caloric content of an equivalent serving of the same food which does not contain such constituent.

(3) The statements supplying the information required by paragraph (a) of this section.

(e) If a food purports to be or is represented for special dietary use by reason of being lower in calories, the label shall bear:

(1) A statement of comparison between the caloric content of a specified serving of the article and the caloric content of an equivalent serving of the food with which the article is compared.

(2) The statements supplying the information required by paragraph (a) of this section.

(f) If a food purports to be or is represented for special dietary use by reason of its low calorie content, its label shall bear:

(1) The statement "Low calorie." For the purpose of this paragraph a food

described as "low calorie" shall be considered to mean a food containing not more than 15 calories in a serving and not more than 30 calories in the average total daily intake of the food.

(2) The statements supplying the information required by paragraph (a) of this section.

(g) The comparison applying to a food as required by paragraph (b)(4), (d)(2), or (e)(1) of this section may be made with a similar food as customarily made and consumed. For a food which is of caloric importance in the ordinary diet, a total reduction of less than 50 percent in calories resulting from use of an artificial sweetener or other constituent which is not utilized in normal metabolism, or some other means, shall be considered to be insignificant and such food shall not be represented for use as a food for special dietary use based on its caloric content for the purpose of reducing or maintaining body weight, since such use and labeling representation would be misleading within the meaning of sections 201(n) and 403(a) of the act.

§ 125.6 Label statements relating to food for use in the diets of diabetics.

If a food purports to be or is represented for special dietary use as a food for use in the diets of diabetics, the label shall bear:

(a) In type of uniform size and prominence, the statement "For the diets of diabetics," immediately before or after the name of such food.

(b) A statement of the quantity in grams of protein, fat, carbohydrate, and available calories in 100 grams of such food and a statement of the number of available calories in a specified serving of such food.

(c) If such food contains any added artificial sweetener, the statements supplying the information required by § 125.5(b) (1), (2), and (3).

(d) If such food contains any added constituent which is not utilized in normal metabolism as a source of calories (other than an artificial sweetener), a statement of the percent by weight of such constituent, and, in juxtaposition with the name of such constituent, the word "Nonnutritive." If such constituent is fibrous plant matter, it shall be considered to be crude fiber and its presence expressed as such.

§ 125.7 Label statements relating to hypoallergenic food.

If a food purports to be or is represented for special dietary use by reason of the decrease or absence of any allergenic property, or by reason of being offered as food suitable as a substitute for another food having an allergenic property, the label shall bear:

(a) The common or usual name and the quantity or proportion of each ingredient, including spices, flavoring, and coloring, in case the food is fabricated from two or more ingredients.

(b) A qualification of the name of the food, or the name of each ingredient thereof, in case the food is fabricated from two or more ingredients, to reveal clearly the specific plant or animal that is the source of such food or of such ingredient, if such food or such ingredient consists in whole or in part of plant or animal matter and such name does not reveal clearly the specific plant or animal that is such a source.

(c) An informative statement of the nature and effect of any treatment or processing of the food or any ingredient thereof, if the changed allergenic property results from such treatment or processing.

§ 125.8 Label statements relating to food for use as a means of regulating the intake of sodium.

If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of sodium or salt (sodium chloride), the label shall bear a statement of the number of milligrams of sodium in 100 grams of such food and a statement of the number of milligrams of sodium in a specified serving of such food. The number of milligrams of sodium shall be declared as the nearest multiple of 5 milligrams, as determined by appropriate analysis, except that if such food contains not more than 10 milligrams of sodium in 100 grams of the food and not more than 10 milligrams of sodium in a specified serving of the food, the label shall bear a statement to that effect.

Since some persons who were not adversely affected by the orders published in the FEDERAL REGISTER of June 18, 1966, may be adversely affected by the amendments set forth in this order, an additional period of 30 days from the date of publication of this order in the FEDERAL REGISTER is allowed for such persons to file written objections thereto.

Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof and must be filed with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201. All documents shall be filed in six copies.

It is unnecessary to repeat objections already made, and if no additional objections are filed, the matter will proceed to a public hearing on the issues specified above. It is anticipated that the public hearing will be announced in the FEDERAL REGISTER early in 1967.

(Secs. 401, 403(j), 701(e), 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371(e))

Dated: December 9, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-13393; Filed, Dec. 13, 1966; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6902]

PART 301—PROCEDURE AND ADMINISTRATION

Delegation of Authority to Sanction Civil Actions

In order to conform §§ 301.7401–1 and 301.7403–1 of the Regulations on Procedure and Administration to General Counsel Order No. 34, relating to the authority of the Chief Counsel for the Internal Revenue Service to authorize or sanction civil actions for the collection of taxes, etc., such sections are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 301.7401–1 is amended to read as follows:

§ 301.7401–1 Authorization.

(a) *In general.* No civil action for the collection or recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner (or the Director, Alcohol and Tobacco Tax Division, with respect to the provisions of subtitle E of the Code), or the Chief Counsel for the Internal Revenue Service or his delegate authorizes or sanctions the proceedings and the Attorney General or his delegate directs that the action be commenced. With respect to forfeitures, the assistant regional commissioner or supervisor in charge (alcohol and tobacco tax) may also authorize or sanction the proceedings.

* * * * *

PAR. 2. Section 301.7403–1 is amended to read as follows:

§ 301.7403–1 Action to enforce lien or to subject property to payment of tax.

In any case where there has been a refusal or neglect to pay any tax, or to discharge any liability in respect thereof, whether or not levy has been made, the Attorney General or his delegate, at the request of the Commissioner (or the Director, Alcohol and Tobacco Tax Division, with respect to the provisions of subtitle E of the Code) or the Chief Counsel for the Internal Revenue Service or his delegate, may direct a civil action to be filed in a district court of the United States to enforce the lien of the United States under the Code with respect to such tax or liability or to subject any property, of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such tax or liability. In any such proceeding, at the instance of the United States, the court may appoint a receiver to enforce the lien, or, upon certification by the Commissioner during the pendency of such proceedings that it is in the public interest, may appoint a receiver with all the powers of a receiver in equity.

Because this Treasury decision merely conforms §§ 301.7401–1 and 301.7403–1 of the Regulations on Procedure and Administration to General Counsel Order No. 34, dated December 23, 1964, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: December 9, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–13421; Filed, Dec. 13, 1966; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 10; Rev. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Government Procurement

In F.R. Doc. 66–12553 appearing at page 14737 of the issue for Saturday, November 19, 1966, subparagraphs (4) and (5) are added to § 121.3–8(b).

As corrected, § 121.3–8(b) reads as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total world-wide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured world-wide during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold world-wide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than 50 percent of the value of its total world-wide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than 5 percent of the total value of all such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

Dated: December 9, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66–13375; Filed, Dec. 13, 1966; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15735; FCC 66–1133]

PART 25—SATELLITE COMMUNICATIONS

Satellite Earth Station Ownership Policy

In the matter of amendment of part 25 of the Commission's rules and regulations with respect to ownership and operation of initial earth stations in the United States for use in connection with the proposed global commercial communication-satellite system, Docket No. 15735, RM–644; second report and order.

Preliminary statement. 1. On May 12, 1965, the Commission adopted an interim policy with respect to ownership and operation of initial earth stations in the United States (38 FCC 1104). We stated therein that the policy is to remain in effect for 2 years from the date the first station license is granted, unless experience indicated the desirability of earlier revision. We believe that revision is now called for in light of new developments in this area, set forth more fully hereinafter, particularly the filing of numerous applications for additional earth stations described in the following paragraph. Our revision also takes into account the data developed and the views expressed by all interested common carriers providing international communications services as well as the Communications Satellite Corporation (Comsat) during the extensive informal conferences held in August, September, and October, 1966, with the interested parties concerning the applications. It is designed to further promote the objectives and provisions of the Satellite Act of 1962 (e.g., sec. 102 (a) and (b), 201 (c)(7)).

2. There are pending before the Commission applications from the Comsat for authority: To construct a new earth station at Moorefield, W. Va. (File No. 10–CSG–P–60), filed on March 30, 1966; to construct a new earth terminal at St. Croix, Virgin Islands (File No. 14–CSG–P–66 filed Apr. 25, 1966;)[1] to construct an additional antenna at Andover, Maine (File No. 20–CSG–P–67 filed on Oct. 5, 1966;) and to construct a new earth terminal at San Ardo, Calif. (File No. 26–CSG–P–67 filed on Oct. 26, 1966). ITT World Communications, Inc. (ITT Worldcom), RCA Communications, Inc. (RCAC), and Western Union International, Inc. (WUI) have filed a joint application to construct a new earth terminal at Woodland, Ga. (File No. 15–CSG–P–66 filed on May 11, 1966). ITT Cable and Radio Inc.-Puerto Rico has filed an application for authority to construct a new earth terminal at San Lorenzo, P.R. (File No. 8–CSG–P–66 filed on Nov. 22, 1965.)

3. All of these applications[2] have been the subject of comments or objections on policy and technical grounds as well as petitions to deny, oppositions, and replies. In all, more than 45 pleadings and comments have been received thus far.[3] It is clear from a review of the various filings that, except for the Comsat Andover application, the Comsat California application, and the Comsat Puerto Rico application, for which the time to file objections has not yet expired, there are technical objections which would have thus far prevented affirmative action by the Commission even if there were no policy problems involved and even if there were no questions of mutual exclusivity between applications (Ashbacker rights).

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[1] On Nov. 16, 1966, Comsat filed a superseding application (File No. 28–CSG–P–67) for a site specified as Barrio Monte Llano, Cayey, P.R.

[2] Except for the Comsat applications for new earth stations at Puerto Rico and San Ardo, Calif., with respect to which the time for objections and comments has not yet expired.

[3] To date, filings with respect to one or more of the several pending applications have been received from Comsat, AT&T, ITT Worldcom, RCAC, WUI, Western Union, NASA, DTM, NRAO, NRL, and the National Academy of Science.

4. However, aside from technical questions, we have determined upon review that the Comsat West Virginia and the joint carrier Georgia applications are economically mutually exclusive. (See release of Commission No. 84422 dated May 23, 1966.) The critical factor in the mutually exclusive West Virginia and Georgia applications is the fact that there is an urgent need now for a second antenna in the eastern part of the United States. This is so because there will soon be a second satellite positioned over the Atlantic. A second antenna is essential to enable the United States to communicate via both (Intelsat I and II) satellites with its own facilities. Furthermore, it is the consensus that, even if a second antenna were to be constructed at Andover, a second station in the southeastern part of the United States should be constructed promptly to alleviate the need to backhaul traffic from central and eastern United States to Maine, as well as to provide diversity of location and mutual backup in case of failure of any one antenna; and to handle traffic with Puerto Rico where, as set forth more fully in a companion memorandum opinion and order we have determined an earth station should be authorized.[4]

5. The critical factor in the mutually exclusive Virgin Islands and Puerto Rico applications is the urgent need for additional facilities to serve these islands, as well as other Caribbean points as set forth in the above referenced memorandum opinion.

6. While there are no competing applications for a second earth terminal on the west coast, the views expressed with respect to the east coast and Caribbean applications lead us to believe we may very well be confronted with a similar problem there shortly.

Background. 7. The Communications Satellite Act of 1962[5] (Satellite Act) provides in section 201(c)(7) that the Commission is authorized to:

> grant appropriate authorizations for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity. In determining the public interest, convenience, and necessity the Commission shall authorize the construction and operation of such station by communications common carriers or the corporation, without preference to either;

Thus, the Commission is charged with the responsibility of determining the entities or group of entities to be licensed to construct and operate earth stations.

8. In the discharge of that responsibility and specifically to deal with the problem when the initial satellite, Early Bird or Intelsat I, was being constructed, we formulated the May 1965 interim policy. At that time Comsat had filed a petition for rule making requesting that a rule be adopted under which Comsat would be authorized to construct, own, and operate the initial earth stations. After considering the filings of interested parties, the Commission issued its report and order in the matter, Docket No. 15735 (38 FCC 1104, 1965) wherein we concluded that Comsat should be authorized to construct, own and operate the three initial earth stations, one each in the northeastern and northwestern part of the conterminous United States, and one in Hawaii. As stated, this policy was to remain in effect for a 2-year period after the date the first station license is granted subject, however, to appropriate revision in light of experience. We further concluded that when it was demonstrated that additional stations are required we would entertain appropriate applications therefor, from Comsat or any carrier eligible under section 201(c)(7) of the Satellite Act.

9. Comsat is now operating the station at Andover, Maine (northeastern United States).[6] It has essentially completed construction of the permanent station at Brewster Flat, Wash. (northwestern United States), and at Paumalu, Hawaii (Hawaii station) as provided in our report and order in Docket No. 15735. Further it has, in our opinion, been clearly demonstrated that additional stations are required. We now turn to what revision, if any, of our interim policy is called for, to deal with these applications, as well as others which may be filed in the near future.

10. Before discussing the need for revision, we shall comment briefly on two points. First, we point out that, for the considerations developed at length in our May 13, 1965, report, the public interest would not be served if the Commission delayed decision on this matter until the conclusion of several hearings. There is an urgent need for prompt decision and immediate commencement of construction of additional stations. This need is even greater at present than when the original question was before us as a second satellite for transatlantic service is scheduled to be launched in the relatively near future. Aside from this, the third generation of satellites is scheduled to be launched by early 1968. Even a most expedited hearing could delay the start of construction long beyond the time available if stations are to be operable when the satellites are positioned in orbit. Further, the procedure we are adopting is better suited to facilitating a solution to the serious technical objections which have been raised to the proposed station sites, and thus avoids the grave danger that interference problems, even after hearing, could frustrate the grant of any of the pending applications. Such a situation would, of course, cause additional serious delay in the implementation of this nation's earth station program. The enunciated policy of Congress that the global system be established as expeditiously as practicable and that new service be made available as quickly as possible (Satellite Act, sec. 102 (a) and (b)) would not be effectuated by hearing procedures. Finally, we believe that there are certain basic policy considerations involved which transcend the individual applications for specific stations. We are therefore proceeding along the same lines as in the 1965 report, namely, the appropriate revision of the interim policy adopted in that report.

11. Second, we believe that a revision of our original policy is called for because it is not appropriate to extend the initial policy to encompass the additional earth stations and license Comsat to construct, own, and operate them. Such expansion would effectively preclude the carriers from any participation in earth station ownership during the early years of operation and would necessarily involve an extension of the original policy for several more years while the additional stations are being constructed and operated for a further interim period. This would, we believe, be contrary to the spirit and intent of Congress in section 201(c)(7), e.g., see Senate Report No. 1584, 87th Congress, 2d session, page 18. Under such a course the carriers would not, for the extended period of time, be in a position to make meaningful contribution to the development of the art and their incentives to aid in the growth of satellite communications would be severely limited. They would be faced with the prospect of ever diminishing rate bases, both in the absolute and relative senses, and would be driven to seek alternative means not necessarily dictated by efficiency but by need for survival.

12. We shall first consider a possible revision whereby the carriers would be licensed to construct, own and operate the next three stations either individually or jointly. This approach has an appearance of equity in that it would give the carriers an opportunity to gain experience in this field equal to that given Comsat by our initial policy with respect to the original three stations. But we regard this approach as not feasible, essentially for reasons already set forth in our May 1965 report. Most significantly, it would tend to fragment responsibility for, and control of, what must be a unified system at this stage of development of the art when a proliferation of earth stations is neither technically nor economically feasible. The necessity for centralized responsibility will become more essential as the number of satellites and earth stations increases. For example, in the present state of the art as the number of satellites grow, we can expect complex problems involving access (which earth station shall communicate with which satellite), points of communication (which earth station shall be used for communication with Europe, Africa, or South America via which satellite), and backup (what to do if one satellite or earth station becomes inoperable). These problems clearly indicate the need at present for unified control of all earth stations by a single entity.

13. A second consideration which militates against carrier ownership of additional earth stations to the exclusion of

[4] See companion memorandum opinion and order (file Nos. P-C-6290; S-C-L-38) adopted this date.

[5] 47 U.S.C. 701; 76 Stat. 419 (Aug. 31, 1962).

[6] An application for purchase of the Andover facility by Comsat is presently under consideration by the Commission.

Comsat, results from Comsat's unique position in the industry. While our "authorized user" decision in Docket No. 16058 (4 FCC 2d 421) is subject to petitions for reconsideration on other grounds, all interested parties appear to have accepted our conclusion that Comsat is to serve primarily as a carrier's carrier. It therefore will generally not have access to the general using public. If both Comsat and the carriers were to operate earth stations capable of communicating with the same overseas points, difficult problems of assignment of channels, station utilization and operation would arise. It would be necessary to devise arrangements for the division of channel requirements between Comsat and each of the carriers on some equitable basis with due allowances for changes in traffic patterns and additions of new points.

14. In view of all of the foregoing considerations we are convinced that we should not now embark upon an interim policy of licensing one or more carriers to construct, own and operate the next three earth stations.

15. A policy pursuant to which Comsat and the carriers now using earth stations to provide service are jointly authorized to plan, construct and/or operate the present stations and the three proposed stations not only would alleviate the difficulties in the previous discussion (pars. 12–14) but also offers numerous affirmative advantages.

16. Reasonable and equitable opportunities would thereby be offered all entities which make use of the satellite facilities to make whatever contributions they can to the advance of the art and to the achievement of the objectives of the Satellite Act. No one carrier or group of carriers would be precluded from gaining valuable experience in this field. Ownership participation and investment would provide powerful incentives to maximize use. Orderly planning of needed new cable, satellite, and other facilities would be facilitated so that the inherent advantages of each could be exploited to the maximum. The U.S. telecommunications industry would be in a position to deal on equal terms with its foreign correspondents which, for the most part, have unified cable and satellite interests.[6a]

17. In view of the foregoing considerations we believe we should modify our present interim policy in favor of one where Comsat and the carriers are jointly licensed to construct, own, and operate the stations which it appears are required for the global system. These are the presently authorized stations at Andover, Maine; Brewster Flat, Wash. and Paumalu, Hawaii, and proposed stations in the southeastern and southwestern parts of the conterminous States, as well as in the Puerto Rico-Virgin Islands[7] area.

Joint ownership policy. 18. In the course of our consideration of the competing applications for the earth stations in West Virginia and Georgia, we encouraged the interested carriers[8] and Comsat to form ad hoc committees on the policy and technical questions involved under the aegis of the Commission to determine if agreement could be reached on a plan whereby the needed station would be constructed promptly while the question of ultimate ownership and operation was being resolved. Several meetings were held but no agreement could be reached. It quickly became apparent that the inability to reach any agreement resulted from concern that whatever was done with respect to construction would have carry-over effects on permanent operations. It was also clear that the concerns of the carriers went beyond the problems involved in the West Virginia-Georgia applications to the overall problems of earth station ownership and operation.

Upon review and consideration of this matter we are of the opinion that an overall solution to the question of earth station ownership and operation for a period of several years is essential for expeditious establishment of an effective and efficient global system and orderly development of a comprehensive complex of earth stations.

19. Comsat made a useful contribution to a possible solution in its suggestion at the ad hoc committee meetings. Its suggestion was confirmed by an exchange of correspondence with WUI,[9] that it would be willing to accept a 50 percent ownership interest in the three existing earth stations and the three for which applications are now on file, if certain other problems relating to control, management and operation of the earth stations, as well as to the volumes of traffic to be handled via satellite could be resolved.[10] Although the Comsat proposal was not accepted by the other carriers, primarily because of the inability of the carriers to agree on their respective shares, it was readily apparent that the basic principle of joint ownership was acceptable to all concerned. Both Comsat and the carriers, however, made it amply clear that their interest in joint ownership procedure was dependent upon conditions which protected their respective legitimate interests.

We agree that any policy we adopt must make due allowances for such interests, so long as they are consistent with the public interest and will further the basic purposes and policy objectives of the Communications Act and the Satellite Act.

20. It appears that any policy we adopt must take into consideration the following:

(a) The basic responsibility of Comsat to plan for an bring into being a global satellite system as soon as practicable;

(b) The fact that Comsat has no interest in any communication facilities other than satellites, whereas the other carriers do have cable and terrestrial radio facilities available to them for service to the public;

(c) Participation in ownership should be computed in such fashion as to encourage use of the system by all carriers;

(d) The need for unified control in the operation of the stations at this stage of the art;

(e) The need to insure access on uniform and nondiscriminatory terms to all authorized carriers, Comsat and such entities as Comsat may be licensed to serve as authorized users; and

(f) The need to maintain maximum flexibility to accommodate such changes as future developments in use, requirements, and technology dictate.

21. Under our first interim policy decision Comsat is the licensee of the initial three stations. Comsat is concerned solely with satellite communications, and its future rests on the success of this medium. It is no outlet for communications investment in either cables or terrestrial radio facilities. The exchange of letters referred to above indicates Comsat's belief that a joint ownership plan, under which it would have a 50-percent ownership interest in all six proposed stations, would be fair and equitable. We believe that in the present situation and in the current state of the art its position is both fair and sound in view of its primary responsibility for the establishment of a global system at the earliest possible date and the fact that under such an approach Comsat's total interest and investment in the six stations initially to be covered by our modified policy would approximate the ownership or interest it now has in the three stations under our original policy.

[6a] However, in the interest of promoting equitable and balanced utilization of satellite and cable circuits, we propose to adopt appropriate safeguards when authorizing the construction of new facilities to insure that the carriers will not unduly favor their wholly owned facilities in providing their communications services to the public. We believe such safeguards are desirable inasmuch as under our "Authorized User" decision, discussed above, only the carriers will have direct access to the public, except in exceptional or unique circumstances, and, therefore, will be in a position to control the circuit facilities (i.e. satellite or others) to be used in furnishing communications services to the public.

[7] See companion memorandum opinion and order (FCC Mimeo No. 91928) wherein we set forth our reasons for licensing both a cable and earth station to serve this area.

[8] The Western Union Telegraph Co. participated in the discussions. It has filed a pleading requesting that it be declared an authorized carrier and participant in the construction and/or ownership of the earth stations with the other carriers. This petition is disposed of in a companion memorandum opinion and order adopted this date. Our action herein is concerned with policy relating to ownership of earth stations used to furnish international service. It is, therefore, subject to appropriate revision in light of any new developments in the domestic satellite communications field. We shall consider applications for earth stations for domestic communications service filed Nov. 7, 1966, by Western Union at an appropriate time.

[9] Letter from Mr. Gallagher, president of WUI, to Dr. Charyk, president of Comsat, dated Oct. 14, 1966, and the latter's reply dated Oct. 18, 1966.

[10] This problem is addressed particularly in a companion memorandum (FCC Mimeo No. 91928) regarding traffic with the Caribbean area.

22. The other carriers appear in essence to accept the position that Comsat should have a substantial interest in the earth stations under any joint ownership plan. The primary concern of each is, however, that it also have a relatively sizable investment and ownership interest. In fact, the failure of the ad hoc policy committee to reach agreement resulted primarily from the desire of each carrier for an investment percentage in excess of that available, if the requests of the other carriers were to be fully satisfied. We understand the interest of the carriers and that their desire to maximize their investment reflects confidence in the new satellite technology and support for the national policy. We also understand their evident desire to maximize investment as a basis for the opportunity to earn a fair return on capital devoted to public service. However, since it is impossible to assign to each carrier the percentage share it desires, it is essential that we devise and apply a reasonable and logical formula to apportion the shares to each of the carriers on the basis of which each may be permitted to invest. We find that the most logical and equitable formula is one under which ownership is reasonably related to use. Any major departure from this principle would, in essence, mean that a carrier ready, willing and able to pay for facilities which it actually requires to handle traffic would be required to lease them from a second carrier. The sole function of the second carrier would be that of the investor in facilities on which such second carrier would realize a return at the expense of the first carrier user. In this connection we note that in our TAT–4 decision we stated that in the future we would expect ownership in cables to reflect the use made by the various carriers.

23. As indicated, we believe that the ownership related to use standard should apply to satellite earth stations in principle. However, in the satellite field we are entering a new era where current use may not be indicative of future use and where the effects of our decision with respect to alternate voice/data leased channels are not fully apparent. Accordingly, we believe that for the interim period of the policy we are adopting herein, due regard should be had for these factors in fixing the shares of each of the carriers. With this in mind we have reviewed the shares of traffic of each of the carriers, the facilities required to handle such traffic, the reasonable projections for the future and the revenues derived from traffic. It appears that a distinction must be made between stations in the conterminous States where AT&T is a major user and those in Hawaii and Puerto Rico where AT&T does not operate. Accordingly, separate quotas for ownership are being set up respectively for the earth stations in the conterminous States, in Hawaii and in the Puerto Rico-Virgin Islands area. On the basis of all the foregoing we have computed the shares which we believe to be reasonably related to actual use for the duration of the policy we are adopting herein.

QUOTAS FOR OWNERSHIP

Company	Conterminous States	Hawaii	Puerto Rico-Virgin Islands
	Percent	*Percent*	*Percent*
Comsat	50.0	50.0	50.0
AT&T	28.5		
Hawaiian Telephone		30.0	
ITTPR-ITTVI			30.0
ITT	7.0	6.0	11.5
RCAC	10.5	11.0	4.0
WUI [1]	4.0	3.0	[1] 4.5

[1] Western Union International being assigned the share which should accrue to it for Puerto Rico traffic handled by its correspondent cable company, Cables & Wireless, Ltd. (West Indies).

24. The above quotas constitute our best judgment based on careful analysis of the pertinent factors, and we expect them to reasonably reflect the future situation. But we recognize that they should not be regarded as fixed and immutable precisely because they involve projections for the future, relating the shares of carrier ownership reasonably to the use made by each of the joint carrier owners of the facilities in question. The quotas are therefore subject to revision, in the light of experience gained, and will be expressly subject to reexamination and possible readjustment on the basis of the data submitted to us as referred to in paragraphs 31 and 32, infra.

25. As we have noted, there is a definite need for centralizing control of the earth stations in a single entity to assure efficient operation of the entire complex as a unit. Comsat believes most strongly that it should be the entity assigned the responsibility because of its statutory position, its obligations with respect to the satellite system, its position as an entity which has no interests other than satellites, and its general position as manager for the international consortium. None of the other carriers has raised any serious objection to assigning such responsibility to Comsat if there is joint ownership. We believe that the proposal made is appropriate and will best serve the interests of all carriers concerned, as well as the interest of the using public. Accordingly, our policy herein is premised on Comsat's serving as manager of the earth stations subject to overall control and guidance on basic policy and investment matters by an appropriate entity composed of all owners (herein called committee for the sake of convenience).

26. The joint owners should reach mutual agreement as to the exact functions of the committee and submit the agreement to the Commission, in connection with any application filed pursuant to this interim policy. We would expect the committee to be concerned with formulating overall policy and deciding on major investments, types of major equipment and location of new stations, and the establishment of arrangements for the day-to-day operations of the stations. It will also be concerned with the establishment of policies which will govern the coordination by Comsat of earth station operations and the settlement among members of operating revenues and costs, including amortization and taxes. Voting in the committee should be in accordance with actual investment, i.e., the ratio of the individual member's investment in earth stations to the total investment of all members in all stations. Each joint user shall pay his proportionate share of the necessary funds required to cover the cost of construction. Upon assignment of the existing stations to the joint owners, payment shall be made to Comsat by each carrier of its proportionate share of the original cost less accumulated depreciation.

27. Present tariff charges of Comsat cover an offering of service encompassing the use of the earth station, as well as access to the satellite since such tariffs are predicated upon total ownership of the earth stations by Comsat. The interim policy which we have set forth herein will require a reexamination of the current tariff structure in light of the changed ownership of the earth stations. It will be necessary to accommodate the fact that there will be different groups of owners of earth stations in the conterminous United States, in Hawaii and in Puerto Rico. This, of course, could be accomplished by two series of tariffs—one covering the offering by Comsat of access to the satellite by earth stations, and the other covering the offering of services of the earth stations by Comsat and its partners. These matters will also be the subject of consideration by the committee. It is our expectation, however, that any revision in tariff structure as may evolve will not initially result in charges for use of satellite facilities by authorized carriers or other entities whom Comsat may be authorized to serve directly in excess of the current composite charge of Comsat for the services of the earth station and access to the satellite.

28. The Commission is deeply concerned that steps be taken promptly to plan, construct, and make available for service, additional stations in the southeastern and southwestern parts of the United States so that efficient service may be provided through the satellites which will be placed into orbit in the relatively near future. We recognize that problems exist with respect to the proposed sites for such earth stations. Accordingly, in view of the policy adopted herein, we direct that the joint owners shall, no later than 60 days from the date when this report is released, file agreed upon applications for earth stations at appropriate sites in the southeastern [11] and southwestern United States. We are certain that if the interested carriers and Comsat exert the proper effort, sites will be found which are properly located, do not cause or receive harmful interference to or from terrestrial services, and

[11] In selecting the most suitable southeastern earth station site it is assumed that consideration will be given to all sites proposed during recent ad hoc technical committee meetings.

may be used efficiently and effectively as part of the global system which national policy requires to become operable at the earliest practicable moment.

29. We also expect that within 60 days after this report, Comsat and the other authorized carriers will file appropriate applications to transfer ownership of the three existing stations at Andover, Maine, Brewster Flat, Wash., and Paumalu, Hawaii to the joint owners in accordance with the quotas set forth in paragraphs 2–3 above.

30. As has been set forth in our memorandum opinion adopted this date, providing for the grant of cable landing licenses and certification pursuant to section 214 of the Communications Act, the Commission is of the opinion that the public interest will be served by a grant of both the pending applications for authority to install, construct, and operate a cable between the United States and the Virgin Islands, as well as by the construction and operation of an earth station in either the Virgin Islands or Puerto Rico. We are aware of the serious objections made on behalf of the U.S. Government by the Director of Telecommunications Management to the sites specified in the applications for earth stations presently on file with the Commission.[12] In view of this and in view of the policy adopted herein, we direct that within 90 days after the release of this report the entities whom we have indicated may apply to own and operate such earth station shall file an appropriate application therefor, taking into account the objections raised by the Director of Telecommunications Management, and meeting all public interest standards.

31. Despite the rapid progress made, the development of satellite communications is still in its early stages. As set forth in paragraph 24 supra, we do not believe we should now adopt policies or make allocations of ownership shares of earth stations which are designed to be permanent. On the other hand, we recognize that reasonable time must be allowed for both the interested carriers and Comsat on the one hand, and the Commission, on the other hand, to have the benefits of actual operating experience under the policy enunciated herein. We are also aware that the interim agreements for the establishment of a global system are subject to renegotiation during 1969. Accordingly, in order to provide the necessary time for operating experience and for the Commission to become aware of exactly what the status of the agreements for the global system will be, we propose that the policy set forth herein shall remain in effect until the end of 1969 unless revised or amended for good cause because of new developments. In late 1969 it will be subject to review in the light of experience gained and then-existing conditions. As we stated in our initial interim policy with respect to our initial policy statement on earth station ownership, it is our intention that no prejudice or benefit shall result to the position of any legal, competent entity from the interim policy adopted herein.

32. In order that we may be in a position to properly evaluate the experience gained from joint operation of the earth stations, we believe that, no later than July 1, 1969, the joint owners of the stations should begin a review of their operating experience and make such recommendations to us as appear appropriate to them in respect to this interim policy no later than October 1969.

Accordingly, pursuant to the authority contained in sections 201(c)(7) and 201(c)(11) of the Communications Satellite Act of 1962 and sections 4(i) and 4(j) and 303 of the Communications Act of 1934, as amended;

It is ordered, This 7th of December 1966, that the policy governing the issuance of authorizations for communications satellite earth stations set forth in our order, Docket No. 15735, in the matter of amendment of Part 25 of the Commission's rules and regulatons with respect to ownership and operation of initial earth stations in the United States for use in connection with the proposed global commercial communication-satellite system, released May 13, 1965, as well as in the memorandum opinion and order in that same docket, released February 25, 1966, are modified to reflect the policies adopted herein.

Released: December 8, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-13348; Filed, Dec. 13, 1966; 8:45 a.m.]

[12] Problems, if any, associated with the most recent Comsat Puerto Rico application have not yet been evaluated.

[13] Commissioner Bartley absent and Commissioner Johnson concurring in the result.

[Docket No. 16385; FCC 66-1112]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Requirement of Evidence of Frequency Coordination With Certain Applications Involving Modifications of Facilities

Report and order. 1. On December 27, 1965, the Commission issued a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on December 31, 1965 (30 F.R. 17172). The time for filing comments and reply comments expired on February 7, 1966, and on March 1, 1966, respectively. Comments were filed by State of Colorado; Forest Industries Radio Communications Association (FIRC); State Highway Commission of Kansas; Forestry, Conservation Communications Association (FCCA); city of San Diego; Associated Public-Safety Communications Officers, Inc. (APCO); Central Committee on Communication Facilities of the American Petroleum Institute (API); Association of American Railroads (AAR); National Committee for Utilities Radio (NCUR); American Trucking Associations, Inc. (ATA); NAM Communications Committee (NAM); Special Industrial Radio Service Association, Inc. (SIRSA); Land Mobile Communications Section of the Electronic Industries Association (EIA); and the American Association of State Highway Officials (AASHO). No reply comments were filed.

2. In the notice, the Commission proposed to amend the rules governing the Public Safety, Industrial, and Land Transportation Radio Services to require that evidence of prior frequency coordination be submitted with applications for modification of existing facilities involving any (1) increase in specified power; (2) increase in antenna height; (3) change in station location, including the location of the antenna; or (4) addition of a base station within the licensee's existing area of operation. In the Industrial and Land Transportation Radio Services, only applicants for new stations are required to file evidence of prior frequency coordination. In the Public Safety Radio Services prior coordination is required with applications to increase power and antenna height and to change a station location (items (1), (2), and (3) above). The proposal would make the prior coordination requirements uniform in all of the coordinated land mobile radio services.

3. All comments recognized the need for the proposed rules. They pointed out that uncoordinated expansion of authorized systems often frustrates serious coordination efforts when a new licensee, after obtaining coordination, initiates operations on a saturated channel which appeared otherwise in the frequency coordinator's records. Others claimed that uncoordinated expansion of a system often results in avoidable interference to other systems and sometimes to adjacent systems of the same licensee. All agreed that the proposed rules, in general, would result in better engineering of mobile systems and the more efficient use of the available frequencies in the private land mobile service.

4. Although all who commented agreed with the proposed rules in general, some disagreed with some of the specific proposals. AAR suggested that no prior coordination should be required for applications to increase the height of the antenna, if the proposed new height would not exceed 100 feet. NCUR felt that applications proposing antenna height increases of 25 feet or less should not be coordinated. Both AAR and NCUR felt that in these situations the increased interference potential would not be significant enough to warrant the additional workload for frequency coordinators and the applicants. We disagree. While a relatively small increment in the antenna height of a station may not increase the interference potential of the station substantially enough, the suggestions of AAR and NCUR are

not limited to such changes. For example, AAR would not require prior coordination if a licensee were to raise the height of a 20 foot antenna to 100 feet in which case the coverage of the station would more than double. Thus, we think that although our proposal might result in unnecessary coordination in a few cases, it would result in better and more accurate records for the frequency coordinators to enable them to recommend frequency assignments more efficiently.[1] The same requirement has been in existence in the Public Safety Radio Services for nearly 3 years and none of those who commented from Public Safety organizations indicated any problem with it. Thus, the suggestions of AAR and NCUR are not adopted.

5. APCO agreed with our proposals, but discussed at some length the manner in which the power of a station is stated and authorized in the land mobile services and restated its suggestions made in Docket 15161 that the authorized power for land mobile stations should be in terms of effective radiated power rather than in terms of power input. NCUR pointed out that most applicants in the Industrial Radio Service ask for and are authorized the maximum power permitted by the rules so that the requirement for coordinating applications for power increase in these services would not be meaningful.

6. The method of authorizing power, whether by effective radiated power or some other method, rather than input, is not within the scope of this proceeding. The rules now state the permissible power in terms of input and we did not propose any changes in those rules. However, we recognize the problem discussed by APCO and the staff is considering it. It is also being considered by the Advisory Committee for the Land Mobile Radio Services. Therefore, we expect to review this matter in the future and make whatever determinations seem appropriate.

7. However, we think that current practices for requesting and authorizing power should be modified. In the Land Transportation and Industrial Radio Services applicants usually apply for and are authorized the maximum power permitted by the rules. In the Public Safety Radio Services applicants are required to apply for the actual power they need, but we authorize twice the amount requested. The purpose of these practices was to reduce the application workload of licensees and the Commission by permitting licensees to increase the power of their stations (up to certain limits), if they need to, without having to apply for an authorization.

8. It has become increasingly clear, however, as evidenced by the comments in this proceeding, that efficient utilization of the available frequencies requires that licensees use the minimum power necessary[2] and that the records of the Commission and of the frequency coordinators accurately reflect the actual power used. Therefore, we will change the current practices and will require all applicants in the Public Safety, Industrial, and Land Transportation Radio Services to apply for only the power they would need, and we will authorize that particular power. Subsequent increases of power of a station will require prior Commission authorization and applications therefor must be accompanied by evidence of coordination. This would increase the application workload somewhat but should result in the better administration of frequency usage. Appropriate language has been included in the rules. The new practice will become effective 60 days after the effective date of this order.

9. AAR suggested various changes in the language of the proposed rule for greater clarity. Some of these suggestions have been included in the rules we have adopted.

10. In view of the foregoing, we find that the public interest, convenience and necessity will be served by adopting the amendments of the rules as shown below.

11. *Accordingly, it is ordered,* That, effective February 15, 1967, Parts 89, 91, and 93 are amended as shown below, and that this proceeding is hereby terminated. Authority for the amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

(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)

Adopted: December 7, 1966.
Released: December 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 89.15 of the Commission's rules, paragraphs (a), (b), and (c) are amended to read:

§ 89.15 Frequency coordination procedures.

(a) Except for applications from States requesting frequencies in accordance with a geographical assignment plan, applications in the Special Emergency Radio Service, and applications requesting assignment of frequencies in the 27.23–27.28 Mc/s band or frequencies above 470 Mc/s, the following applications shall be accompanied by information required by either paragraph (b) or (c) of this section:

(1) Requests for assignment of a new frequency; or

(2) Requests to change existing facilities by increasing the authorized power input, or raising the authorized height of the antenna, or moving the authorized station location (including the antenna), or by adding a base station within the licensee's existing area of operation.

(b) (1) A statement that all existing licensees located within a radius of 75 miles of the location of the station and authorized to operate on frequencies within 30 kc/s of the frequency or frequencies assigned or requested have been notified of the applicant's intention to file his application; and

(2) A report, based on a field study covering the area within a radius of 75 miles of the location of the station, indicating the probable interference to existing stations authorized to operate within 30 kc/s of the frequency or frequencies requested or assigned.

(c) A statement from a frequency advisory committee commenting upon the frequency or frequencies requested or the proposed changes in the authorized station and giving the opinion of the committee regarding the probable interference of the proposal to existing stations. Where the frequency or frequencies requested or assigned are within 30 kc/s of a frequency which is available to another radio service, and is assignable only after coordination, the Committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished; or, in lieu thereof, that all licensees in the other service within 75 miles of the location of the station operating on the frequency requested or assigned have been notified of the applicant's intention to file the application. The committee's statements should, where feasible, also include comments regarding technical factors such as power, antenna height, and characteristics which may serve to mitigate any contemplated interference situation. The frequency advisory committee may be so organized as to be representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of frequency advisory committees are purely advisory in character; their comments are not binding upon either the applicant or the Commission; and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications.

* * * * *

2. In § 89.111 paragraph (a) is amended by adding a note at the end thereof to read:

§ 89.111 Power and antenna height.

(a) * * *

NOTE: Applications for authorizations filed on or after April 17, 1967, must specify no more power than the actual power necessary for satisfactory operation.

* * * * *

3. In § 91.8 paragraph (a) is amended to read:

§ 91.8 Policy governing the assignment of frequencies.

(a) The frequencies which normally may be assigned to stations in any one of the several Industrial Radio Services are listed in the applicable subpart of

[1] Primarily for aeronautical hazard considerations, licensees must first apply for and obtain Commission authorization before increasing the height of their antennas. The additional requirement imposed here is to coordinate such applications.

[2] The rules require licensees to use no more power than the minimum necessary for satisfactory operation. See §§ 81.111(a), 91.106 (a), and 93.106(a).

[3] Commissioners Bartley and Wadsworth absent.

this part. All licenses of stations in these services shall cooperate in the use of the frequencies assigned in order to minimize interference, and thereby obtain the most effective use of the authorized facilities. Each frequency or band of frequencies listed in this part is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions contained in this part or in the station authorization. Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency or to change existing facilities by increasing the authorized power input, or raising the height of the antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence of frequency coordination in the form set forth either in subparagraph (2) or (3) of this paragraph:

(1) The following applications need not be accompanied by evidence of frequency coordination:

(i) Any application involving a Federal Government frequency.

(ii) Any application involving a frequency allocated primarily for industrial, scientific, and medical purposes.

(iii) Any application involving a frequency in the 72–76 Mc/s band.

(iv) Any application involving a frequency below 25 Mc/s.

(v) Any application involving a frequency above 470 Mc/s.

(vi) Any application involving a frequency assignment on a developmental basis only.

(vii) Any application in the Business Radio Service, where the frequency involved and both immediately adjacent frequencies are available for assignment in that service.

(2) A report, based on a field study, indicating the degree of probable interference to existing stations operating in the same area. The report shall consider all stations operating on the frequency requested or assigned within 75 miles of the location of the station, and all stations operating on any adjacent frequency 15 kc/s or less and within 35 miles of the location of the station. Further, the applicant shall submit a written and signed statement that all existing licensees within the frequency and mileage limits contained in this subparagraph have been notified of the applicant's intention to file his application.

(3) A statement from a frequency advisory committee recommending the specific frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area or commenting on the proposed changes in the station. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The committee's recommendations may appropriately include comments on other technical factors such as power, antenna height and characteristics which may serve to mitigate any contemplated interference situation. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission.

* * * * *

4. In § 91.106 paragraph (a) is amended by adding a note at the end thereof to read:

§ 91.106 Power and antenna height.

(a) * * *

NOTE: Applications filed on or after April 17, 1967, must specify no more power than the actual power necessary for satisfactory operation.

* * * * *

5. In § 93.9 paragraph (a) is amended to read:

§ 93.9 Frequency coordination.

(a) Except for applications listed in subparagraph (1) of this paragraph, each application for assignment of a new frequency, or to change existing facilities by increasing the authorized power input, or raising the height of the station antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence that the applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. Evidence of frequency coordination may be submitted in the form set forth either in subparagraph (2), (3), or (4) of this paragraph:

(1) The following applications need not be accompanied by evidence of frequency coordination:

(i) Any application involving a frequency assignment on a developmental basis only.

(ii) Any application involving a frequency or frequencies not in the 30–50, 150.8–162, or 450–470 Mc/s bands.

(2) A statement, including an engineering survey if necessary, which sets forth the technical and other considerations in support of the selection of the particular frequency or the proposed changes in the authorized station and a statement indicating that the applicant has notified the licensees of all known stations in the same or other services located within the local interference range of the proposed station location and operating on any frequency 15 kc/s or less from the frequency used or proposed to be used by the applicant, of the applicant's intention to file his application.

(3) A statement from a local frequency advisory committee of users suggesting a specific frequency which in its opinion would result in the least interference to existing stations in the area by the proposed station, or commenting upon the proposed changes in the authorized station. In the event the frequency recommended is not in the frequency band desired by the applicant, the committee should also indicate a frequency in the band desired by the applicant which in its opinion would result in the least amount of interference and would therefore appear to be most suitable. The committee's statement may appropriately include comments on other technical factors such as power, antenna height, and other limitations which may serve to mitigate any possible interference. The frequency advisory committee must be so organized that it is representative of the industry eligible for radio facilities in the service concerned in the area in which the committee functions and for which recommendations are made.

(4) A recommendation from a frequency coordinating committee or other appropriate representative of a national association composed of a majority of persons eligible for radio facilities in the particular service involved.

(5) Any recommendations submitted in accordance with subparagraph (3) or (4) of this paragraph are purely advisory in character and are not binding either on the applicant or the Commission.

* * * * *

6. In § 93.106 paragraph (a) is amended by adding a note at the end thereof to read:

§ 93.106 Power and antenna height.

(a) * * *

NOTE: Applications filed on or after April 17, 1967, must specify no more power than the actual power necessary for satisfactory operation.

* * * * *

[F.R. Doc. 66–13395; Filed, Dec. 13, 1966; 8:47 a.m.]

[Docket No. 16780; FCC 66–1113]

PART 93—LAND TRANSPORTATION RADIO SERVICES

Subpart H—Railroad Radio Service

LICENSING OF UNATTENDED STATIONS USED IN CONJUNCTION WITH RIGHT-OF-WAY SAFETY INSPECTION DEVICES

Report and order. In the matter of amendment of Part 93, Subpart H, Railroad Radio Service, § 93.357, of the Commission's rules to provide for the licensing, on a regular basis, of unattended stations used in conjunction with right-of-way safety inspection devices; Docket No. 16780, RM–469.

1. The Commission's proposal in this proceeding was aimed at a wider and more effective use of radio by American railroads, in the public interest. It was designed specifically to improve the measure of safety and efficiency of railroading by allowing railroads to use automatic, unattended, transmitting devices for detection of "hot boxes," that is, overheated journals, and other unsafe or malfunctioning equipment on railroad rolling stock.

2. This proceeding commenced with the adoption of a notice of proposed rule

making on July 20, 1966. That notice, which invited comments and reply comments on our proposal, was published in the FEDERAL REGISTER on July 27, 1966 (31 F.R. 10137). The time within which comments and reply comments might be filed has now expired.

3. The Seaboard Air Line Railroad Co. (hereinafter Seaboard), whose petition for rule making (RM-469) gave rise to this proceeding, and the Association of American Railroads (AAR) were the only persons who filed comments. No reply comments were filed.

4. In principle and substantial form, both Seaboard and the AAR endorsed our proposal. Seaboard, however, objected to the language of one of the enumerated conditions in the proposed rule relating to harmful interference. The AAR objected to the same condition, citing Seaboard's comments. In pertinent part of the text of the proposed amendment of § 93.357(c)(3), we declared that licenses for "hot box" detectors would be issued "* * * subject to the condition that no harmful interference is caused to *any other licensee* on the particular frequency." [Italics added.] Seaboard has construed this condition to mean that railroads would be required to protect nonrailroad licenses operating cochannel with a railway system using "hot box" detectors. But the frequencies whereon "hot box" detecting transmitters would be authorized on a regular basis, notably those in the 160 and 161 Mc/s bands [§ 93.352(a)], are now allocated to the Railroad Radio Service on an exclusive basis; and no users, other than railroads, may be licensed on these frequencies.

5. Seaboard is apparently apprehensive of interference being caused to (1) "grandfathered" Public Safety Radio Service licensees who operate on certain frequencies within the 160 and 161 Mc/s bands; and (2) Public Safety and remote pickup broadcast stations that share frequencies with the Railroad Radio Service in Puerto Rico and the Virgin Islands. In the continental United States, the Railroad Radio Service enjoys a priority status in the 160.215–161.565 Mc/s band. This proceeding was not intended to mitigate this status. In Puerto Rico and the Virgin Islands, however, railroad frequencies are shared with the Public Safety Radio Services and remote pickup broadcast stations. The Public Safety Radio Services' use of railroad frequencies in Puerto Rico and the Virgin Islands as well as in the continental United States is on terms of noninterference to other users, including the Railroad Radio Service. Remote pickup broadcast stations, however, share 35 Railroad Radio Service frequencies in Puerto Rico and the Virgin Islands on a coequal basis with railroads. Thus, in the areas mentioned, applicants in the Railroad Radio Service must exercise discretion in their choice of frequencies to obviate potential interference problems with remote pickup broadcast stations.

6. To clarify the condition relating to interference, we are revising the language of § 93.357(c)(3), in pertinent part, to read as follows:

> Subject to the condition that no harmful interference is caused to other stations licensed under this subpart on the particular frequency.

This revision will make it clear that the only other stations in the continental United States that licensees of "hot box" detecting transmitters need protect are cochannel railroad-train stations licensed in the Railroad Radio Service.

7. The Commission finds, on the basis of the information before it, that the safety and efficiency of railroad operations would be improved by the use of the transmitting devices considered in this proceeding. Accordingly, it is found that the public interest, convenience and necessity would be served by allowing the use of these devices under the terms specified in the ordered amendment to the rules.

8. Pursuant to authority contained in sections 4(i) and 303 (f) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective January 16, 1967, Part 93 of the Commission's rules is amended in the manner set forth below; and the proceedings in this Docket No. 16780 are hereby terminated.

(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)

Adopted: December 7, 1966.

Released: December 9, 1966.

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

Section 93.357(c) is amended to read as follows:

§ 93.357 Scope of service.

* * * * *

(c) Stations in this service operating on frequencies listed in § 93.352(a) may be used for the following purposes.

(1) Intercommunication between adjacent base stations, provided interference is not caused to communications involving radio stations aboard railroad rolling stock.

(2) Transmission of tone signals for signaling and control purposes where a satisfactory showing of need therefor has been made in compliance with § 93.103(b), provided interference is not caused to other stations licensed under this subpart.

(3) Transmission of tone or voice communications, including such communications when prerecorded, for purposes of automatically indicating abnormal conditions of trackage and railroad rolling stock when in motion, subject to the condition that no harmful interference is caused to other stations licensed under this subpart on the particular frequency. All such operations shall be subject to the following:

(i) The plate power input to the final radio frequency stage shall not exceed 50 watts.

(ii) The bandwidth used shall not exceed that authorized to the licensee for voice transmissions on the frequency concerned.

(iii) The station shall be so designed and installed that it can normally be activated only by its associated automatic control equipment and, in addition, it shall be equipped with a time delay or clock device which will deactivate the station within three (3) minutes following activation by the last car in the train.

(iv) Stations authorized pursuant to the provisions of this subparagraph are exempt from the requirements of § 93.107(c).

* * * * *

[F.R. Doc. 66-13396; Filed, Dec. 13, 1966; 8:47 a.m.]

[1] Commissioners Bartley and Wadsworth absent.

[Docket No. 16744; FCC 66-1114]

PART 95—CITIZENS RADIO SERVICE

Exemption of Certain Stations From Identification Requirements

Report and order. 1. On July 8, 1966, the Commission released a notice of proposed rule making to amend its rules to exempt certain citizens radio stations from the station identification requirements. The notice was duly published in the FEDERAL REGISTER on July 13, 1966 (31 F.R. 9511). While the notice afforded interested persons an opportunity to submit comments on or before August 15, 1966, and reply comments on or before August 31, 1966, no comments were filed.

2. As stated in the notice of proposed rule making there is a need to exempt Class A relay stations as well as those citizens radio stations employing a form of emission such as telemetering from the station identification requirements. Accordingly, the Commission concludes that the rule changes would be in the public interest and should be adopted as proposed.

3. Authority for the amendment set forth below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Since the amendment herein relieves an existing rule restriction it may be made effective immediately pursuant to section 4(c) of the Administrative Procedure Act and § 1.427 (b) of the Commission's rules.

4. In view of the foregoing: *It is ordered*, That effective December 16, 1966, § 95.95(d) of the Commission's rules is amended as set forth below.

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

(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)

Adopted: December 7, 1966.

Released: December 9, 1966.

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

Section 95.95(d) of Part 95 of the Commission's rules is amended to read as follows:

§ 95.95 Station identification.

* * * * *

(d) Unless specifically required by the station authorization, the transmissions of a citizens radio station need not be identified when the station (1) is a Class A station which automatically retransmits the information received by radio from another station which is properly identified or (2) is not being used for telephony emission.

[F.R. Doc. 66-13397; Filed, Dec. 13, 1966; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

Types of Harmless Animals Acceptable

A notice of proposed revisions in § 125.3 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of September 22, 1966 (31 F.R. 12533), concerning the types of harmless animals acceptable in the mails. Interested persons were given 30 days in which to submit written comments regarding the proposals.

After consideration of the comments received, the Department has reached the conclusion to adopt the proposed amendments. As Title 39, Code of Federal Regulations has been rearranged and revised (31 F.R. 15350–15483) since the appearance of the notice of proposed rule making, the amendments to be effective upon publication read as follows:

§ 125.3 Perishable matter.

(a) *Time factor.* Mailable harmless live animals (see paragraph (c) of this section), perishable foods, and game (see paragraph (g) of this section) may not be sent through the mail unless transit time under ordinary conditions would be sufficient for them to reach their destination in good condition. Perishable foods may be shipped at the mailer's risk, provided they are not subject to rapid decay and the generating of obnoxious orders. Airmail, special handling, or special delivery services are recommended.

* * * * *

(c) *Live animals.* * * *

(2) *Other animals*—(i) *Mailable.* Small, harmless, cold-blooded animals (except snakes) which do not require food or water or attention during handling in the mails and which do not create sanitary problems or obnoxious odors are mailable. For example, the following are mailable: Baby alligators and cayman not exceeding approximately 20 inches in length, baby terrapin and baby turtles not exceeding approximately 2½ inches in length, bloodworms, earthworms, mealworms, chameleons, frogs, toads, goldfish, hellgrammites, newts, salamanders, leeches, lizards, snails, and tadpoles.

(ii) *Nonmailable.* No warm blooded animals except day-old poultry are acceptable. The following are examples of animals which are not mailable: Hamsters, white mice, rats, guinea pigs, rabbits, kittens, puppies, snakes, chickens (see subdivision (i) of this subparagraph), flying squirrels, parakeets, canaries, and pigeons.

* * * * *

NOTE: The corresponding Postal Manual sections are 125.31 and 125.33 respectively. (5 U.S.C. 301, 39 U.S.C. 501)

December 9, 1966.

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 66-13381; Filed, Dec. 13, 1966; 8:46 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER M—RULES AND REGULATIONS FOR THE ADMINISTRATION OF GRANTS

CHANGE OF HEADING

Subchapter M of Chapter I of Title 30 of the Code of Federal Regulations is amended by changing the heading of Subchapter M to read as set forth above.

Effective date. This amendment is effective on the date of publication in the FEDERAL REGISTER.

FRANK C. MEMMOTT,
Deputy Director, Bureau of Mines.

[F.R. Doc. 66-13372; Filed, Dec. 13, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 80]

VITAMIN AND MINERAL-FORTIFIED FOODS

Proposal To Amend Identity Standard by Listing Additional Classes of Such Foods

In association with a revision of the regulations for foods for special dietary uses (21 CFR Part 125), published in the FEDERAL REGISTER of June 18, 1966 (31 F.R. 8521), definitions and standards of identity were established for certain vitamin and mineral-fortified foods (21 CFR 80.2; 31 F.R. 8526). Objections were received in response to the order from various members of the food and drug industries, associations, organizations, and individuals recommending that additional classes of foods be included to which vitamins and minerals may be added.

The Commissioner of Food and Drugs has concluded that it will promote honesty and fair dealing in the interest of consumers, in accordance with section 401 of the Federal Food, Drug, and Cosmetic Act, and will promote by regulation label information necessary in order fully to inform purchasers of the value of such foods for special dietary uses, in accordance with section 403(j) of the act, to add to the subject regulation additional classes of foods as hereinafter proposed.

Accordingly, pursuant to the provisions of the act (secs. 401, 403(j), 701(e), 52 Stat. 1046, as amended, 1048, 1055, as amended; 21 U.S.C. 341, 343(j), 371(e)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), it is proposed that § 80.2(c), as amended by an order published elsewhere in this issue of the FEDERAL REGISTER, be further amended by adding to the end of the table additional classes of foods and a footnote 2, as follows:

§ 80.2 Vitamin and mineral-fortified foods; identity; label statements.

* * * * *

(c) * * *

Class of food	Added vitamins and minerals	Levels permitted [1]		Designated serving
		Minimum	Maximum	
* * *	* * *	* * *	* * *	* * *
Frozen dessert products (containing vegetable fat in lieu of butterfat) made in semblance of ice cream or ice milk.	Vitamin A	265 U.S.P. units (for article containing 10% fat, with vitamin A level increased or decreased in proportion to fat content).	315 U.S.P. units (for article containing 10% fat, with vitamin A level increased or decreased in proportion to fat content).	4 fluid oz.
Milk fortifiers	Ascorbic acid (vitamin C).	10 mg	23 mg	In quantity to be added to 8 fluid oz. milk.
	Iron	3 mg	5 mg.	
Meal substitutes (for use with and without addition of milk or water).	Vitamins and minerals as listed in § 125.1(b) of this chapter, as necessary to reach the limits permitted.	One-fourth recommended dietary allowance for an adult for each vitamin or mineral listed in § 125.1(b) of this chapter.	The recommended dietary allowance for an adult for each vitamin or mineral listed in § 125.1(b) of this chapter; provided, however, that if the food is represented for use as the sole item of the diet, it may also contain the minerals zinc and manganese added at trace levels essential for human nutrition. The maximum level permitted for any vitamin or mineral shall apply only if such vitamin or mineral is added to the meal substitute.	In quantity to be consumed for a meal after addition of milk or water, if necessary, in accord with the label directions for use.

* * * * * * * *

[1] The levels permitted for milk fortifiers apply to the foods themselves before the addition of or to milk. For meal substitutes, the levels permitted apply to the article as prepared for consumption in accord with the label directions for use; such as, after the addition of or to milk, if necessary. For milk fortifiers and meal substitutes, if a vitamin or mineral is added, all of the nutrients specified under "Added vitamins and minerals" must be present in the designated serving of the food.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

In this matter, views and comments already received in response to the issuance of § 80.2 in the FEDERAL REGISTER of June 18, 1966, will be considered, as they apply, in addition to any new comments received in response to this notice. Repetition of previously submitted views and comments is unnecessary.

Dated: December 9, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-13394; Filed, Dec. 13, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Containers; Notice of Additional Time for Filing of Written Data, Views, or Arguments

Pursuant to the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), a notice of proposed rule making was published in the November 29, 1966, issue of the FEDERAL REGISTER (31 F.R. 15022), regarding proposed modification of container regulations. The notice afforded interested persons an 8-day period to submit written data, views, or arguments with respect thereto. Request has been made by a date repacker for additional time to file comments.

In view of this request and the desirability of affording interested persons reasonable opportunity to consider the proposal further and file written data, views, or arguments thereon, additional time through December 19, 1966, is granted for filing such comments. The comments are to be filed with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All such written submissions will be made available for public inspection

at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 9, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-13414; Filed, Dec. 13, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 30, 32]

LICENSING OF BYPRODUCT MATERIAL

Exemption of Scandium 46-Labelled Resins for Use in Oil Wells

Chevron Research Co. (Chevron) has filed a petition (PRM 30-19) with the Atomic Energy Commission requesting that the Commission's regulations be amended to provide a general license to use and introduce into oil wells scandium 46 labelled resins for sand consolidation.

In this process the viscous resin is pumped into the well and polymerized in place, thus consolidating loose sand which might otherwise enter the oil, plug the well, and limit production. An oil well logging tool is used to detect the radioactive scandium and determine the exact location of the consolidated sand. Chevron believes that oil production can be significantly improved by the use of this process.

Under Chevron's proposal the tagged resin would be prepared under specific license, and the concentration would be limited to that experimentally determined to be the minimum feasible (not to exceed 1.4×10^{-3} μc/ml). The material would be ready for direct injection into wells with no special preparation necessary at the oil field.

Under these conditions, it is unlikely that an oil field worker, even if continuously involved in performing the process, would be exposed to radiation in excess of the standards applicable to individuals in the general population. By limiting the concentration, external radiation levels around the resin drums (the expected form of packaging) would be limited to less than 0.5 mr/hr. Ingestion of the resin is unlikely. Inhalation of significant amounts is also unlikely, since the scandium is not volatile, the resin is a viscous material, a drum is opened only when resin is to be injected, and the resin is pumped directly from the drum through a hose.

The resins are designed to be introduced into oil wells, and the probability of diversion to other uses appears to be quite remote. Even if some of the tagged resin were introduced into the plastics industry, the low concentration and short half-life (84 days) of the scandium 46 would not permit hazardous levels of exposure. Transfer of the scandium 46 to another medium, either inadvertently or by design, appears to be extremely unlikely.

Based on the foregoing considerations, the Commission is considering a finding that exemption from regulatory control of the use and transfer of such resins under a proposed new § 30.16, would not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. The exemption would be in lieu of a general license as requested by Chevron. A proposed new § 32.17 would establish specific licensing requirements for the manufacture or import of the resin for distribution under the exemption. These requirements would include the limitations relating to product concentration and labelling. In addition, § 32.16 would be amended to require an annual report of transfers or imports for this product.

The Commission considers that such resins are not a product intended for use by the general public; therefore, the transfer of such resins in an agreement State by any manufacturer licensed by that agreement State[1] would not be licensed or regulated by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, notice is hereby given that adoption of the following amendments to 10 CFR Parts 30 and 32 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, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 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. A new § 30.16 is added to 10 CFR Part 30 to read as follows:

§ 30.16 Resins containing scandium 46 and designed for sand-consolidation in oil wells.

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30-36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns or acquires synthetic plastic resins containing scandium 46 which are designed for sand-consolidation in oil wells, and which have been manufactured or imported for sale or distribution, in accordance with a specific license issued pursuant to §32.17 of this chapter or equivalent regulations of an agreement State. The exemption in this section does not authorize the manufacture or import of any resins containing scandium 46.

2. Section 32.16 of 10 CFR Part 32 is amended to read as follows:

§ 32.16 Certain items containing byproduct material; material transfer reports.

Each person licensed under § 32.14 or § 32.17 shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall state the total quantity of byproduct material imported for sale or distribution, or transferred to other persons under § 30.15 or § 30.16 of this chapter during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

3. A new § 32.17 is added to 10 CFR Part 32 to read as follows:

§ 32.17 Resins containing scandium 46 and designed for sand-consolidation in oil wells; requirements for license to manufacture, or import for sale or distribution.

An application for a specific license to manufacture, or import for sale or distribution, synthetic plastic resins containing scandium 46 for use pursuant to § 30.16 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The product is designed to be used only for sand-consolidation in oil wells;

(c) The applicant submits the following information:

(1) The general description of the product to be manufactured or imported.

(2) A description of control procedures to be used to assure that the concentration of scandium 46 in the final product at the time of distribution will not exceed 1.4×10^{-3} μc/ml.

(d) Each container of such product will bear a durable, legible label approved by the Commission, which contains the following information:

(1) The product name;

(2) A statement that the product contains radioactive scandium and is designed and manufactured only for sand-consolidation in oil wells;

(3) Instructions necessary for proper use; and

(4) The manufacturer's name.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 5th day of December 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 66-13358; Filed, Dec. 13, 1966; 8:45 a.m.]

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 18022]

NONSTOP AUTHORITY FOR LOCAL SERVICE CARRIERS IN MARKETS ON THEIR RESPECTIVE LINEAL ROUTE SEGMENTS

Notice of Proposed Rule Making

DECEMBER 8, 1966.

Notice is hereby given that the Civil Aeronautics Board is considering the de-

sirability of amending Part 399, its Statements of General Policy (14 CFR Part 399) to establish a new Board policy with respect to nonstop authority for local service carriers in markets on their respective lineal route segments. The subject and the issues involved are explained in the Explanatory Statement set forth below. The amendment is proposed under authority of sections 204 (a) and 401(e) of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371) and of section 3 of the Administrative Procedure Act (60 Stat. 238, as amended by 80 Stat. 250, 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before January 13, 1967, will be considered by the Board. In addition, all interested persons are invited to submit ten (10) copies of written data, views, or arguments pertaining solely to the communications to be filed by other persons pursuant to the invitation set forth above. All relevant communications of this nature received on or before February 2, 1967, will be considered by the Board before taking action.

Upon receipt by the Board, copies of the above communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. For some time the Board has sought ways and means of reducing Federal subsidy payments to local service carriers. Beginning in the early 1950's, the Board amended the local service carriers' certificates to permit overflights of intermediate points after such points had been scheduled to receive, in most cases, two round trips per day. This automatic skipstop authority was subject to specific mandatory stop restrictions in particular markets which, for the most part, were major traffic points served by trunkline carriers. The original local service carrier certificates required the carrier to stop at each point named in the certificate between the point of origin and point of termination on each trip over all or part of a route segment. These original certificates also authorized overflights of intermediate points if granted by the Board in a nonhearing proceeding.[1]

This latter procedure is called "change in service pattern," and is set forth in Part 202 (14 CFR 202.4). Under that regulation the Board, by order authorizing a change in service pattern, may relieve a local service carrier from the condition requiring that it stop at each intermediate point if it finds that such condition would prevent a proposed service pattern which is in the public interest and consistent with the holder's performance of a local air transportation service.[2]

From time to time, local service carriers have sought to obtain changes in service patterns which would permit them to provide nonstop service in markets already served by trunkline carriers. Generally speaking, the Board has authorized changes in service patterns in the past under limited circumstances and where the projected operating results indicated little competitive impact on other carriers. However, the Board now believes it is appropriate to adopt a more liberal policy in approving changes in service patterns authorizing nonstop authority where competitive trunkline services are involved. As set forth more fully below, we find that a more liberalized nonstop authority for local service carriers is warranted because such a policy offers promise of a substantial reduction in the total amount of subsidy paid to the local service carriers while rendering improved service to the public.

Despite the impressive record of growth and public service of the local service carriers, the industry continues to depend upon significant amounts of federal subsidy—$65 million in the calendar year 1965 alone. The financial well-being of the local service carrier industry and the size of the subsidy necessary to sustain it are obviously of major concern to the Board. In this connection, a principal consideration in our policy with respect to nonstop authority of local service carriers is the fact that all carriers in this class have embarked on a reequipment program. Thus, for the first time they are in a position to provide competitive service in the medium-haul nonstop hub markets.[3]

The local service industry's average stage length (length of hop) was 106 miles in 1965, an increase of only 16 percent from 1960.[4] At 100-mile stage lengths, the small jets, even on a seat-mile basis, do not offer an appreciable advantage in direct operating costs over the aircraft which they will replace. But at 200-mile or more stage lengths, the small jets offer a seat-mile direct cost advantage of about 50 percent.[5] An analysis of local service carrier flight stages for the year ended June 30, 1965, indicates that only 16 percent exceeded 160 miles and less than 8 percent exceeded 200 miles in length. Therefore, it is clear that the present operational limitations in the local service carriers' route systems do not offer sufficient opportunities to take advantage of the lower unit direct operating cost characteristics of the new jet technology, and thereby reduce subsidy.

In view of the above circumstances, we believe that traffic of local service carriers should be expanded by making it possible for them to provide nonstop service in medium-haul high-density markets on their linear route segments, markets now served principally by the trunkline carriers. Among the top 300 O&D passenger markets for 1964, 101 had stage lengths of 300 miles or less.[6] Although local service carriers are now authorized to serve 91 of these 101 markets, in only 33 of such markets do they have nonstop authority and 10 of these

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[1] A typical "change in service pattern" condition in a local service carrier's certificate is as follows: "(3) On each trip operated by the holder over all or part of one of the eight numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, * * *" Piedmont's certificate, Order E-23716, dated May 20, 1966.

[2] The change in service pattern procedure may be resorted to by the Board notwithstanding the fact that a mandatory stop requirement is prescribed in the certificate in the market in question as a condition to the exercise of the automatic skipstop authority. North Central Airlines, Change in Service Pattern, 36 CAB 866 (1962).

[3] The reequipment program of the local service carriers is extensive. In mid-1965, only 15 percent of the aircraft in service by local service carriers consisted of turbine powered aircraft. By 1970 it is forecast that jetprop and pure jet aircraft will comprise over 70 percent of the fleet, and, because of their far greater capacity, will produce an even greater percentage of available seat miles. Through 1970, the local service carriers plan to order about 100 jets, each with productivity at least four times that of the largest, fastest piston aircraft now used by these carriers, 67 percent to 150 percent larger than the aircraft they will replace, and with higher aircraft-mile but lower seat-mile costs than the latter. Augmented by more than 100 additional turboprop aircraft, this replacement fleet will more than double seat-mile capacity despite a decline in the number of aircraft in service.

[4] By contrast, during this same period the average stage length of the trunklines increased by 33 percent; i.e., from 310 miles to 411 miles.

[5] E.g., the direct operating costs of a DC-9, as reported by the manufacturer, drop from $1.40 per mile at 100-mile stage lengths to $0.94 at 200 miles.

[6] We cite the statistics with respect to pairs of points which have stage lengths of 300 miles or less for illustrative purposes only. While the proposed policy regulation will primarily affect pairs of points of under 300-mile stage length, the rule will apply to all on-segment pairs of points without regard to their stage lengths.

are local service carrier monopoly markets. These 101 markets are the principal ones which would be affected by the proposed rule.[7] Of these 101 top markets, 92 percent exceed the local service carriers' average stage length of 106 miles, and 50 percent are in excess of 200 miles in length, a distance well suited to exploit the unit cost advantage of the new jet equipment of the local service carriers. The traffic now carried by the trunklines in these 101 markets is roughly equal to the total traffic now carried by the entire local service industry. Excluding the monopoly markets, there are only 6 of these 101 markets in which local service carriers carried in excess of 50 percent of the traffic. Increased access to these markets will provide a large potential for expansion of the local service carriers' traffic, which these carriers need if they are to achieve self-sufficiency in the foreseeable future.

We tentatively find that the impact of local service carriers' nonstop operations in these medium-haul high-density markets upon the operations of the trunkline carriers, will be minimal. The total traffic now carried by the trunklines in these 101 markets is less than 6 percent of total trunkline revenue passenger-miles.[8] If the restrictions upon the authority of local service carriers to fly nonstop in all of these markets were lifted—a highly improbable result under the decisional standards proposed herein—the trunkline carriers would still carry substantial traffic between these pairs of points. Thus, even under these circumstances, the diversion from the trunklines would be substantially less than 6 percent. Moreover, the current prosperity of the trunkline carriers indicates that they can easily absorb some diversion of traffic in these markets without seriously impairing their earnings.

The trunklines' aggregate net profit of $221 million for the year ended December 31, 1965 (which provided a 12.4 percent rate of return), was several times greater than the total local service subsidy. The grant of nonstop authority to local service carriers in these medium-haul hub markets would be experimental in nature. Should the operations under such authority not produce the anticipated results, the Board would remain free to rescind the authority.

We believe that our proposal herein is consistent with the evolution of the concept of local service or feeder-type air transportation as it has developed during the past generation and, in particular, the past decade. The past 10 years have seen the transition of local service carriers from two- or three-State carriers into regional carriers and, more and more, the public has required and the local service carriers have been granted nonstop authority in medium-haul hub markets of between 200- and 300-mile stage lengths.[9] Thus, Piedmont's route system now extends from Atlanta, Ga., to New York City; Allegheny's from Detroit, Mich., to Boston, Mass./Norfolk, Va.; Mohawk's from Detroit, Mich., to Boston, Mass./Washington, D.C.; and Lake Central's from Baltimore, Md., to Chicago, Ill. Recently the Board extended Piedmont to New York City with a new 400-mile segment from Roanoke, Va., with nonstop authority between the terminals after providing the intermediate points with the prescribed number of daily round trips.[10] Through certification proceedings, local service carriers have been authorized to fly nonstop (after scheduling the usual number of daily round trips to the intermediate points) in a substantial number of medium-haul markets with stage lengths in excess of 300 miles.[11]

In considering the criteria for application of the new policy, the Board wishes to stress that the proposed nonstop operations would not be eligible for subsidy. In our judgment, the local service carriers ought to be given an opportunity to experiment in this area. By giving the carriers substantial freedom to experiment, we maximize the opportunities for subsidy reduction without the risk of additional burden on the U.S. Treasury. Thus, if the nonstop operations do not produce the economic effect which the local service carriers anticipate, we have no reason to believe that they would not curtail or terminate them at an early date. Under these circumstances we will require the applicant to file a statement of economic data showing the effect of the proposed operation in terms of system operating profit. We will place the burden on opposing parties, if any, to demonstrate that there is no reasonable likelihood that the experiment will be successful.

With respect to its economic impact on the competitive carriers, the rule is based on the underlying assumption that some traffic diversion in these relatively limited markets can occur without impairing the overall health of the trunkline carriers. Except where the trunkline carrier can show this diversion would be of such magnitude as to impair its entire system operations, we believe the benefits will outweigh adverse consequences of diversion. In our judgment, the adding of carriers in these markets will not adversely affect the overall service to the public but will improve it.

In summary, the Board here proposes to grant authority to local service carriers following change in service pattern procedure to schedule nonstop service in medium-haul high-density markets served by one or more trunkline carriers when such markets are on the local service carrier's lineal route segment[12] provided the following conditions are met: (1) The carrier must fulfill its minimum service obligations at segment intermediate points as required by the automatic skipstop provisions of the carrier's certificate; (2) the carrier must be willing to provide the nonstop service on a subsidy ineligible basis and must be the only local service carrier authorized to operate between the pair of points; (3) the carrier must file an application with the Board in accordance with § 202.4 of the Economic Regulations (Application for Change in Service Pattern) and comply with the other requirements of that section; and (4) it does not appear affirmatively that (a) such local service nonstop operations would impair the quality or quantity of services to the public between the points involved, (b) the diversion from a competing carrier would be so great as to affect adversely its ability to perform air transportation over its system as a whole, or (c) there is no reasonable prospect that, as a result of the proposed services, the local service carrier will realize an increase in its system operating profit. The local service carrier would also be required to supply, with its Application for Change in Service Pattern, economic justification for the requested authority including estimated financial results of the proposed operation, estimated revenue and expenses thereof, and proposed schedules.

It should be emphasized that finalization of the proposed policy statement would not ipso facto grant local service carriers new nonstop authority in any of their on-segment markets. Before a local service carrier could receive such nonstop authority, it will be necessary for it to file an application for change in service pattern and prosecute a change in service pattern proceeding under the Board's existing regulations (Part 202 of the Board's Economic Regulations, 14 CFR Part 202).

Proposed rule. The Civil Aeronautics Board is considering the desirability of amending Part 399, its Statements of General Policy (14 CFR Part 399), as follows:

[7] In some of these medium-haul markets, two or more local service carriers have authority to serve. With respect thereto, nonstop authority by means of change in service pattern would not be authorized under the proposed rule.

[8] The local service carriers as a class carry only 5 percent of total domestic passenger-miles.

[9] Examples of 200–300 mile markets which can now be served on a nonstop basis by local service carriers are: Philadelphia–Pittsburgh (267 miles by Allegheny); Albuquerque, N. Mex.–Amarillo, Tex. (276 miles by Trans-Texas); Albuquerque, N. Mex.–Clovis, N. Mex. (206 miles by Trans-Texas); Erie, Pa.–Scranton/Wilkes-Barre (236 miles by Allegheny); Erie, Pa.–Syracuse, N.Y. (219 miles by Mohawk); Albuquerque, N. Mex.–El Paso, Tex. (224 miles by Frontier); Amarillo, Tex.–Pueblo, Colo. (263 miles by Central); Anniston, Ala.–Laurel, Miss. (234 miles by Southern).

[10] Order E–24159, dated Sept. 7, 1966.

[11] Examples of existing nonstop authority of local service carriers in markets with stage lengths in excess of 300 miles are Roanoke, Va.–New York City (400 miles by Piedmont); Phoenix, Ariz.–Salt Lake City, Utah (508 miles by Bonanza); Phoenix, Ariz.–Santa Ana/Laguna Beach, Calif. (338 miles by Bonanza); New Orleans, La.–Pine Bluff, Ark. (306 miles by Trans-Texas); New London, Conn.–Washington, D.C. (315 miles by Allegheny); Eureka/Arcata, Calif.–Portland, Oreg. (329 miles by Pacific); Florence/Sheffield/Tuscumbia, Ala.–New Orleans, La. (363 miles by Southern).

[12] Nonstop service between two points on different segments of a local service carrier's route would not be authorized.

1. Amend the table of contents of Part 399 by adding a new § 399.20 to read as follows:

Sec.
399.20 Nonstop authority to local service carriers.

2. Add to Subpart B a new § 399.20 to read as follows:

§ 399.20 Nonstop authority to local service carriers.

(a) This policy statement generally pertains to Applications for Change in Service Pattern filed under Part 202 of the Board's Economic Regulations (§ 202.4 of this chapter) which request nonstop authority in markets which are served by one or more trunkline carriers. It sets forth the conditions under which the Board will consider such applications as being in the public interest and consistent with the holder's performance of a local air transportation service.

(b) It is the policy of the Board to authorize local service carriers to schedule nonstop service in markets which are served by one or more trunkline carriers if the conditions set forth in paragraph (c) of this section are met and if there has been no showing as set forth in paragraph (d) of this section.

(c) Before the Board will authorize a local service carrier to schedule nonstop authority in accordance with this policy statement, the following conditions must be met: (1) The local service carrier must file an application with the Board in accordance with § 202.4 of the Economic Regulations (§ 202.4 of this chapter) and comply with the other requirements of that section and with paragraph (e) of this section; (2) the local service carrier must fulfill its minimum service obligations at segment intermediate points as set forth in the automatic skipstop provisions of the carrier's certificate; (3) the local service carrier must be willing to provide the nonstop service on a subsidy ineligible basis; and (4) there is no other local service carrier whose certificate authorizes service between the pair of points in question on the same segment.

(d) Subject to the local service carrier's compliance with paragraph (c) of this section, the Board intends to approve such carrier's application for change in service pattern unless it appears that (1) such nonstop operations would impair the quality or quantity of services to the public between the points involved; (2) the diversion from a competing carrier would be so great as to affect adversely its ability to perform air transportation over its system as a whole; or (3) there is no reasonable prospect that, as a result of the proposed services, the local service carrier will realize an increase in its system operating profit.

(e) The local service carrier must file with its Application for Change in Service Pattern a statement of economic data justifying a grant of the requested authority. Such statement shall include estimated financial results of the proposed operation, including the estimated impact on its total system.

[F.R. Doc. 66-13392; Filed, Dec. 13, 1966; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 101]

[Reg. Docket No. 7789; Notice 66-43]

UNMANNED FREE BALLOONS

Equipment Requirements

Correction

In F.R. Doc. 66-13241, appearing at page 15490 of the issue for Thursday, December 8, 1966, the following corrections are made:

1. In the heading, the small-type bracket should read as set forth above.

2. In the first sentence of the third paragraph, the word "timer" should read "timed".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release Nos. 34-8000, 35-15616, IC-4763]

PROXY AND STOCKHOLDER INFORMATION RULES

Notice of Proposed Amendments

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Regulation 14A (17 CFR 240.14a-1 et seq.) and Regulation 14C (17 CFR 240.14c-1 et seq.) under the Securities Exchange Act of 1934.

REGULATION 14A (17 CFR 240.14a-1 ET SEQ.)

Regulation 14A is applicable to the solicitation of proxies, authorizations and consents with respect to securities registered pursuant to section 12 of the above Act. Rules adopted under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940 make the regulation applicable also to the solicitation of proxies, authorizations and consents with respect to the securities of certain companies subject to those statutes.

Several of the proposed amendments were derived from instructions issued to the staff from time to time and thus reflect existing administrative policy. The proposed amendments of paragraph (b) of Rule 14a-3 (17 CFR 240.14a-3), paragraphs (a) and (b) of Rule 14a-8 (17 CFR 240.14a-8) and paragraphs (b) and (d) of Item 7 of Schedule 14A (17 CFR 240.14a-101) and a new paragraph (g) of Item 7 involve changes of substance in the disclosure requirements. The remaining amendments are believed to be generally of a clarifying nature.

The changes involved are briefly described below, and the text of the amendments is attached to this release.

Rule 14a-3 (17 CFR 240.14a-3). Paragraph (b) of Rule 14a-3 provides that if the solicitation is made on behalf of the management of the issuer and relates to an annual meeting at which directors are to be elected, the proxy statement shall be accompanied or preceded by an annual report to security holders. It is proposed to amend this paragraph to require the issuer to include in its annual report to security holders comparative financial statements for its last 2 fiscal years. Provision would be made for the omission of statements for the earlier of such 2 years upon a showing of good cause therefor. Certification of the statements for only the last fiscal year would be required, but certification for both fiscal years would be permitted. This information, which is commonly provided in annual reports to security holders, is believed to be important to enable them to appraise the financial position and results of operations of the issuer.

It is also proposed to amend paragraph (b) by adding thereto a note which would make it unnecessary to send a copy of the annual report to each of the record security holders at a single address if such security holders consent to the sending of a lesser number of copies. However, where a record security holder has an obligation to obtain or send the annual report to other persons, such as the beneficial owners of the securities held in his name, the new provision would not operate to relieve the record holder of such obligation.

Paragraph (c) of Rule 14a-3 requires four copies of each annual report sent to security holders to be furnished to the Commission for its information. It is proposed to amend this paragraph to require that seven copies of the annual report be furnished in order that the Commission may send copies to certain regional offices of the Commission, including the regional office for the region in which the issuer has its principal office.

Rule 14a-4 (17 CFR 240.14a-4). Paragraph (b)(2) of Rule 14a-4 requires that a form of proxy which provides both for elections to office and for action on other specified matters shall be prepared to permit the security holder to vote on the specified matters without conferring authority to vote for elections to office. The paragraph would be amended so that provision need not be made for withholding authority where the only matters to be acted upon are the election of directors and the election, selection or approval of other persons such as clerks or auditors.

Paragraph (c) of Rule 14a-4 provides that a proxy may confer discretionary authority with respect to certain matters which may come before a meeting. Present administrative practice of the Commission permits a proxy to confer discretionary authority with respect to the approval of the minutes of a prior meeting where such approval does not amount to ratification of action taken at such meeting, with respect to formal matters incident to the conduct of the meeting,

and to the fixing of the number of directors to be elected at the meeting where no amendment of the charter or bylaws is involved. It is proposed to incorporate these practices into the rule.

Paragraph (d) of Rule 14a–4 provides that a proxy may not confer authority to vote for the election of any person to an office for which a bona fide nominee is not named in the proxy statement. This paragraph would be amended to provide that a person shall not be deemed a bona fide nominee unless he has consented to be named and to serve if elected. This would codify the present administrative interpretation of "bona fide nominee."

Rule 14a–6 (17 CFR 240.14a–6). Paragraph (a) of Rule 14a–6 provides that preliminary soliciting material shall be filed with the Commission at least 10 days prior to the date definitive material is first sent or given to security holders. A new sentence would be added to this paragraph to make it clear that in computing the 10-day period, the filing date is to be regarded as the 1st day and the 11th day is the date on which definitive material may be sent.

Paragraph (e) of Rule 14a–6 provides that copies of preliminary proxy material filed with the Commission shall be for the information of the Commission only. It is proposed to amend this paragraph to make clear that such material does not at any subsequent time become available for public inspection.

Rule 14a–8 (17 CFR 240.14a–8). This rule provides that any security holder may, subject to certain prescribed limitations, require the management to include in its proxy material any appropriate proposal which such security holder desires to submit to a vote of security holders.

Paragraph (a) of the rule requires a security holder to submit his proposal to the management of the issuer "a reasonable time before the solicitation is made" and provides that a proposal submitted more than 60 days in advance of a day corresponding to the first date on which management proxy solicitation material was released to security holders in connection with the last annual meeting shall prima facie be deemed to have been submitted a reasonable time prior to the solicitation. Complaints have been made that many proposals are submitted with apparent disregard of the 60-day period thereby unreasonably restricting the time for preparation of proxy material with resulting printing expenses and other costs. It is proposed to amend paragraph (a) to specify a definite time period of 60 days before which security holders must submit proposals under the rule.

Paragraph (b) of the rule requires that the management must include in its proxy material the name and address of a security holder who has submitted a proposal which is included in such material. It is proposed to amend this paragraph to permit the issuer to exclude the name and address of the proponent provided a statement is contained in the proxy material to the effect that the name and address of the proponent will be promptly furnished to any person upon receipt of any oral or written request therefor by the issuer or the Commission. The rule would also be amended to require management to inform the Commission at the time of filing of preliminary soliciting material of the name and address of any proponent where such information has been excluded. The amendment is intended to discourage the use of the rule by persons who may be motivated by a desire for publicity while at the same time affording a means by which interested persons may find out who submitted the proposal.

Rule 14a–11 (17 CFR 240.14a–11). Paragraph (b) of Rule 14a–11 defines the terms "participant" and "participant in a solicitation." The proviso following subparagraph (b)(6) excludes certain persons from the definition of those terms. It is proposed to make the proviso a separate paragraph so it will be clear that it does not relate only to subparagraph (b)(6).

SCHEDULE 14A (17 CFR 240.14a–101)

Schedule 14A specifies the information required to be set forth in the proxy statement required by Rule 14a–3. The note set forth at the beginning of Schedule 14A provides that where any matter to be acted upon involves other matters, all pertinent items shall be answered. It is proposed to amend the second sentence of the note to make clear the circumstances under which a merger, consolidation or acquisition or disposition of assets is deemed to require that Items 6 and 7 be answered.

It is also proposed to amend the following items of Schedule 14A in the respects indicated below.

Item 5. Paragraph (e) of Item 5 calls for a description of any change in control of the issuer since the beginning of its last fiscal year. A phrase would be added to make it clear that such description is required only to the extent such information is known to the persons on whose behalf the solicitation is made.

Paragraph (f) of Item 5 calls for a description of any contractual arrangements which may at a subsequent date result in a change in control of the issuer. A phrase would be added to make it clear that such description is required only to the extent such arrangements are known to the persons on whose behalf the solicitation is made. It is also proposed to add an instruction to the item which would provide that information need not be given with respect to certain default provisions in trust indentures or other governing instrument relating to debt securities of the issuer.

Item 6. This item requires certain disclosures with respect to nominees for election as directors and directors continuing in office where action is to be taken with respect to the election of directors. It is proposed to add a new paragraph (c) to the item which would require, where fewer nominees are named than the number provided for in the governing documents, a statement of the reason for such procedure and that the proxies can be voted only for the named nominees. This proposal would merely incorporate present administrative practice.

Item 7(b). Item 7(b) calls for information in regard to pension or retirement benefits proposed to be paid to directors or officers whose individual remuneration is required to be given under Item 7(a). It is proposed to amend Item 7(b) to require that proposed pension or retirement benefits be shown for directors and officers as a group in certain cases.

Item 7(d). Item 7(d) calls for information with respect to options granted to or exercised by officers and directors of the issuer. The amendment to this item would require disclosure of the amount of options held as of the latest practicable date by each officer and director named in answer to Item 7(a) and the amount held by all officers and directors as a group. The information called for by the proposed amendment together with information as to options granted and exercised would give a more complete picture of remuneration, actual and prospective. When an option price on the date of grant was less than 90 percent of the market value of the security, such fact and the market price would also be disclosed.

Item 7(e). Item 7(e) calls for information with respect to indebtedness of insiders to the issuer or its subsidiaries. A new instruction to this item is proposed which would codify a current administative practice of permitting modified disclosure with respect to loans made by bank subsidiaries of bank holding companies. An additional instruction would be added which would codify current administative practice relating to disclosure of indebtedness arising under section 16(b) of the Act.

Item 7(f). Item 7(f) requires disclosure with respect to transactions with the issuer or any of its subsidiaries in which officers, directors, nominees for election as director and certain other specified persons have a material interest. Instruction 2 of this item would be amended to make clear that when information may be omitted under certain other items, it need not be set forth under Item 7(f). Instruction 4 would be amended to make clear the applicability of the instruction to partnership interests and to make clear that the interests referred to in paragraph (c) are equity interests.

Item 7(g). A new paragraph (g) to Item 7 is proposed which would require disclosure of transactions between certain employee plans provided by the issuer, or its parents or subsidiaries, and certain insiders of the issuer or the issuer itself, since such use of funds provided by companies for the benefit of employees is deemed to be of material interest to security holders.

Items 9, 10, and 11. These items require disclosure with respect to proposals for certain bonus, profit sharing, and other remuneration plans; pension and retirement plans; and options, warrants, or rights, when security holder action is to be taken with respect to such mat-

ters. These items would be amended to clarify the types of plans already in existence for the benefit of officers or employees of which disclosure is required.

Item 9 would be further amended by deleting subparagraph (c) of instruction 3 and inserting a new subparagraph (c). It would also be applicable to Items 10 and 11 by cross reference to this instruction. Instruction 4 of Item 11 would be deleted, and instruction 5 would be renumbered as instruction 4. The purpose of the amendment is to make clear that information about the granting of options is required for 5 years in lieu of the one year information required by Item 7(d) (1) and (2) and to call for information regarding the exercise of options during the period. In addition, the instruction would specify the information required where employees are eligible to participate in the plan.

Item 12. Where action is to be taken with respect to the authorization or issuance of securities (otherwise than for exchange for outstanding securities of the issuer), this item calls for a description of such securities and of the proposed transaction. Paragraph (b) of the item would be amended to codify current administrative practice by requiring a statement that certain terms of the securities will be determined by the board of directors at some future date, where no offering is contemplated in the proximate future and no further authorization from security holders is to be obtained. The administrative practice of permitting a statement in the form of an opinion of counsel concerning the existence and extent of preemptive rights where the statutory provisions with respect to such rights are indefinite or complex would also be codified in the rule.

Item 13. Where action is to be taken with respect to the modification of any class of securities of the issuer or the issuance or authorization of securities to be issued in exchange for outstanding securities of the issuer, this item requires a complete description of the terms and effect of such action. A new instruction would be added to the item requiring a statement whether it is intended to apply for registration and listing on a national securities exchange of a new or reclassified security or security exchanged for an existing security which is presently registered and listed and, if not, the effect of termination of registration. This proposal would codify current administrative practice.

Item 14. Item 14 requires disclosure of certain information about mergers, consolidations, acquisitions, and similar matters where action is to be taken on such matters. This item would be amended to make clear that the detailed information required by Item 14(b) need not be given when a merger involves only the issuer and one or more of its totally held subsidiaries. In addition, the caption of the item would be amended to contain a reference to the note at the beginning of Schedule 14A. This reference would be intended to assist persons preparing proxy material and not to limit the applicability of Item 14.

Item 15. Item 15 sets forth the requirements concerning the financial statements which must be furnished where shareholder action is to be taken with respect to matters specified in Items 12, 13, or 14. The proposed amendments to this item would permit the omission of financial statements in situations where the detailed information called for by Item 14(b) may be omitted; namely, where the plan involves only the issuer and the one or more of its totally held subsidiaries.

Item 20. Item 20 requires disclosure of the reasons and general effect of amendments of the issuer's charter, bylaws, or other documents where security holder action on such amendments is proposed. A new instruction would be added to the item requiring a statement whether directors are authorized to fill vacancies for the remainder of a full term where proxies are solicited to vote upon the classification of directors. This proposal would codify current administrative practice.

SCHEDULE 14B (17 CFR 240.14A–102)

Schedule 14B specifies the information to be included in statements required by Rule 14a–11 to be filed for each participant in a contest involving elections to office. Item 3(c) of Schedule 14B calls for information only with respect to acquisitions within 2 years of securities held at the time of filing the Schedule 14B. The item as proposed to be amended would call for information with respect to purchases and sales of all securities of the issuer purchased or sold within the past 2 years, whether such securities are held at the time of filing the schedule or not. The purpose of the amendment is to reveal trading in securities prior to the time the participant is required to file a Schedule 14B.

REGULATION 14C (17 CFR 240.14c–1 ET SEQ.)

Regulation 14C provides that in connection with every annual or other meeting of holders of a class of securities registered pursuant to section 12 of the Act the issuer shall transmit a written information statement to every security holder who is entitled to vote in regard to any matter to be acted upon at the meeting and from whom a proxy is not solicited on behalf of management. Such information statement is required to contain substantially the same information as that required in a proxy statement if proxies were solicited. The proposed amendments to Schedule 14A (17 CFR 240.14a–101) described above would be applicable also to Schedule 14C (17 CFR 240.14c–101) of Regulation 14C by virtue of Item 1 of Schedule 14C which incorporates the requirements of Schedule 14A. In addition, to maintain consistency between these regulations, it is proposed to amend Rules 14c–3 (17 CFR 240.14c–3) and 14c–5 (17 CFR 240.14c–5) and Item 5 of Schedule 14C to conform with the proposed amendments to Rules 14a–3, 14a–6, and 14a–8, respectively.

The action proposed would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 14(a), 14(c), and 23(a) thereof (secs. 14 and 23; 48 Stat. 895 and 901, as amended; 15 U.S.C. 78n and 78w). All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before January 3, 1967. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

The text of the rules as so amended will read as set forth below. Rules, portions of rules and items of the schedules with respect to which no change is indicated would remain unchanged.

By the Commission, December 5, 1966.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

REGULATION 14A—SOLICITATIONS OF PROXIES

§ 240.14a–3 Information to be furnished security holders.

(a) [No change]

(b) If the solicitation is made on behalf of the management of the issuer, and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last 2 fiscal years, including a balance sheet as of the end of each of such fiscal years, as will in the opinion of the management adequately reflect the financial position and results of operations of the issuer. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted, even though they are required to be included in reports to the Commission. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report of security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the finanical statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operations of the issuer, shall be noted and the effect thereof reconciled or explained in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided*, That such statements, considered as a whole in the light of other information contained in the report shall

not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for at least the last fiscal year shall be certified by independent public or certified public accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal year are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense.

(4) Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management.

(5) If the issuer has not previously submitted to its security holders an annual report pursuant to the rules and regulations under section 14 of the Act, the report shall also contain such information as to the business done by the issuer and its subsidiaries during the fiscal year as will, in the opinion of the management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

This paragraph (b) shall not apply, however, to solicitations made on behalf of the management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in boldface type to furnish such annual report to all persons being solicited, at least 20 days before the date of the meeting.

NOTE: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(c) Seven copies of each annual report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the Commission pursuant to § 240.14a–6(a), whichever date is later. The annual report is not deemed to be "soliciting material" or to be "filed" with the Commission or subject to this regulation otherwise than as provided in this section, or to the liabilities of Section 18 of the Act, except to the intent that the issuer specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

§ 240.14a–4 Requirements as to proxy.

(a) [No change]

(b) (1) [No change]

(2) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so stated in bold-face type.

NOTE: Subparagraph (2) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection or approval of other persons such as clerks or auditors.

(c) A proxy may confer discretionary authority with respect to other matters which may come before the meeting, provided the persons on whose behalf the solicitation is made are not aware a reasonable time prior to the time the solicitation is made that any such other matters are to be presented for action at the meeting and provided further that a specific statement to that effect is made in the proxy statement or in the form of proxy. A proxy may confer discretionary authority with respect to the approval of the minutes of the prior meeting which does not amount to ratification of action taken at that meeting, and with respect to other formal matters incident to the conduct of the meeting. Where the number of directors to be elected is to be fixed each year in connection with such election, the proxy may confer discretionary authority with respect thereto. A proxy may also confer discretionary authority with respect to any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (c) of § 240.14a–8.

(d) No proxy shall confer authority (1) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (2) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(e) [No change]

§ 240.14a–6 Material required to be filed.

(a) Three preliminary copies of the proxy statement and form of proxy and any other soliciting material to be furnished to security holders concurrently therewith shall be filed with the Commission at least 10 days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor. In computing the 10-day period the filing date of the preliminary material is to be counted as the 1st day and the 11th day is the date on which definitive material may be mailed to security holders.

(b)–(d) [No change]

(e) All copies of material filed pursuant to paragraph (a) or (b) of this section shall be clearly marked "Preliminary Copies" shall be for the information of the Commission only and shall not be deemed available for public inspection except that such material may be disclosed to any department or agency of the U.S. Government and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) or (b) of this section shall be accompanied by a statement of the date on which definitive copies thereof filed pursuant to paragraph (c) of this section are intended to be released to security holders. All definitive material filed pursuant to paragraph (c) of this section shall be accompanied by a statement of the date on which copies of such material have been released to security holders or, if not released, the date on which copies thereof are intended to be released. All material filed pursuant to paragraph (d) of this section shall be accompanied by a statement of the date on which copies thereof are intended to be released to the individuals who will make the actual solicitation.

(f)–(h) [No change]

§ 240.14a–8 Proposals of security holders.

(a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify it in its form of proxy and provide means by which security holders can make the specification provided for by § 240.14a–4(b). The management of the issuer shall not be required by this section to include the proposal in its proxy statement for an annual meeting unless the proposal is submitted to management not less than 60 days in advance of a day corresponding to the first date on which the management's proxy soliciting material was released to security holders in connection with the last annual meeting of security holders. A proposal to be presented at any other meeting shall be submitted to the management of the issuer a reasonable time before the solicitation is made. This section does not apply, however, to elections to office.

(b) If the management opposes the proposal, it shall also, at the request of the security holder, include in its proxy statement a statement of the security holder in not more than 100 words in support of the proposal. Such proxy statement shall also include the name and address of the security holder or a statement that such information will be furnished by the issuer or by the Commission to any security holder of the issuer,

orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the security holder is omitted from the proxy statement, it shall be furnished to the Commission at the time of filing the management's preliminary proxy material pursuant to § 240.14a–6(a). The statement and request of the security holder shall be furnished to the management at the same time that the proposal is furnished. Neither the management nor the issuer shall be responsible for such statement.

(c)–(d) [No change]

§ 240.14a–11 Special provisions applicable to election contests.

(a) [No change]

(b) [No change in introductory clause or subparagraphs (1) through (6)—The provision clause following subparagraph (6) would be made a separate subparagraph to follow subparagraph (6) and would read as follows:]

(7) The foregoing terms do not, however, include (i) any person or organization retained or employed by a participant to solicit security holders and whose activities are limited to the performance of his duties in the course of such employment; (ii) any person who merely transmits proxy soliciting material or performs other ministerial or clerical duties; (iii) any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment; (iv) any person regularly employed as an officer or employee of the issuer or any of its subsidiaries who is not otherwise a participant; or (v) any officer or director of, or any person regularly employed by, any other participant, if such officer, director or employee is not otherwise a participant.

(c)–(h) [No change]

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

NOTE: Where any item calls for information with respect to any matter to be acted upon and such matter involves other matters with respect to which information is called for by other items of this schedule, the information called for by such other items shall be given. For example, a merger, consolidation, or acquisition or disposition of assets specified in Item 14 shall be deemed to involve the election of directors if any person who will serve as a director of the surviving or acquiring company was not elected to such office within the past 12 months by security holders of the issuer of the securities in respect of which proxies are solicited. In such case Items 6 and 7 shall be answered with respect to all persons who will serve as directors or officers of the surviving or acquiring company.

Item 5. Voting securities and principal holders thereof.

(a)–(d) [No change]

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the issuer has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the issuer now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the issuer or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the issuer.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in trust indentures or other governing instruments of the issuer relating to debt securities of the issuer which give the trustee or creditors the right to have a receiver appointed, or to take similar action, in the event of a default.

Item 6. Nominees and directors.

(a)–(b) [No change]

(c) If fewer nominees are named than the number provided for in the governing documents, state the reasons for this procedure and that the proxies can be voted only for the named nominees.

Item 7. Remuneration and other transactions with management and others. (Introductory paragraph; no change.)

(a) [No change]

(b) Furnish the following information in substantially the tabular form indicated as to all annuity, pension or retirement benefits proposed to be paid to the following persons in the event of retirement at normal retirement date pursuant to any existing plan provided or contributed to by the issuer or any of its subsidiaries:

(1) Each director or officer named in answer to paragraph (a)(1), naming each such person.

(2) All directors and officers of the issuer as a group, stating the number of persons in the group without naming them.

Name of individual or number of persons in group (A)	Amount set aside or accrued during issuer's last fiscal year (B)	Estimated annual benefits upon retirement (C)

Instructions. 1. The term "plan" in this paragraph and in paragraph (c) includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document.

2. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service. In such case, Column (C) need not be answered with respect to directors and officers as a group.

3. The information called for by Column (C) may be given in the form of a table showing the annual benefits payable upon retirement to persons in specified salary classifications, except that if any named director or officer actually received benefits under the plan, the amount of such benefits shall be stated.

4. In the case of any plan (other than those specified in Instruction 2) where the amount set aside each year depends upon the amount of earnings of the issuer or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated benefits upon retirement, there shall be set forth, in lieu of the information called for by Column (C), the aggregrate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

(c) [No change]

(d) Furnish the following information as to all options to purchase any securities from the issuer or any of its subsidiaries which were granted to or exercised by the following persons since the beginning of the issuer's last fiscal year, and as to all options held by such persons as of the latest practicable date: (1) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the issuer as a group, without naming them:

(1) As to options granted during the period specified to each such person and group: (i) State the title and aggregate amount of securities called for; (ii) state the range of option prices; and (iii) if the option price was less than 90 percent of the market value of the security on the date of grant, such fact and the market price should be disclosed.

(2) As to options exercised during the period specified, state (i) the title and aggregate amount of securities purchased; (ii) the range of purchase prices; and (iii) the range of market values of the securities purchased on the dates of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for, and (ii) the range of option prices.

Instructions. 1. The term "options" as used in this paragraph (d) includes all options, warrants or rights other than those issued to security holders as such on a pro rata basis.

2. The extension, regranting or amendment of options shall be deemed the granting of options within the meaning of this paragraph.

3. (i) Where the total market value on the granting dates of the securities called for all options granted during the period specified does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group, this item need not be answered with respect to options granted to such person or group. (ii) Where the total market value on the dates of purchase of all securities purchased through the exercise of options during the period specified does not exceed $10,000 for any such person or $30,000 for such group, this item need not be answered with respect to options exercised by such person or group. (iii) Where the total market value as of the latest practicable date of the securities called for by all options held at such time does not exceed $10,000 for any such person or $30,000 for such group, this item need not be answered with respect to options held as of the specified date by such person or group.

4. In responding to this Item 7(d), reference is made to Instruction 3(c) of Item 9 and Instruction 3 of Items 10 and 11.

(e) (No change in paragraph (e) or in Instruction 1 or 2 thereto; the following new Instructions 3 and 4 would be added)

3. Notwithstanding Instruction 2, if the issuer or any of its subsidiaries is engaged primarily in the business of making loans and made loans to any of the specified persons in excess of $10,000 or one percent of its total assets, whichever is less, such loans shall be disclosed. However, if the lender is a bank, such disclosure may consist of a statement, if such is the case, that the loans to such persons naming them (i) were made in the ordinary course of business, (ii) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (iii) did not involve more than normal risk of collectibility or present other unfavorable features.

4. If to the knowledge of the persons on whose behalf the solicitation is made, any indebtedness required to be described arises under section 16(b) of the Act, state the amount of any profit realized, that such profit

will inure to the benefit of the issuer or its subsidiaries and whether suit will be brought or other steps taken to recover such profit. If question reasonably exists as to the recoverability of such profit, it will be sufficient to state all facts necessary to describe the transaction, including the prices and number of shares involved.

(f) [No change]

Instructions. 1. [No change]

2. No information need be given in answer to this Item 7(f) as to any remuneration or other transaction reported in response to Item 7 (a), (b), (c), (d) or (e), or as to any transaction with respect to which information may be omitted pursuant to instruction 2 to Item 7(b), the instruction to Item 7(c), Instruction 3 to Item 7(d) or Instruction 2 or 3 to Item 7(e).

3. [No change]

4. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the issuer or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item 7(f) where—

(a) the interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraph (1) through (4) above, in the aggregate, of less than a 10 percent equity interest in another person which is a party to the transaction, or (iii) from both such position and ownership;

(b) the interest arises only from such person's position as limited partner in a partnership in which he has an interest of less than 10 percent.

(c) the interest of such person arises solely from the ownership of an equity interest in another person which is a party to the transaction with the issuer or any of its subsidiaries and the transaction is not material to such other person; or

(d) the amount involved in the transaction or series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $30,000.

5-6. [No change]

(g) Describe briefly any transactions since the beginning of the issuer's last fiscal year or any presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the issuer, or any of its parents or subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the issuer, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the issuer;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d);

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the issuer; or

(5) The issuer or any of its subsidiaries.

Instructions. 1. The provisions of Instructions 1, 3(a), 4(a), 5 and 6 of Item 7(f) shall apply to this Item 7(g).

2. Without limiting the general meaning of the term "transaction" there shall be included in response to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No disclosure need be given in response to this Item 7(g) as to any transaction where: (a) The transaction consists solely of payments to the plan or payments to beneficiaries, pursuant to the terms of the plan; (b) the transaction involves services by a bank as depositary, trustee, advisor or other administrative capacity; or (c) the transaction involves the payment of remuneration which did not or will not exceed 5 percent of the aggregate amount of remuneration received by the specified person during the issuer's last fiscal year from the issuer and its subsidiaries.

Item 9. Bonus, profit sharing and other remuneration plans. (Introduction clause; no change.)

(a)-(c) [No change]

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation or other remuneration or incentive plans, now in effect or in effect within the past five years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) [No change]

Instructions. 1. [No change]

2. [No change]

3. The following instructions shall apply to paragraph (d):

(a) Information need only be given with respect to benefits received or set aside within the past 5 years.

(b) Information need not be included as to payments made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar group payments or benefits.

(c) If action is to be taken with respect to any plan in which directors or officers may participate, the information called for by Item 7(d) (1) and (2) shall be furnished for the last 5 fiscal years of the issuer and any period subsequent to the end of the latest such fiscal year, in aggregate amounts for the entire period for each such person and group. If any named person, or any other director or officer, purchased securities through the exercise of options during such period, state the aggregate amount of securities of that class sold during the period by such named person and by such named person and such other directors and officers as a group. The information called for by this Instruction 3(c) is in lieu of the information since the beginning of the issuer's last fiscal year called for by Item 7(d) (1) and (2). If employees may participate in the plan to be acted upon, state the aggregate amount of securities called for by all options granted to employees during the five-year period and, if the option prices were less than 90 percent of the market prices on the dates of grant, state the range of such option prices.

(NOTE: The information called for by Item 7(d) and the above paragraph (c) may be furnished in the form of the table illustrated in Appendix A (§ 240.14a-103).)

4. If the plan to be acted upon is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the poxy statement and form of proxy are filed pursuant to paragraph (a) of Rule 14a-6 (17 CFR 240.14a-6).

Item 10. Pension and retirement plans. (Introductory clause; no change.)

(a)-(c) [No change]

(d) Furnished such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) [No change]

(Instructions; no change.)

Item 11. Options, warrants or rights. (Introductory clause; no change.)

(a)-(b) [No change]

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation or other remuneration or incentive plans, now in effect or in effect within the past five years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instructions. 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b).

2. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

3. Instruction 3 to Item 9 shall apply to paragraph (c) of this item.

4. If the options described in answer to this item are issued pursuant to a plan which is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of Rule 14a-6 (17 CFR 240.14a-6).

NOTE: The Commission should be informed, as supplemental information, when the proxy statement in preliminary form is filed, as to when the options, warrants or rights and the shares called for thereby will be registered under the Securities Act of 1933, or if such registration is not contemplated the section of the Act or rule of the Commission under which exemption from such registration is claimed and the facts relied upon to make the exemption available.

Item 12. Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

(a) [No change]

(b) Furnish a description of the securities such as would be required to be furnished in an application on the appropriate form for their registration on a national securities exchange. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be author-

ized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors. If the securities are additional shares of common stock of a class outstanding, the description may be omitted except for a statement of the preemptive rights, if any. Where the statutory provisions with respect to preemptive rights are so indefinite or complex that they cannot be stated in summarized form, it will suffice to make a statement in the form of an opinion of counsel as to the existence and extent of such rights.

(c)–(d) [No change]

Item 13. Modification or exchange of securities. (No change in the text of the item; the following new instruction would be added to the item.)

Instruction. If the existing security is presently listed and registered on a national securities exchange, state whether it is intended to apply for listing and registration of the new or reclassified security on such exchange or any other exchange. If it is not intended to make such application, state the effect of the termination of such listing and registration.

Item 14. Mergers, consolidations, acquisitions and similar matters (see note at the beginning of this Schedule 14A). (Introductory clause; no change.)

(a) [No change]

(b) Furnish the following information as to the issuer and each person which is to be merged into the issuer or into or with which the issuer is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer. What is required is information essential to an investor's appraisal of the action proposed to be taken.

(Subparagraphs (1) through (7); no change.)

Instructions. 1–3 [No change]

4. Paragraph (b) shall not apply if the plan described in answer to paragraph (a) involves only the issuer and one or more of its totally held subsidiaries.

Item 15. Financial statements. (a) If action is to be taken with respect to any matter specified in Item 12, 13, or 14 above, furnish certified financial statements of the issuer and its subsidiaries such as would currently be required in an original application for the registration of securities of the issuer under the Act. All schedules other than the schedules of supplementary profit and loss information may be omitted.

Instructions. 1. Such statements shall be prepared and certified in accordance with Regulation S–X (17 CFR Part 210).

2. Such statements may be omitted with respect to a plan described in answer to Item 14(a) if the plan involves only the issuer and one or more of its totally held subsidiaries.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the issuer, financial statements such as would currently be required in an original registration statement for registration of securities of such person pursuant to section 12 of the Act. Such statements shall be certified if practicable. Notwithstanding the foregoing, the following may be omitted: (1) all schedules other than schedules of supplementary profit and loss information; (2) statements for any totally held subsidiary of the issuer which is included in the consolidated statement of the issuer and its subsidiaries, and (3) statements for a person which is to succeed to the issuer, or to the issuer and one or more of its totally held subsidiaries, provided the capital structure and balance sheet of the successor immediately after the succession will be substantially the same as those of the issuer or the combined capital structures and balance sheets of the issuer and its totally held subsidiaries, as the case may be.

Instructions. 1. Such statements shall be prepared in accordance with Regulation S–X (17 CFR Part 210) and, if certified, shall be certified in accordance with that regulation.

2. Instruction 2 to paragraph (a) shall apply to this paragraph.

(c)–(d) [No change]

Item 20. Amendment of charter, bylaws or other documents. (No change in the text of the item; the following new instruction would be added to the item.)

Instruction. Where the matter to be acted upon is the classification of directors, state whether vacancies which occur during the year will be filled by the board of directors to serve until the next annual meeting or for the remainder of the full term.

§ 240.14a–102 Schedule 14B. Information to be included in statements filed by or on behalf of a participant (other than the issuer) in a proxy solicitation pursuant to § 240.14a–11(c) (Rule 14a–11(c)).

Item 3. Interests in securities of the issuer.

(a)–(b) [No change]

(c) State with respect to all securities of the issuer purchased or sold within the past 2 years, the dates on which they were purchased or sold and the amount purchased or sold on each such date.

(d)–(g) [No change]

§ 240.14a–103 Appendix A.

The table set forth below is an illustration of the presentation in tabular form of the information required by Item 7(d) and Instruction 3(c) to Item 9(d), which also applies to Items 10(d) and 11(c). Other tabular presentations are, of course, acceptable if they include the necessary data. Tabular presentation may not be needed if only a very few options have been granted.

The following tabulation shows as to certain directors and officers and as to all directors and officers as a group (i) the amount of options granted since the beginning of the fifth previous full fiscal year, (ii) the amount of shares acquired since that date through the exercise of options granted since that date or prior thereto, (iii) the amount of shares sold during such period of the same class as those so acquired, and (iv) the amount of shares subject to all unexercised options held as of _____.
(Insert date)

Common shares [1]	John Jones	James Smith	Richard Roe	All directors and officers as a group
Granted—196_ to date:				
Number of shares				
Average per share option price	$	$	$	$
Exercised—196_ to date:				
Number of shares				
Aggregate option price of options exercised	$	$	$	$
Aggregate market value of shares on date options exercised	$	$	$	$
Sales—196_ to date:				
Number of shares				(2)
Unexercised at ____ 196_:				
Number of shares				
Average per share option price	$	$	$	$

In addition, during the period employees were granted options for ____ shares at option prices ranging from $____ to $____ per share.

[1] All common share figures have been adjusted in accordance with the terms of the options to reflect the stock split in 19__ and, where applicable, to give effect to share dividends.

[2] Sales by directors and officers who exercised options during the period 19__ to date.

REGULATION 14C—DISTRIBUTION OF INFORMATION PURSUANT TO SECTION 14(c)

§ 240.14c–3 Annual report to be furnished security holders.

(a) If the information statement relates to an annual meeting of security holders at which directors are to be elected, it shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last 2 fiscal years, including a balance sheet as of the end of each of such fiscal years, as will in the opinion of the management adequately reflect the financial position and results of operations of the issuer. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted, even though they are required to be included in reports to the Commission. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operations of the issuer, shall be noted and the effect thereof recon-

ciled or explained in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided*, That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for at least the last fiscal year shall be certified by independent public or certified public accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal year are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense.

(4) Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management.

(5) If the issuer has not previously submitted to its security holders an annual report pursuant to the rules and regulations under section 14 of the Act, the report shall also contain such information as to the business done by the issuer and its subsidiaries during the fiscal year as will, in the opinion of the management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

NOTE: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(b) Seven copies of each annual report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of the information statement are filed with the Commission pursuant to § 240.14c–5, whichever date is later. The annual report is not deemed to be "filed" with the Commission or subject to this regulation otherwise than as provided in this rule, or to the liabilities of Section 18 of the Act, except to the extent that the issuer specifically requests that it be treated as a part of the information statement or incorporates it therein by reference.

§ 240.14c–5 Filing of information statement.

(a) Three preliminary copies of the information statement shall be filed with the Commission at least 10 days prior to the date definitive copies of such statement are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor. In computing the 10-day period the filing date of such preliminary copies is to be counted as the 1st day and the 11th day is the date on which definitive copies may be mailed to security holders.

(b) [No change]

(c) All copies of material filed pursuant to paragraph (a) of this section shall be clearly marked "Preliminary Copies", shall be for the information of the Commission only and shall not be deemed available for public inspection except that such material may be disclosed to any department or agency of the U.S. Government and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) shall be accompanied by a statement of the date on which definitive copies thereof filed pursuant to paragraph (b) are intended to be released to security holders. All definitive material filed pursuant to paragraph (b) shall be accompanied by a statement of the date on which copies of such material have been released to security holders or, if not yet released, the date upon which copies thereof are intended to be so released.

(d) [No change]

§ 240.14c–101 Schedule 14C. Information required in information statement.

Item 5. Proposals by security holders. (No change in the text of the item; the instructions to the item would be amended as follows.)

Instructions. 1. This item need not be answered as to any proposal submitted with respect to an annual meeting if such proposal is submitted less than 60 days in advance of a day corresponding to the date of mailing a proxy statement or information statement in connection with the last annual meeting of security holders.

2. [No change]

[F.R. Doc. 66–13422; Filed, Dec. 13, 1966; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 1756]

INDIANA AND MICHIGAN

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 8, 1966.

The Forest Service, Department of Agriculture, has filed application ES 1756 for the withdrawal of the lands described below for addition to the Hoosier and Hiawatha National Forests, Indiana and Michigan, respectively.

The lands are in or adjacent to the named forests and are vacant undisposed of public domain.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

The Department's regulations, 43 CFR 2311.1–3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SECOND PRINCIPAL MERIDIAN, INDIANA
(HOOSIER NATIONAL FOREST)

JACKSON COUNTY

T. 6 N., R. 3 E.,
Sec. 6, SW¼SW¼ (32.33 acres).

MONROE COUNTY

T. 7 N., R. 1 E.,
Sec. 13, NE¼SW¼ (40 acres),
Sec. 24, SW¼NE¼, SW¼NW¼ (80 acres),
Sec. 33, NW¼NE¼ (40 acres).

MICHIGAN MERIDIAN, MICHIGAN (HIAWATHA NATIONAL FOREST)

CHEBOYGAN COUNTY

T. 36 N., R. 1 E.,
Sec. 3, lots 1 and 2 (32.23 acres).

The areas described aggregate 224.56 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 66–13371; Filed, Dec. 13, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

December Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein, the CCC Monthly Sales List for December 1966 is amended as set forth below:

Item A of the Export section for wheat is amended to read as follows:

A. Announcement GR–345 (Revision III, July 6, 1962, as amended), Wheat Export Program. Hard Red Winter, Hard Red Spring, and Durum wheat will not be sold at West Coast ports. Hard Red Spring wheat will not be sold at East Coast ports.

Item C (2) and (3) of the Export section for wheat is amended to read as follows:

(2) All classes will be sold for application to approved CCC credit sales except that in the case of Hard Red Winter, Hard Red Spring, and Durum wheat sold at West Coast ports, buyers must show export from a West Coast port to a destination west of the 170 meridian, west longitude and east of the 60th meridian, east longitude, and to countries on the West Coast of Central and South America.

(3) Hard Red Winter, Hard Red Spring, and Durum wheat will also be sold at West Coast ports for export commodity certificates to fill dollar market sales and buyer must show export from West Coast port to a destination within the geographical area described in C(2) above. Hard Red Spring wheat will be sold at East Coast ports for export commodity certificates and buyer must show export from an East Coast port.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on December 8, 1966.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66–13412; Filed, Dec. 13, 1966; 8:48 a.m.]

Consumer and Marketing Service

PARADISE VALLEY AUCTION ET AL.

Proposed Posting of Stockyards

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

Paradise Valley Auction, Phoenix, Ariz.
Lowell Livestock Auction, Inc., Lowell, Ind.
Tri-State Livestock Auction Company, Sioux Center, Iowa.
Freeman's Livestock Auction, Sulphur, Okla.
Hartsville Livestock Market, Hartsville, Tenn.
Chehalis Livestock Market, Chehalis, Wash.
Tacoma Livestock Market, Spanaway, Wash.

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

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 8th day of December 1966.

CHARLES G. CLEVELAND, *Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Division, Consumer and Marketing Service.*

[F.R. Doc. 66–13385; Filed, Dec. 13, 1966; 8:47 a.m.]

Office of the Secretary

ARKANSAS AND SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-

named counties in the States of Arkansas and South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Arkansas	Lafayette
Ashley	Lee
Chicot	Lincoln
Clay	Mississippi
Columbia	Monroe
Craighead	Phillips
Crittenden	Poinsett
Cross	Prairie
Desha	St. Francis
Greene	White
Jackson	Woodruff
Jefferson	

SOUTH CAROLINA

Horry	Sumter

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of December 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-13386; Filed, Dec. 13, 1966; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14235; Order E-24503]

BONANZA AIR LINES, INC., ET AL.

Order Regarding Promotional Area-Fare Tariffs for Foreign Visitors

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of December 1966.

Agreement among certain air carriers concerning promotional area-fare tariffs for foreign visitors; Docket 14235, Agreement CAB 17281-A2.

On October 28, 1966, Bonanza Air Lines, Inc., in behalf of itself and certain other air carriers[1] filed with the Board an amendment of an existing agreement concerning the "Visit USA" tariff. The existing agreement was first approved by Order E-19961, of August 29, 1963, and amendments to it were approved by Orders E-21851 of February 26, 1965, and E-22975, of December 7, 1965.

By the amended agreement, the carriers would extend the agreed expiration date on the current "Visit USA" tariff for 1 year, to December 31, 1967.

In view of the nature of the amendment made, and on the basis of the reasons stated by the Board in Order E-19961, adopted August 29, 1963, the Board does not find Agreement CAB 17281-A2 adverse to the public interest or in violation of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Agreement CAB 17281-A2 is approved.

2. Any air carrier party to the Agreement, or any interested person may within 10 days from the date of service of this order submit statements in writing containing reasons deemed appropriate, together with supporting data in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-13391; Filed, Dec. 13, 1966; 8:47 a.m.]

[1] Alaska Airlines, Inc., Allegheny Airlines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and West Coast Airlines, Inc.

FEDERAL COMMUNICATIONS COMMISSION

[File Nos. 8-CSG-P-66 etc.; FCC 66-1134]

ITT CABLE AND RADIO INC. ET AL.

Memorandum Opinion and Order

In the matter of ITT Cable and Radio Inc.-Puerto Rico, File No. 8-CSG-P-66; application for authority to construct a satellite earth station in Puerto Rico for operation in connection with communications satellite systems and for approval of the technical characteristics thereof; American Telephone and Telegraph Co., ITT Communications Inc.-Virgin Islands, Transoceanic Communications, Inc., Western Union International, Inc., File Nos. P-C-6290, S-C-L-38; applications for authorizations to construct, land, and operate submarine telephone cables between the continental United States and St. Thomas, United States-Virgin Islands; Communications Satellite Corporation, File No. 28-CSG-P-67; application for authority to construct a satellite earth station on the island of Puerto Rico for operation in connection with communications satellite systems and for approval of the technical characteristics thereof.

The applications. 1. The Commission is here concerned with several applications requesting authorizations to supplement existing telecommunications facilities between the U.S. mainland and the eastern Caribbean area. A summary of the applications and the filings with respect thereto is set forth below.

2. On November 23, 1965, ITT Cable and Radio Inc.-Puerto Rico (ITTCRPR), pursuant to sections 214(a), 308, 309, and 319 of the Communications Act of 1934 (Communications Act) and sections 201(c)(4), 201(c)(6), and 201(c)(7) of the Communications Satellite Act of 1962 (Satellite Act), filed with the Commission an application to construct a satellite earth station in Puerto Rico, having an initial capacity of 600 voice-grade circuits, for operation with the Early Bird (HS-303) type satellite, Intelsat II type satellite and advanced satellites of the global communications satellite system. The applicant proposed that all types of communications would be provided by the station, including black and white and color television. The applicant also proposed that communications services would be provided via the station directly to and between the continental United States and the Atlantic area as well as Central and South America, Europe, Africa, and the Mediterranean basin, including portions of the Indian Ocean area, as satellite services now being planned are implemented. The applicant alleged that by means of interconnections with cable and radio facilities, the station would serve as a hub for communications to and from the Caribbean area and South America, as well as the continental United States.

3. On February 17, 1966, the American Telephone and Telegraph Co. (AT&T), pursuant to section 214 of the Communications Act, filed with the Commission an application to construct and operate a single deep sea submarine cable, approximately 1,250 nautical miles in length between a location near Jacksonville, Fla., and St. Thomas, United States-Virgin Islands. Applicant proposed a cable with rigid, two-way, transistorized repeaters, which would have a capacity of seven hundred and twenty (720) two-way, voice-grade circuits, each having a bandwidth of approximately 2.8 kilocycles, although the applicant proposed initially to equip the cable to provide 432 two-way, voice-grade circuits. On the same date, AT&T and Transoceanic Communications, Inc. (Transoceanic), a wholly owned subsidiary of AT&T, filed with the Commission a joint application, pursuant to an Act entitled "An Act relating to the landing and operation of submarine cables in the United States" (47 U.S. Code, secs. 34-39) (Cable Landing License Act), and Executive Order No. 10530, dated May 10, 1954, which requested that AT&T be licensed to land and operate the cable in the State of Florida and that Transoceanic be licensed to land and operate the cable on the island of St. Thomas in the U.S. Virgin Islands. AT&T proposed that the cable be used to furnish communications services between points in, or reached via, the continental United States, on the one hand, and points in, or reached via, St. Thomas and Puerto Rico, on the other hand. AT&T further proposed to provide over the cable the same service it now provides by means of existing Florida-Puerto Rico and Florida-Virgin Islands submarine cables. AT&T also stated that it would proceed with the construction of the cable either alone or in conjunction with other communications carriers which may have requirements for circuits in the cable and which elect to participate in such construction. AT&T further proposed to make voice-grade channels available to other communications common carriers

or administrations for their use in furnishing communications services either individually or jointly with other carriers or administrations.

4. On February 25, 1966, ITT Communications, Inc.-Virgin Islands (ITTCIVI), a wholly owned subsidiary of American Cable & Radio Corp. (AC&R), pursuant to section 214 of the Communications Act and the Cable Landing License Act, filed applications requesting authorizations to participate in the ownership, construction, landing, and operation of the cable described in the preceding paragraph with AT&T on a capital contribution basis in accordance with such allocation of the system to relative use between the two companies as may be mutually agreed upon between them. ITTCIVI proposed that the cable be used to supplement existing facilities in providing all telecommunication services which ITTCIVI is presently, or may be in the future, authorized to provide.

5. Copies of the applications of AT&T and Transoceanic and ITTCIVI were served on the Secretary of State, the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Defense Communications Agency, the mainland international carriers serving the Caribbean, and the Communications Satellite Corporation, and opportunities to comment were accorded each such person or company. The pleadings of the international carriers are discussed below. As to the remaining parties served, only the Department of State commented. In comments dated March 14, 1966, it stated that it approves the issuance of a cable landing license to these applicants.

6. On April 25, 1966, Western Union International, Inc. (WUI), pursuant to section 214 of the Communications Act and the Cable Landing License Act, filed applications requesting authorizations to participate ab initio in the cable system described in paragraph 3 hereof on a capital contribution basis with other participants in accordance with such allocation of the system to relative use as may be mutually agreed upon among the coparticipants. WUI proposed to use the facilities in providing such communication services as WUI is currently or may hereafter be authorized by the Commission to provide.

7. On April 25, 1966, the Communications Satellite Corporation (Comsat), pursuant to sections 214(a), 304, 309, and 319 of the Communications Act, sections 201(c)(4), 201(c)(6), 201(c)(7), and 305(a)(3) of the Satellite Act, and the Commission's decision in Docket No. 15735, filed an application for authority to construct a satellite earth station on the island of St. Croix in the United States-Virgin Islands for operations with communications satellite systems and for approval of the technical characteristics thereof. Such application was assigned File No. 14-CSG-P-66. Comsat represented that the capability of the St. Croix earth station would be well beyond the 720 voice-grade channel capacity of the cable proposed to be installed by AT&T. Applicant proposed that the St. Croix earth station be used for direct communications between the Caribbean area and the continental United States as well as direct communications between the Caribbean area and Europe, Africa, South America, and Asia when and as appropriate satellite and earth stations are available. Comsat asserted that its earth station application and the one filed by ITTCRPR are mutually exclusive. On November 16, 1966, Comsat filed another application for authority to construct a satellite earth station; this one to be on the island of Puerto Rico. It was assigned File No. 28-CSG-P-67. Comsat stated such application was intended to replace and supersede the application filed April 25, 1966. In essence it changes the proposed location of the earth station in order to minimize interference problems. In such application, Comsat specifically affirmed the position taken in its prior application and subsequent pleading described below as to the need for additional communications facilities to serve the Caribbean area and its allegations of the desirability of Comsat providing the facilities by its proposed earth station.

8. The applicants filed various pleadings in support of their own applications or in opposition to the applications of others. As summarized above, the applications of AT&T, ITTCIVI, Transoceanic, and WUI support a jointly owned cable. RCA Communications, Inc. (RCA), supports the cable authorization if it is conditioned to permit the communications common carriers, including RCA, to participate in the ownership of the cable. Comsat filed a petition to deny the AT&T and ITTCIVI applications but did not request that the cable applications be designated for hearing nor contend that they are mutually exclusive with its earth station application. The applicants and WUI responded to the Comsat petition. Thereafter Comsat filed a reply and ITTCIVI then filed further comments on the Comsat reply.

9. AT&T filed a petition to deny or set for hearing ITTCRPR earth station application, and Comsat filed a petition to deny such application. ITTCRPR filed opposition to Comsat's petition to deny ITTCRPR application. RCA and WUI filed comments, in effect requesting that, if the ITTCRPR application to construct an earth station in Puerto Rico is granted, RCA and WUI be permitted to participate in the ownership and operation of the earth station.

10. AT&T, ITTCRPR, RCA, and WUI filed petitions to deny Comsat's application for an earth station in the Virgin Islands. Comsat in turn filed oppositions to all such petitions. AT&T, ITTCRPR, and WUI then filed replies to Comsat's oppositions to the petitions to deny.

11. By a letter of September 8, 1966, ITTCIVI and ITTCRPR urged the Commission to promptly grant the cable authorization and afford a hearing to the two competing applicants for earth stations, Comsat and ITTCRPR. AT&T supported this request by a letter dated September 20, 1966. These letter requests are supported by representations of AT&T, ITTCIVI, and ITTCRPR that there is an urgent need for additional facilities between continental United States and the Caribbean area; that only a cable authorization may be made at this time because of the necessity to remove the conflict between the mutually exclusive earth station applications; and that strong prospects of substantial traffic growth in the area and the desire of the carriers to have diverse facilities to meet service requirements indicate the grant of the satellite facilities need not await full use of cable facilities. Both ITTCRPR and AT&T undertook to make substantial use of facilities via any authorized earth station in the area before the cable is filled to capacity.

12. Comsat, in a letter of October 3, while disagreeing with the proposal to immediately authorize the cable and postpone construction of an earth station until resolution of the conflict over earth station ownership, and reviewing its previously stated reasons for favoring an earth station, indicated its willingness to agree that the carriers could acquire a half ownership interest in an earth station for the eastern Caribbean area to be designed, constructed, and operated by Comsat, provided the earth station is promptly authorized by the Commission. Comsat further suggested that if the Commission were to decide ultimately that both an additional cable and an earth station were required, a formula would be needed to insure a proper balance between satellite traffic and cable traffic at all times.

13. In a letter dated October 11, 1966, ITTCRPR and ITTCIVI construed Comsat's letter of October 3 as not taking issue with propositions advanced in the aforementioned letter of September 8, 1966, that both cable and satellite facilities are needed between mainland United States and the Caribbean and the pending applications for authority to lay a new cable and to construct an earth station are not mutually exclusive. Further, ITTCRPR and ITTCIVI state that an earth station could not be authorized at the same time as the cable, even if ITTCRPR found Comsat's proposal for joint ownership acceptable; that Comsat's late filing for the Caribbean earth station—not the ITTCRPR application—caused the conflict which makes a grant of either earth station application impossible at this time; and that the objection of the Director of Telecommunications Management to a grant of either earth station application because of electromagnetic incompatibility of an earth station and military equipment in the area would prevent the immediate grant of an earth station application.

14. Comsat, in a letter dated October 20, 1966, replied that ITTCRPR and ITTCIVI have misinterpreted its letter of October 3, 1966. In such letter, Comsat contends that the Commission cannot grant the cable application until there has been an adequate demonstration that both cable and earth station facilities are economically justified; that the construction of a Caribbean earth sta-

tion can proceed concurrently with the construction of a cable; and that, if both facilities are authorized, the earth station will receive its fair share of the Caribbean traffic. Furthermore, Comsat asserts that, absent an economic showing that both facilities are justified, failure to fully consider which one of the facilities will best serve the public interest would deprive Comsat of the opportunity to be heard on its position that the construction of an earth station facility would best serve the public interest.

15. In summary, Comsat contends that the cable authorization cannot be granted in isolation and without a proper consideration of all related matters and that a mechanism must be found to permit such a full and fair determination to be made promptly by eliminating the procedural difficulties which have complicated the Caribbean earth station picture. In such letter and in a letter dated October 19, 1966, Comsat referred to the interference problem and stated it expects to file for a new site in the near future which will resolve the interference problem. Its application filed November 16, 1966, is intended to serve that purpose.

16. By letter dated November 3, 1966, AT&T furnished data in detail regarding circuit requirements to the Caribbean area. (See Attachments 1 and 2 for detailed figures.) These data indicate that by early 1967 requirements of these two carriers for facilities will exceed available capacity by a considerable amount; additional circuit requirements to serve the area will grow at an average rate of more than 100 voice-grade channels per year between 1967 and 1975. The indicated shortages in needed facilities will be some 22 voice-grade circuits to Puerto Rico/Virgin Islands area by early 1967 and 103 voice-grade circuits by January 1, 1968, the earliest date when the new facilities can be made available. For all points expected to be served by the proposed cable, estimated requirements for 1967 exceed available facilities by 77 voice-grade circuits. By 1968 the deficit would be 188 voice-grade circuits.

17. In the same letter AT&T states that it and ITT (International Telephone and Telegraph Corp.) undertake to lease 100 voice-grade circuits for satellite use between Puerto Rico and the mainland as soon as the earth station and satellite facilities become available, provided that the quality of the service is acceptable and the charges economical. In addition, they offer to lease approximately one-half of the additional requirements for each succeeding year. AT&T estimates this would result in a growth of the requirements for satellite channels of about 25 voice-grade channels per year. Finally, AT&T alleges, on the basis of data available to it, that, at charges Comsat proposed to make, the payments for the 100 satellite circuits to be leased originally should provide enough revenue to satisfy earth station revenue requirements in Puerto Rico and leave about $1 million to meet requirements for the satellite and the earth stations with which the Puerto Rico station would correspond.

Discussion. 18. These applications and the pleadings filed in connection therewith raise questions relating to the needs for additional telecommunication facilities in the Caribbean area; whether such facilities should be provided by cable or satellite, or by both media; the number, if any, of satellite stations to be authorized; and if a satellite earth station is to be authorized whether it should be owned by and operated by Comsat, or by ITTCRPR, with or without participation by other carriers, or jointly owned and operated by Comsat, ITTCRPR, and other carriers; and various auxiliary questions which depend upon the decision reached upon the above-enumerated questions. The initial question to be considered is the need for additional facilities to the eastern Caribbean area.

19. It is clear from the data set forth in Attachments 1 and 2 that there is an urgent need for additional facilities to meet the needs of the public for voice service. In addition, the telegraph carriers also have large and growing requirements for facilities for alternate voice-data traffic, as well as various telegraph-type services. It will require at least 1 year to install any new facilities. By that time the needs will be critical. Therefore, we find that we should act at once to authorize additional facilities to serve this area.

20. We turn now to the question of whether the needed facilities should be supplied by cable, satellite, or both. In resolving this question we believe it pertinent to review the position of the applicants in the proceeding. Originally, all appeared to share the view that only one of the two types of applications (cable or satellite) should be granted, or could be justified on economic grounds. However, as the carriers made more detailed reviews of the available data, including projections of expected traffic growth, extrapolated from past experience, their views changed. As set forth above, both AT&T and ITTCIVI are now of the view that there is a need for both cable and satellite facilities and that both would be economically viable. Comsat indicates that it would not object to a grant of an earth station and a cable application if it could be demonstrated by available data that both facilities could be supported and the earth station were assured of an equitable share of the traffic.

21. We turn now to an analysis of current traffic data and projections for the future. We note first that the eastern Caribbean area accounts for a substantial share of total overseas traffic. For example, telephone calls (which account for the bulk of circuit requirements) between the United States and such area accounted for more than 20 percent of all U.S. mainland overseas calls[1] in 1965 (1,520,000 out of a total of 7,292,000). Furthermore, traffic with the area is growing more rapidly than elsewhere. Thus, traffic between the mainland, and Puerto Rico and Virgin Islands, which accounts for over 80 percent of the total eastern Caribbean traffic, has had an average annual growth rate of 33.9 percent between 1960 (the year the first cable to Puerto Rico was installed) and 1965, as against an overall growth rate of 17.6 percent for all other points in the world. In addition, the other points of the eastern Caribbean area have also shown above-average growth rates (an average of 24.4 percent for 1960–1965 as against the aforementioned average of 17.6 percent for all other world points).

22. There are other factors which indicate that even these high growth rates may be conservative indices of future circuit requirements. Experience with respect to traffic between the mainland and Hawaii indicates that substantial rate reductions have a very considerable stimulating effect on traffic volume. AT&T, ITTCIVI, and ITTCRPR in September 1966 advised the Commission that, as soon as the cable for which they were seeking authorization became operative, they would make substantial reduction in charges as follows:

(a) Regular message telephone rates would be reduced by 25 percent;

(b) Message telephone service after 8 p.m. and Sundays at rates substantially below the above reduced rates;

(c) Leased voice-grade channel rates to be reduced from the current $9,000 per month level to $5,000 per month; and

(d) Consistent reductions would be proposed in charges for alternate voice/data leases, leased record channels, and other record services.

23. We note that AT&T claims that the comparative annual carrying charges for its proposed cable would be about $7,500 per circuit, before an allocation of administration expenses,[2] as against a proposed rental charge for a satellite circuit of $30,000 per year. In computing the carrying charges, AT&T assumes a 24-year life, presently used for existing underseas cables, with annual depreciation charges of $1.4 million. Annual maintenance expenses and taxes, other than Federal income taxes, were computed to be $0.8 million, based on a factor of 2.45 percent of installed cost ($33 million) which was derived from actual experience on underseas cables for 1964. AT&T includes an annual return of $1.8 million, based on a midpoint value of 67.13 percent of installed costs ($23 million) which takes into consideration a cost-of-money factor to compensate for the delay in receiving an 8 percent return during the early years when the net investment is higher than average. An allowance for Federal income taxes of $1.4 million (48 percent rate after adjustment for nontaxable income) was computed. The sum of the foregoing components of AT&T's claimed annual carrying charges for the cable is $5.4 million, or $7,500 per circuit ($5.4 million÷720).

[1] Exclusive of Cuban traffic because (1) inbound Cuban calls have been handled only on a collect basis, and (2) Cuban traffic has shown a wide fluctuation, which distorted the traffic pattern during this period.

[2] AT&T did not include administration expenses in its computation since such expenses would be applicable to both cable and satellite facilities.

AT&T also estimates that it would use 600 circuits and the remaining 120 circuits would be used by the record carriers. Thus, AT&T's estimated annual carrying charges, as determined above, for 600 circuits would be $4.7 million.

24. We also note that the average message tolls per telephone circuit for U.S. mainland/Puerto Rico and United States/Virgin Islands service during the first half of 1966 was some $158,000.[3] After adjusting for the proposed reduction in the rates of 25 percent, it appears that AT&T and its overseas correspondents should collect some $119,000 in annual revenues per circuit devoted to telephone message service. It seems reasonable therefore to assume that, after allowing for the costs of traffic handling and administration expenses at both ends, the expected additional circuit requirements for 1968 and later years should provide sufficient annual revenues to cover the annual carrying charges for 600 circuits in the proposed cable.

25. We have reviewed the data submitted by Comsat in support of its earth station application and they indicate to us that the revenues from the lease of 100 voice-grade circuits as soon as the earth station and satellite facilities are available, would make the earth station economically viable and contribute reasonable amounts to the overall revenue requirements of the satellite system. Additional revenues over the years could provide a basis for additional reductions in rates.

26. In view of all of the foregoing, we find that it is feasible to grant the cable and an earth station application since it appears that sufficient traffic will be available to support them from the very outset.

27. Aside from the important factors of need and economic feasibility, we believe that there are several public interest considerations which indicate that both the cable and an earth station application should be granted now. First of all, we are charged by the Satellite Act to act in such fashion as to expedite the realization of the goal of a truly global system. The installation of a station in the Caribbean area is a further step toward such a goal by:

(a) Providing the first station in the Caribbean area;

(b) Enabling communications to take place with satellites further east than would be possible via the Andover antenna; and

(c) Demonstrating to other nations that satellite facilities are considered on a parity with the older, firmly established cable facilities when additional capacity is required.

28. Similar factors indicate that the public interest would be served by simultaneous grant of the cable applications. These are the first applications for a transistorized, very high capacity cable. We believe that orderly and continuing progress in cable technology and its application as an alternate means of providing overseas communications service is in the public interest. We should therefore make appropriate cable authorizations when feasible. The present cable applications afford such an opportunity to install and operate the most modern of such cables representing a more than fivefold increase in capacity over the last cable we authorized in 1964.

29. Aside from the basic policy considerations described above, there are several other factors which convince us that both the cable and an earth station application should be granted. Both the cable and satellite facilities should have very high capacity of superior quality. As such, their availability is expected to encourage further use of, and reliance, upon high quality, reasonably priced communication services. We must recognize, however, that cables are subject to interruption and satellite to failure from various causes. If only one (cable or earth station) were to be authorized we could soon be confronted with a situation where an interruption or a failure abruptly eliminates 400 to 500 voice-grade circuits with no alternate facilities available. Thus, thousands of users who have come to rely upon these facilities for their needs could be deprived of an essential service for days or weeks. Authorization of both high capacity facilities now would provide what we believe a very important spare capacity for mutual backup and thus give assurances of continuity of service for vital defense needs, business needs and social uses.

30. Finally, the availability of both the cable and satellite would facilitate the provision of services requiring very large segments of capacity; i.e., television and very high speed data transmission. It is undoubtedly true that, initially, either the cable or the satellite would accommodate both conventional needs and broadband needs. But traffic projections indicate that the expected continued growth in demand for services will very quickly limit or eliminate this possibility. The simultaneous availability of both cable and satellite will give assurance of continuity of such services and, equally important, enable judgments to be made regarding the relative merits of each medium in the provision of these services.

31. In view of all of the foregoing, we find that the public interest would be served by a grant of applications for both cable facilities and an earth station.

32. We turn now to the question of the safeguards we should establish in making certain that there is an equitable utilization by the carriers of the satellite cable circuits to be authorized pursuant to this memorandum opinion and order (see also par. 16 of our report and order issued this date in Docket No. 15735). In our "Authorized User" decision, Docket No. 16058 (4 FCC 2d 421), we concluded that Comsat is to be primarily a carrier's carrier and is not to provide service directly to users in other than unique or exceptional circumstances.[4] Accordingly, Comsat will not generally have access to the using public. On the other hand, the carriers will be in a position to determine circuit utilization as between satellite and cable. Comsat, however, will be the largest owner of the earth station and the sole U.S. entity having ownership interest in the satellite facilities. Under these circumstances, it seems appropriate that Comsat should not rely entirely on the carriers' determination with respect to circuit utilization via cables or satellites. We note that AT&T states that it and ITT are willing to lease 100 voice-grade circuits via the Caribbean earth station as soon as satellite facilities are available provided that the quality is satisfactory and the charge appropriate. We have had informal indications that the telegraph carriers would likewise be willing to lease a number of circuits via satellite.

33. In order to eliminate potential future disputes and to give Comsat reasonable assurance of use, because it does not have direct access to the general using public, we believe we should now fix the procedure under which circuit utilization shall be apportioned as between the new cable facilities and new satellite facilities for services to and from the Caribbean area. It appears that the cable facilities may be installed and operative before the earth station can be constructed. The cable will have the advantages of the pent-up demand which accumulates over the next year or so. Therefore, when the earth station becomes operative, we believe that, in fairness to the earth station owners, the satellite technology and Comsat, it is appropriate to require each carrier, before it utilizes additional circuits in the cable authorized herein for service between the mainland and Puerto Rico-Virgin Islands, as well as points served beyond the Virgin Islands-Puerto Rico, to lease satellite circuits equal in number to the total it is then using in the cable.[5] Thereafter, additional circuits for all types of service requirements between the mainland and the eastern Caribbean area and beyond shall be satisfied on a 50/50 basis in accordance with a schedule of use agreed upon between the owners of the cable and the owners of the earth station, or, failing such agreement, as prescribed by the Commission upon application of any interested carrier or Comsat. Our requirement in this respect is, of course, subject to a finding on our part that the quality of service via satellite meets the

[3] Based on AT&T's report of overseas communications services for the first half of 1966 filed in accordance with sec. 43.61 of our rules. Such report indicates that telephone service provided some $22,143,000 in revenues on an annual basis to AT&T and its correspondents, ITTCRPR and ITTCIVI. In its pleadings, AT&T indicated that it had on the average some 150 circuits in operation during the first half of 1966 of which 10 were devoted to private line service. Thus, the annual revenues of $22,143,000 produced about $158,000 per circuit for each of the 140 circuits used for telephone message service.

[4] Our decision is subject to petitions for reconsideration on other grounds but none of the petitions question the basic determination that Comsat is primarily a carrier's carrier.

[5] This includes the 100 satellite circuits AT&T and ITT have already undertaken to lease.

necessary public interest standards and our permitting appropriate tariffs to become effective.

34. We have set forth our views regarding earth station ownership in the companion report adopted this date in Docket No. 15735 and incorporate it herein as if fully set forth in this document. We expect a joint application to be filed in accordance therewith within the time specified therein.

35. AT&T has stated it is prepared to proceed with the cable project alone or in conjunction with other communications common carriers which have requirements for circuits and which elect to participate. Both ITTCIVI and WUI have indicated they desire to participate in the ownership of the cable on the basis of their relative use as may be mutually agreed between and among the companies. RCA has requested that, in the event the commission grant the cable applications of AT&T and ITTCIVI, it condition the grant in such a way that it may participate in the ownership of the cable. Under the foregoing circumstances, it seems appropriate to follow precedent and adopt the procedures by the Commission's TAT–4 decision (37 FCC 1151), when it was confronted with a similar situation.

36. The Commission, therefore, is of the opinion that the public convenience and necessity requires it to authorize the cable described in the AT&T application, to be owned jointly by AT&T, ITTCIVI, and the international record carriers (ITT World Communications Inc. (ITT Worldcom), RCA and WUI) in such proportions as may be agreed to, subject to the Commission's approval, by and among those carriers in accordance with their current and reasonably foreseeable traffic requirements, or, if no such agreement can be reached within 30 days from the date this memorandum opinion is released, as determined by the Commission. We further require that each carrier participating in the ownership of the cable shall pay its proportional share of the costs of the construction as these arise in accordance with the ownership interest taken. In this connection we recognize that originally it is planned that the cable be equipped to provide 432 two-way voice-grade circuits of the total capacity of 720 circuits. Ownership shares and payment therefor should, of course, take account of the two-step procedure. Accordingly, within 30 days of the date hereof, each such carrier, after an informal conference under the aegis of the Commission, should file appropriate amendments to their applications or new applications, pursuant to section 214(a) of the Communications Act, setting forth their present and reasonably foreseeable circuit requirements in such cable proposed to be placed in service in 1968, and also stating whether such carriers desire to acquire these circuits by means of ownership, indefeasible right of user, or lease. Appropriate amendments to these pending cable landing license applications or new applications should also be filed within 30 days hereof to reflect the joint ownership shares agreed to, to the extent they desire to acquire ownership interests. If the applications, as then amended, do not indicate agreement as to the allocation of circuits among the carriers, the Commission will then issue an appropriate authorization setting forth the number of circuits allocated to each such carrier. The Commission also reserves the right to disapprove and to approve, with or without modifications, any agreement reached by the carriers on the allocation of circuits. Any final authorization issued by the Commission will also provide for review of, and adjustments in, such allocation of circuits should that appear necessary upon the petition of any carrier therefor, or upon the Commission's own motion. Such final allocation issued by the Commission will be designed to dispose of the requirements of all carriers, whether they desire facilities by ownership, indefeasible right of user, lease, or by other means.

Conclusions. 37. In view of all of the foregoing, the Commission finds and concludes:

(a) That public interest, convenience, and necessity will be served by a grant of an application for an earth station in the Puerto Rico-Virgin Islands area to be owned as set forth more fully in our report in Docket No. 15735 adopted this date;

(b) That appropriate applications, or amendments to pending applications, for an earth station in the eastern Caribbean area, conforming to the requirements of this memorandum opinion and order shall be filed within 90 days of the release of this memorandum opinion and order;

(c) That the public convenience and necessity require that a certificate, pursuant to section 214 of the Communications Act of 1934, be granted to AT&T, ITTCIVI, ITT WorldCom, RCA, and WUI jointly for the cable facilities between the U.S. mainland and the Virgin Islands which specifies shares of ownership as may be agreed by such companies or as may be prescribed by the Commission if agreement is not reached in this regard;

(d) That a cable landing license be granted to AT&T, Transoceanic, ITTCIVI, ITT WorldCom, RCA, and WUI jointly for the cable facilities described herein which specifies shares of ownership as may be agreed by such companies or as may be prescribed by the Commission if agreement is not reached in this regard;

(e) That appropriate certificate applications, or amendments to pending certificate applications, and appropriate cable landing license applications, or amendments to pending applications, for the cable facilities more fully described herein and conforming to the requirements of this memorandum opinion and order shall be filed within 30 days from the date of the release of this memorandum opinion and order;

(f) That the certificate of public convenience and necessity authorized by this memorandum opinion and order shall contain the following conditions:

(1) AT&T shall not provide alternate or simultaneous voice-record services by means of circuits to be provided by the cable facilities except as authorized by the Commission's TAT–4 decision of March 17, 1964 (37 FCC 1151);

(2) No increase in the number of usable cable voice-grade circuits beyond the initial 432, whether by carrier or other equipment, shall be undertaken by any owner or operator of cable circuits nor shall additional circuits be derived by the installation of TASI equipment, unless authorized by the Commission;

(3) Voice-grade circuits shall not be subdivided into more than 22 telegraph circuits unless authorized by the Commission; and

(4) No cable circuits shall be sold, assigned, leased or any interest therein transferred to any nonowner entity, communication administration or foreign carrier unless authorized by the Commission; and

(g) That the instruments of authorization, certificates and licenses to be issued pursuant to this memorandum opinion and order shall set forth the terms, conditions, and limitations set forth herein.

Accordingly, it is ordered, This 7th day of December 1966, that action on all applications involved in this proceeding is deferred pending the filing of appropriate new applications, or amendments to pending applications, in accordance with our conclusions set forth herein.

Released: December 8, 1966.

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

FLORIDA–PUERTO RICO/VIRGIN ISLANDS

CIRCUITS REQUIRED AND AVAILABLE FOR TELEPHONE SERVICES

Estimated circuit requirements	Number of circuits								
	1967	1968	1969	1970	1971	1972	1973	1974	1975
United States mainland–Puerto Rico	152	226	302	341	387	437	514	601	685
United States mainland–Virgin Islands	[1] 35	42	57	66	75	87	99	117	133
Total requirements	187	268	359	407	462	524	613	718	818
Circuits available	165	165	165	165	165	165	165	165	165
Indicated shortage	22	103	194	242	297	359	448	553	653

[1] Includes 6 circuits to Dominican Republic.

[6] Commissioner Bartley absent and Commissioner Johnson concurring in result.

FLORIDA–PUERTO RICO/ST. THOMAS CROSS SECTION

ESTIMATED CIRCUIT REQUIREMENTS FOR TELEPHONE SERVICES

United States mainland to—	Circuits available		Estimated circuits required								
	Actual Oct. 1, 1966	Expected Dec. 1, 1966	1967	1968	1969	1970	1971	1972	1973	1974	1975
Puerto Rico	133	138	152	226	302	341	387	437	514	601	685
Virgin Islands	21	21	29	42	57	66	75	87	99	117	133
Aruba	[1] 2	[1] 2	5	6	6	7	8	8	9	10	13
Curacao	[1] 2	[1] 2	7	8	8	9	10	10	11	12	15
Venezuela	33	33	41	48	54	63	71	78	90	102	121
Dominican Republic	[2] 12	[2] 15	36	40	46	52	62	70	79	90	108
Haiti	[1] 2	[1] 2	7	7	8	9	10	11	12	14	18
Total	205	213	277	377	481	547	623	701	814	946	1,093
Bermuda	30	34	39	43	47	50	54	57	62	66	72
Eastabout	19	22	30	37	40	44	51	55	62	71	89
Total	49	56	69	80	87	94	105	112	124	137	161

[1] High frequency radio circuits.
[2] Includes 9 high frequency radio circuits.

[F.R. Doc. 66–13353; Filed, Dec. 13, 1966; 8:45 a.m.]

[FCC 66–1124]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

DECEMBER 9, 1966.

Notice is hereby given that on January 17, 1967, the following application:

KMVI Wailuku, Maui, Hawaii.
Maui Publishing Co., Ltd.
Has: 550 kc, 1 kw, U.
Req.: 550 kc, 5 kw, U.

will be considered as ready and available for processing, and pursuant to §§ 1.227 (b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on January 16, 1967, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on January 16, 1967, or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d) (1) of the Communications Act of 1934 as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: December 7, 1966.

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

[F.R. Doc. 66–13404; Filed, Dec. 13, 1966; 8:48 a.m.]

[1] Commissioner Bartley absent.

[Docket Nos. 16258, 15011; FCC 66–1136]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., Docket No. 16258; charges for interstate and foreign communication service; and in the matter of American Telephone & Telegraph Co., Docket No. 15011; charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service.

1. In our memorandum opinion and order of December 22, 1965 (FCC 65–1143), in which we prescribed the procedures to govern this proceeding, we provided "that upon completion of the receipt of evidence relating to Phase 1, consideration will be given to what action, if any, may be taken by the Commission to effect interim rate adjustments as may be warranted on the basis of the record thus far made, and such further order or orders will issue as may be appropriate to this end." In view of the substantial progress that has been made toward completing the record with respect to the issues involved in Phase 1 of this proceeding, it is desirable and timely that we definitize the procedures which we will employ in the decisional disposition of those issues. Related to this matter is a petition filed on November 15, 1966, by the National Association of Railroad and Utilities Commissioners (NARUC) which seeks determination of the jurisdictional separations issue in Phase 1 of this proceeding instead of Phase 2 as heretofore provided by the foregoing memorandum opinion and order.[1] It is urged by the NARUC that the questions related to jurisdictional separations require resolution as part of Phase 1 and particularly in advance of any interim rate adjustments. We will first discuss the petition of the NARUC.

2. Our memorandum opinion and order released April 11, 1966, denied a number of petitions seeking similar relief in view of the posture of the proceeding as it stood at that time. We did, however, authorize the Telephone Committee to institute a series of conferences with the parties and our staff for the purpose of endeavoring to narrow the issues to be decided, to eliminate or reduce evidentiary presentations on issues as to which there is no serious dispute, and to reduce the number of witnesses required, so far as the matter of jurisdictional separations is concerned. We noted that if these objectives are realized as a result of such conferences we would review the matter further.

3. Pursuant to our order, the Telephone Committee, on July 16, 1966, constituted a technical experts group for the purpose indicated. A number of meetings have since been held by that group. The group has reported to the Telephone Committee, in substance, that it has accomplished the desired objectives. By order of October 24, 1966, the Telephone Committee required that all parties intending to present evidence on the separations issue file such evidence in writing on or before November 14, 1966, in order that it might determine whether it should recommend the advancement of that issue in the chronology of this proceeding. Such evidence has been filed and is now before us.

4. An examination of the proposed evidence concerning jurisdictional separations indicates that the aforementioned objectives of our memorandum opinion and order of April 11, 1966, have indeed been achieved to a substantial degree. It has also been indicated by Respondents, the interested parties, and the Commission staff that they are prepared to proceed to cross-examination of the evidence submitted on separations and the Telephone Committee has designated January 9, 1967, as the date upon which to commence such cross-examination. It is expected that within a reasonable period of time thereafter the record dealing with the jurisdictional separations issue can be completed. Thus, it appears that our reason for deferral of consideration of the separations issue to Phase 2 of these proceedings no longer obtains, as we previously believed, in order to insure maximum expedition in arriving at a determination of what, if any, interim rate adjustments may be offered by AT&T or ordered by the Commission.

5. Moreover, in the next several weeks, the evidentiary record will be complete with respect to all issues involved in Phase 1 with the exception of the issue relating to ratemaking principles and factors. With respect to the latter issue, Respondents have tendered a substantial portion of their direct testimony. However, there has not as yet been any record examination of this testimony and no date has yet been fixed for other parties to file evidence on the issue, and, furthermore, Respondents are under Commission direction, pursuant to our order

[1] Similar petitions or supporting statements have been filed by the independent telephone group and by numerous state commissions. The Western Union Telegraph Co. has filed a "Statement of Position" which appears to oppose the relief sought.

of November 9, 1966, in Docket No. 14251, to file, with supporting data, unified rates for private line services, on the one hand, and Telpak A and B service, on the other hand. These rates, together with supporting data for existing or proposed revised rates for Telpak C and D, are also expected to be filed at the same time. Thus, although we intend to dispose of the ratemaking issue of Phase 1 with maximum dispatch, the present posture of this issue does not permit its consideration and determination within the same time frame within which the other issues in Phase 1, including the separations issue, may be considered and determined. We feel that the public interest will be served by a prompt resolution of those other issues and a determination of what, if any, rate actions may be indicated as being warranted on the basis of the record with respect thereto. To this end, the Telephone Committee, upon completion of the record in Phase 1 with respect to all issues involved therein, with the exception of ratemaking principles and factors, shall certify the record to the full Commission for the preparation and issuance of a decision thereon in accordance with the procedures hereinafter ordered.

6. In formulating such decisional procedures, we have had foremost in mind the vital public interest for maximum expedition in resolving the important issues in Phase 1 and, particularly, the desirability of promptly effecting any rate adjustments as may be necessary, even if on an interim basis. Furthermore, in this connection we are well aware of the interest of the ratepayers and Respondents in an early resolution of the rate base and rate of return questions involved in Phase 1, as well as the interest of the state regulatory commissions and all others in a determination of the jurisdictional separations issue. Accordingly, we are prescribing decisional procedures which will avoid the delays inherent in the conventional two-step procedure of an initial or recommended decision and then a final decision, while at the same time affording Respondents and all parties a full and fair opportunity to present their positions on the evidence which has been adduced with respect to the issues. We believe that the nature of the evidence and the issues in Phase 1 peculiarly lend themselves to this treatment. We are convinced and find that due and timely execution of our functions imperatively and unavoidably requires it, if we are to discharge fully our responsibilities under the Communications Act of 1934, as amended. (See section 8(a) of the Administrative Procedure Act.)

Therefore, in view of the foregoing: *It is ordered,*

(1) That the order of December 22, 1965 (2 FCC 2d 142), be amended to provide that there is included in the issues in Phase 1 the matter of the reasonableness and propriety of the procedures employed for separating and allocating plant investment, operating expenses, taxes, and reserves between the intrastate and interstate operations of Respondents.

(2) That upon completion of the receipt of evidence on Phase 1 issues, except ratemaking principles and factors, the Telephone Committee, without preparing any recommended decision, shall certify the record to the Commission for decision on such issues.

(3) That the Respondents and the parties shall, as provided by 47 CFR 1.263 and 1.264, file proposed findings of fact and conclusions, briefs and memoranda of law, within such time as shall be ordered by the Telephone Committee.

(4) That prior to the preparation and issuance of a decision, the Commission, by appropriate order, will afford the Respondents and parties opportunity to present oral argument before the Commission en banc pursuant to an appropriate order.

(5) That the Telephone Committee shall proceed, at the earliest practicable date, with completing the record with respect to the remaining issues in Phase 1 dealing with ratemaking principles and factors.

Adopted: December 7, 1966.

Released: December 9, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-13398; Filed, Dec. 13, 1966; 8:48 a.m.]

[Docket No. 16860; FCC 66M-1661]

GOODMAN BROADCASTING CO.

Order Continuing Hearing

In re application of Hiram A. Goodman, trading as Goodman Broadcasting Co., Madison, Ala., Docket No. 16860, File No. BP-16501; for construction permit.

The Hearing Examiner having under consideration a motion filed December 5, 1966, on behalf of the above-entitled applicant requesting a 30-day extension in the presently scheduled procedural dates; and

It appearing that the applicant has filed a petition for leave to amend which, if granted, will alter the course of this hearing; and

It further appearing that counsel for the Chief, Broadcast Bureau has no objection to the immediate favorable consideration of the motion, and good cause for granting said motion having been shown:

It is ordered, This the 7th day of December 1966, that the motion for continuance is granted, and the date for notification of witnesses for cross-examination is extended from December 7, 1966, to January 9, 1967, and the date of the hearing is extended from December 14, 1966, to January 16, 1967.

Released: December 8, 1966.

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

[F.R. Doc. 66-13399; Filed, Dec. 13, 1966; 8:48 a.m.]

[Docket Nos. 16655, 16656; FCC 66M-1660]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn., Docket No. 16656, File No. BPH-5174; for construction permits.

The Hearing Examiner having under consideration a petition filed December 5, 1966, on behalf of Jones T. Sudbury requesting an extension of several procedural dates in the above-styled proceeding; and

It appearing that counsel for petitioner is presently engaged in two additional hearings and does not have enough time available to prepare for the instant proceeding; and

It further appearing that consultation with counsel for Northwest Tennessee Broadcasting Co., Inc., and the Broadcast Bureau has produced a more palatable schedule of dates, and good cause for granting the petition having been shown:

It is ordered, This the 7th day of December 1966, that the petition for extension of time is granted, and the date for exchange of exhibits is extended from December 9, 1966, to December 28, 1966, and the date for notification of witnesses is extended from December 16, 1966, to January 4, 1967;

It is further ordered, That the date for commencement of the hearing will continue to be January 11, 1967, as presently scheduled.

Released: December 8, 1966.

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

[F.R. Doc. 66-13400; Filed, Dec. 13, 1966; 8:48 a.m.]

[Docket Nos. 16765, 16766; FCC 66M-1658]

KJRD, INC., AND MOUNT-ED-LYNN, INC.

Order Continuing Prehearing Conference

In re applications of KJRD, Inc., Monroe, Wash., Docket No. 16765, File No. BP-16618; Mount-Ed-Lynn, Inc., Mountlake Terrace, Wash., Docket No. 16766, File No. BP-16882; for construction permits.

[2] Commissioner Bartley absent; Commissioners Loevinger and Wadsworth concurring in the result; Commissioner Johnson not participating.

The Hearing Examiner having under consideration a motion filed December 6, 1966, on behalf of Mount-Ed-Lynn, Inc., requesting that the further prehearing conference now scheduled for December 9, 1966, be continued to January 12 or 13, 1967; and

It appearing that the Review Board indicated that the approval of the arrangement between KJRD, Inc., and Mount-Ed-Lynn, Inc., would be held in abeyance to afford opportunity for other parties to apply for the facilities specified in the application of KJRD, Inc., and no useful purpose would be served until KJRD, Inc., has completed publication; and

It further appearing that counsel for the other parties have no objection to the immediate consideration and grant of this motion, and good cause for granting said motion having been shown:

It is ordered, This the 7th day of December 1966, that the motion is granted, and the further prehearing conference now scheduled for December 9, 1966, is continued to January 12, 1967, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

Released: December 8, 1966.

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

[F.R. Doc. 66-13401; Filed, Dec. 13, 1966; 8:48 a.m.]

[Docket No. 16588, etc.; FCC 66M-1652]

KWHK BROADCASTING CO., INC. (KWHK), ET AL.

Order Continuing Prehearing Conference

In re applications of KWHK Broadcasting Co., Inc. (KWHK), Hutchinson, Kans., Docket No. 16588, File No. BP-15356; Columbia Broadcasting System, Inc. (WCAU), Philadelphia, Pa., Docket No. 16589, File No. BP-15446; KAKE-TV & Radio, Inc. (KAKE), Wichita, Kans., Docket No. 16590, File No. BP-15968; The Plains Broadcasting Co., Inc. (KGYN), Guymon, Okla., Docket No. 16848, File No. BP-17192; for construction permits.

To permit action on pending pleadings: *It is ordered,* This 7th day of December 1966, that the further prehearing conference is rescheduled from December 15, 1966, to February 15, 1967, at 10 a.m.

Released: December 8, 1966.

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

[F.R. Doc. 66-13402; Filed, Dec. 13, 1966; 8:48 a.m.]

[Docket Nos. 16702, 16703; FCC 66R-473]

T.V. BROADCASTERS, INC., AND TRI-CITY BROADCASTING CO., INC.

Memorandum Opinion and Order Modifying and Enlarging Issues

In re applications of T.V. Broadcasters, Inc., Vineland, N.J., Docket No. 16702, File No. BPCT-3539; Tri-City Broadcasting Co., Inc., Vineland, N.J., Docket No. 16703, File No. BPCT-3716; for construction permit for new television broadcast station.

1. This proceeding involves the above-captioned mutually exclusive applications to construct a new UHF television broadcast station to operate on Channel 65 at Vineland, N.J. The Board presently has under consideration a petition for leave to amend filed September 2, 1966, by Tri-City Broadcasting Co., Inc. (Tri-City), and a petition to enlarge issues filed September 28, 1966, by the Broadcast Bureau.[1] This latter petition seeks, in effect, to modify the financial qualifications issue originally designated against Tri-City and to add issues to determine: (a) Whether Tri-City's application contains misrepresentations or omissions of fact; (b) whether there are real parties in interest to the application other than Tri-City; and (c) whether, in light of the findings on the foregoing issues, Tri-City possesses the requisite qualifications to be a licensee.

Petition for leave to amend. 2. Following release of the Commission's order (FCC 66-518, released June 20, 1966), designating their applications for consolidated hearing, Tri-City and T.V. Broadcasters, Inc. (T.V.), entered into negotiations looking toward the dismissal of T.V.'s application. As a result of these negotiations a joint petition for approval of agreement and dismissal of T.V.'s application was filed with the Board on August 30, 1966.[2] Thereafter, Tri-City filed, with the Hearing Examiner, its instant petition for leave to amend so as to reflect the anticipated cost of reimbursing T.V. for its application expenses and to demonstrate Tri-City's financial ability to construct and operate its proposed station. Because of the possibility that T.V.'s application would be dismissed and all issues pertaining to Tri-City resolved on the basis of pleadings, the Examiner certified the proceeding to the Board.

3. Tri-City's amendment, which is not opposed by any of the parties hereto, will be accepted. As noted above it was submitted primarily to reflect the contemplated payment to T.V. and would neither unduly prolong this proceeding nor (should T.V. remain as an applicant herein) result in a comparative advantage to Tri-City. D. H. Overmyer Communications Co., 3 FCC 2d 454, 7 RR 2d 665 (Rev. Bd. 1966). However, for reasons hereinafter indicated, it is not possible for the Board to resolve the issue concerning Tri-City's financial qualifications on the basis of this amendment.

Petition to enlarge issues.[3] 4. Since each of the issues requested by the Bureau has its genesis in a common factual background, a brief statement of the facts will be helpful. As originally filed, Tri-City's application called for a cash requirement of $309,020 to meet construction and first year operating costs. Because the applicant had established the availability of only $200,000 in the form of a fully secured bank loan and $1,000 in subscription agreements, the Commission designated an issue to determine whether an additional $108,020 would be available.[4] As a result of inquiries made by the Bureau, it was disclosed that Tri-City is now relying upon a third-party, G. Russell Chambers, to provide the collateral for its bank loan.[5] In an affidavit submitted with Tri-City's opposition, Chambers states that in return for providing the collateral he expects to receive an option to acquire an interest in CATV properties owned by Tri-City's majority stockholders, Frank and John Scarpa.

5. The Bureau's request for a new financial qualifications issue against Tri-City is premised on its belief that a serious question exists as to the availability of the $200,000 bank loan. Specifically, it is argued that Tri-City has not established Chambers' ability to provide the necessary collateral, or his firm commitment to do so. According to the Bureau, without the collateral the loan will not be consummated and Tri-City will not have sufficient assets to construct and operate its proposed station. From Chambers' affidavit it is apparent that his commitment to provide the collateral is conditioned upon his receipt of the option; that the essential terms of this

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[1] Also before the Board are the following related pleadings: (a) Broadcast Bureau's comments re "request for motion to certify" and "petition for leave to amend," filed Oct. 12, 1966; (b) opposition to petition to enlarge issues, filed Oct. 28, 1966, by Tri-City; and (c) reply to opposition, filed Nov. 8, 1966, by the Broadcast Bureau. By Orders FCC 66R-399, released Oct. 11, 1966, and FCC 66R-417, released Oct. 21, 1966, the time for filing Tri-City's opposition was extended to Oct. 28, 1966.

[2] In a companion document the Board has held in abeyance further consideration of applicants' joint petition pending receipt of additional information.

[3] The instant petition was not filed within the time period specified in Rule 1.229. However, the Bureau's contention that it did not become aware of the information forming the basis of its pleading (i.e. the role of a third-party supplying the collateral for Tri-City's bank loan) until Sept. 8, 1966, is undisputed. Accordingly, good cause has been shown for the untimely filing of its petition.

[4] In the financial amendment accepted pursuant to this document, Tri-City revises its financing proposal by reducing its costs to $209,924 and raising its available liquid assets to $216,000. Tri-City proposes to accomplish these changes by (a) eliminating first year payments on equipment purchased from RCA and the bank loan; and (b) borrowing an additional $15,000 from one of its principals.

[5] As originally filed, Tri-City's application indicated that the $200,000 loan would come from Garden State Television Cable Corp., the president of which is John Scarpa, a principal of Tri-City.

option have not been agreed upon; and that until they are, he does not consider himself legally bound to provide the collateral. Under these circumstances, we are constrained to agree with the Bureau that the uncertainty of the arrangement between Chambers and the Scarpas' raises a question as to whether Chambers would pledge his personally owned securities on behalf of Tri-City, and, in turn, whether the bank loan would be available. We also agree that as a result of Tri-City's amendment and the revision of its financing proposal, the existing financial issue is inappropriate. Accordingly, that issue will be modified to permit inquiry into the questions discussed above.

6. We turn next to the Bureau's contention that Tri-City's failure to disclose its arrangement with Chambers requires the addition of a misrepresentation issue. Although we are of the general view that this information should have been reported to the Commission in the form of a proposed amendment, we are also of the view that on the basis of the allegations before us, Tri-City's dereliction cannot be equated with misrepresentation or an intent to deceive the Commission. Accordingly, we will add an issue to determine: (a) Whether Tri-City failed to comply with the provisions of Rule 1.65,[6] and (b) whether facts adduced pursuant to (a) bear upon the comparative qualifications of Tri-City.[7]

7. Lastly, the Bureau argues that Tri-City's dependence upon Chambers and the attendant option Chambers would receive for stock in the Scarpas' CATV properties warrant addition of a real-party-in-interest issue. We disagree. In his affidavit Chambers states that he rejected an opportunity to invest in Tri-City's proposal, and that he elected to provide the collateral for the bank loan rather than to personally lend Tri-City the money. These uncontradicted statements by Chambers are indicative of his unwillingness to become involved in Tri-City's proposal and to that extent rebut the Bureau's allegations. The mere fact that Chambers may eventually acquire an interest in other properties owned by the Scarpas' is insufficient to warrant addition of the requested issue.

Accordingly, it is ordered, This 29th day of November 1966, that the petition for leave to amend, filed September 2, 1966, by Tri-City Broadcasting Co., Inc., is granted, and that the amendment is accepted; and

It is further ordered, That the petition to enlarge issues, filed September 28, 1966, by the Broadcast Bureau is granted to the extent indicated below and is denied in all other respects; that issues 2 (a) and (b) of the designation order are modified to read as follows:

(a) To determine as to Tri-City, its estimated construction cost and first year operating costs and whether Tri-City has sufficient funds available to meet such costs.

(b) To determine on the basis of the facts adduced pursuant to (a) above, whether Tri-City is financially qualified to construct and operate its proposed facility;

and that the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether Tri-City failed to amend or attempt to amend the financial portion of its application within 30 days after substantial changes were made as required by Rule 1.65.

To determine whether the facts adduced pursuant to the foregoing issue bear upon the comparative qualifications of Tri-City.

It is further ordered, That the proceeding is remanded to the Examiner for further hearing on the issues modified and added herein.

Released: December 9, 1966.

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

[F.R. Doc. 66-13403; Filed, Dec. 13, 1966; 8:48 a.m.]

[6] Rule 1.65 requires that whenever the information contained in a pending application is no longer substantially accurate and complete in all significant respects, the applicant shall within 30 days, unless good cause is shown, attempt to amend his application so as to provide the correct information.

[7] In the event the agreement looking toward dismissal of T.V.'s application is ultimately approved, the comparative Rule 1.65 issue will not be considered in evaluating Tri-City's application.

FEDERAL POWER COMMISSION

[Docket Nos. G-6195 etc.[1]]

GULF OIL CORP. ET AL.

Notice of Petition To Amend

DECEMBER 5, 1966.

Take notice that on September 19, 1966, Gulf Oil Corp. (Gulf), Post Office Box 1589, Tulsa, Okla. 74102, filed a petition to amend the orders issuing certificates of public convenience and necessity to The British-American Oil Producing Co. (British-American) by substituting Gulf as certificate holder to reflect a merger of British-American by Gulf, effective July 1, 1966, all as more fully set forth in the Appendix below and in the petition which is on file with the Commission and open to public inspection.

Concurrently with the petition to amend Gulf submitted a certificate of adoption of British-American's FPC gas rate schedules and a motion to be substituted as respondent in British-American's rate proceedings.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 27, 1966.

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Purchaser	Location	Price	Pressure base
G-6195	Kansas-Nebraska Natural Gas Co., Inc.	Acreage in Logan County, Colo.	[1] 5.4970 [2 3] 13.7424 [4] 6.413	15.025
G-6198	Southern Natural Gas Co.	Gwinville Field, Jefferson Davis County, Miss.	[5] 20.0	15.025
G-6199	Lone Star Gas Co.	Northeast Elmore Field, Garvin County, Okla.	[6] 12.35	14.65
G-6200	Cities Service Gas Co.	West Edmond Field, Oklahoma County, Okla.	10.5	14.65
G-6202	United Gas Pipe Line Co.	Carthage Field, Panola County, Tex.	[7] 10.8876	14.65
G-6203	Iroquois Gas Corp.	Sheridan Field, Colorado County, Tex.	[8 9] 18.6776	14.65
G-6204	El Paso Natural Gas Co.	South Fullerton Plant, Andrews County, Tex.	15.1900	14.65
G-6205	do.	Spraberry Field, Glasscock County, Tex.	[10] 14.50	14.65
G-6206	do.	Payton Devonian Field, Pecos and Ward Counties, Tex.	13.6900	14.65
G-6207	Mississippi River Transmission Corp.	Waskom Field, Harrison County, Tex.	[11] 15.394	14.65
G-6813	Michigan Wisconsin Pipe Line Co.	Cameron Field, Cameron Parish, La.	[12] 23.0	15.025
G-8567	El Paso Natural Gas Co.	Headlee Field, Ector County, Tex.	[13] 15.7400	14.65
G-8764	Panhandle Eastern Pipe Line Co.	Greenough Field, Beaver County, Okla.	[9] 13.176	14.65
G-12751	United Gas Pipe Line Co.	Cadeville Field, Ouachita Parish, La.	[14] 13.5	15.025
G-13636 [15]	Southern Natural Gas Co.	West Bay Field, Plaquemines Parish, La.	[16] 23.5	15.025
G-14515 [15]	Texas Gas Transmission Corp.	Romos Field, St. Mary Parish, La.	[17 18] 21.75 [18 19] 20.625	15.025
G-15894	Colorado Interstate Gas Co.	Armstrong Field, Logan County, Colo.	[20] 13.74238	15.025
G-16091	Transwestern Pipeline Co.	Panhandle Area, Lipscomb, Hemphill and Hansford Counties, Tex.	17.0	14.65
G-16093	do.	Panhandle Area, Beaver, Ellis, and Woodward Counties, Okla.	17.0	14.65
G-16103	do.	Crawar and Heiner Fields, Crane, Pecos, and Ward Counties, Tex.	[21] 17.0 [22] 16.0	14.65
G-17789	Cities Service Gas Co.	North Wakita Field, Grant County, Okla.	[23] 14.0	14.65
G-17965	Lone Star Gas Co.	Knox Field, Grady and Stephens Counties, Okla.	16.8	14.65
G-18437	El Paso Natural Gas Co.	Santa Rosa Field, Pecos County, Tex.	[24] 13.7600	14.65
G-18445	Florida Gas Transmission Co.	Shuteston Field, St. Landry Parish, La.	[19 25] 20.625	15.025

[1] Additional dockets are listed in the Appendix.

Docket No.	Purchaser	Location	Price	Pressure base
G-18823	Colorado Interstate Gas Co	Greenwood Field, Baca County, Colo.	[26] 15.07	15.025
G-18963	Transcontinental Gas Pipe Line Corp.	Wildcat Bayou Field, Terrebonne Parish, La.	[16] 20.625	15.025
G-19108	El Paso Natural Gas Co	Bisti-Gallup Field, San Juan County, N. Mex.	[27] 13.21755	15.025
G-20329	Kansas-Nebraska Natural Gas Co., Inc.	Mount Hope East Field, Logan County, Colo.	6.4131	15.025
CI60-322	Tennessee Gas Pipeline Co., a division of Tenneco, Inc.	Block 20 Field, Cameron Parish, Offshore Louisiana.	[16] 19.0	15.025
CI61-600	United Fuel Gas Co	Valentine Field, Lafourche Parish, La.	[8] [28] 20.3	15.025
CI61-607	El Paso Natural Gas Co	West Kutz Canyon Field, San Juan County, N. Mex.	[29] 14.2175	15.025
CI61-649	Texas Gas Transmission Corp	Bayou Sale Field, St. Mary Parish, La.	[16] 20.625	15.025
CI62-307 [30]	Arkansas Louisiana Gas Co	South Marlow Field, Stephens County, Okla.	15.0	14.65
CI62-984 [13]	Lone Star Gas Co	Doyle Field, Stephens County, Okla.	15.0	14.65
CI62-1016 [16]	Texas Gas Transmission Corp	Ramos Field, St. Mary Parish, La.	[16] 20.625	15.025
CI62-1433 [15]	Kansas-Nebraska Natural Gas Co., Inc.	Armstrong Field, Logan County, Colo.	12.826	15.025
CI63-253	Arkansas Louisiana Gas Co	Cheniere Field, Ouachita Parish, La.	[31] 18.33	15.025
CI63-918	Cities Service Gas Co	Panhandle Field, Gray County, Tex.	10.0	14.65
CI63-1156 [32]	Southern Natural Gas Co	Section 28 "Dome" Field, St. Martin Parish, La.	[33] 20.25	15.025
CI63-1470	Michigan Wisconsin Pipe Line Co.	Woodward Area, Major County, Okla.	[34] 15.5	14.65
CI64-573 [22]	United Fuel Gas Co	Deep Lake Field, Cameron Parish, La.	[28] [35] 21.5	15.025
CI64-1088	Kansas-Nebraska Natural Gas Co., Inc.	Riverside Field, Weld County, Colo.	13.0	15.025
CI64-1400	Cascade Natural Gas Corp	Divide Creek Field, Garfield County, Colo.	15.0	15.025
CI65-923	El Paso Natural Gas Co	Payton-Simpson Field, Pecos County, Tex.	15.2025	14.65
CI65-1224	Montana-Dakota Utilities Co	Wind River Basin Field, Fremont County, Wyo.	15.384	15.025
CI66-72 [33]	Transcontinental Gas Pipe Line Corp.	Block 71-Block 52 Field, Vermilion Parish, La.	19.0	15.025

[1] Low pressure casinghead gas.
[2] High pressure gas.
[3] Rates in effect subject to refund in Docket No. G-19024.
[4] Effective rate under predecessor's FPC GRS No. 55.
[5] Rate in effect subject to refund in Docket No. G-14630; also subject to a 0.5 cent per Mcf compression charge.
[6] Rate in effect subject to refund in Docket No. RI60-214.
[7] Includes 0.1376 cent per Mcf tax reimbursement.
[8] Includes 0.1776 cent per Mcf tax reimbursement.
[9] Rate in effect subject to refund in Docket No. RI62-184.
[10] Area base rate established by Commission's Opinion No. 468. Rate of 12.1152 cents per Mcf was made effective subject to refund in Docket No. RI63-292.
[11] Rate in effect subject to refund in Docket No. RI65-530. Includes 0.144 cent per Mcf tax reimbursement and 0.25 cent for dehydration.
[12] Subject to refund in Docket No. RI61-540. Includes 1.50 cents per Mcf tax reimbursement.
[13] Rates of 11.0528 cents and 12.7733 cents per Mcf were effective subject to refund in Docket Nos. G-14028 and G-19254, respectively.
[14] Includes 1.5 cents per Mcf tax reimbursement.
[15] "(Operator), et al."
[16] Rate in effect subject to refund in Docket No. RI61-174; also subject to 1 cent per Mcf compression charge.
[17] Rate in effect subject to refund in Docket No. RI62-274.
[18] Applies to Supplement No. 3 only.
[19] Settlement rate as approved by Commission order issued Nov. 18, 1963, in Docket Nos. G-13221, et al.
[20] Rate in effect subject to refund in Docket No. RI62-215.
[21] Covers sales from acreage dedicated to basic contract. Rate in effect subject to refund in Docket No. RI64-123.
[22] Covers sales from added acreage described in Supplement No. 3.
[23] Less 0.75 cent per Mcf dehydration charge and 1.50 cents per Mcf compression charge by Buyer. Rate in effect subject to refund in Docket Nos. RI60-159 and RI65-412.
[24] Rate of 11.610 cents per Mcf was made effective subject to refund in Docket No. RI63-292.
[25] Subject to 1 cent per Mcf compression charge.
[26] Rate in effect subject to refund in Docket No. G-18950.
[27] Rate in effect subject to refund in Docket No. RI64-32. An increase in rate to 14.2343 cents per Mcf was suspended in Docket No. RI64-522 but has not been made effective.
[28] Includes 1.5 cents per Mcf tax reimbursement; also subject to a maximum 2 cents per Mcf compression charge.
[29] Rate in effect subject to refund in Docket No. RI64-522; also subject to orders in Docket No. RI64-32.
[30] "Et al."
[31] Includes 1.33 cents per Mcf tax reimbursement.
[32] Pending certificate application.
[33] Includes 1.75 cents per Mcf tax reimbursement.
[34] Includes 0.5 cent per Mcf upward B.t.u. adjustment.
[35] Rate in effect subject to refund in Docket No. RI65-194. Rate of 21.1 cents per Mcf was made effective subject to refund in Docket No. RI64-662.

[F.R. Doc. 66-13321; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. E-6893]

ALABAMA POWER CO.

Order Granting Rehearing for Purposes of Further Consideration and Fixing Hearing

NOVEMBER 23, 1966.

The Alabama Power Co. on October 28, 1966, filed an application for rehearing of the Commission's order of September 28, 1966, fixing payments of $296,003 to the United States for benefits provided in the Coosa River basin by the Federal Allatoona headwater improvement to the company's downstream Weiss and Lay hydroelectric developments, Project No. 2146, and Mitchell and Jordan developments, Project Nos. 82 and 618, respectively, during the period of January 1, 1961, through December 31, 1963. The order also provided that the company pay $18,724 to reimburse the United States for the cost of the determination. Since the company had previously made an interim or partial payment of $235,261, it was ordered to pay the balance of $79,466.

The company contends that the Commission erred in the following respects: (1) Priority was not given to storage available in the company's downstream projects; (2) the incremental unit cost of producing energy at alternative steam-generating facilities was improperly computed; (3) account was not taken of the effect of evaporation on the quantities of water stored in and withdrawn from Allatoona Reservoir. Additionally, the company complains of the inclusion of general overhead charges in the cost of the determination.

The Commission finds: It is appropriate and in the public interest in administering Part I of the Federal Power Act, particularly section 10(f) thereof, that the Alabama Power Co.'s application for rehearing filed on October 28, 1966, of the Commission's aforesaid order of September 28, 1966, be granted and that a public hearing be held at a time and place to be fixed by subsequent notice of the Secretary of the Commission respecting the matters involved and issues presented in this proceeding.

The Commission orders:

(A) The Alabama Power Co.'s application for rehearing filed on October 28, 1966, of the Commission's aforesaid order of September 28, 1966, is hereby granted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 10(f) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held, at a time and place to be fixed by subsequent notice of the Secretary of the Commission, respecting the matters involved and questions presented in this proceeding.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-13361; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. CP67-154]

CASCADE NATURAL GAS CORP.

Notice of Application

DECEMBER 7, 1966.

Take notice that on December 1, 1966, Cascade Natural Gas Corp. (Applicant), 222 Fairview Avenue North, Seattle, Wash. 98109, filed in Docket No. CP67-154 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the exchange of natural gas with El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a tap, meter, and appurtenant facilities in order to effectuate an interconnection of its 4-inch lateral, which gathers gas from wells in the Elk Springs and Winter Valley Fields, Moffat County, Colo., to El Paso's Piceance Creek lateral at a point in Rio Blanco County, Colo., where Applicant will deliver up to 6,000 Mcf of gas per day in exchange for equivalent volumes to be delivered by El Paso on a best efforts basis at a point on Applicant's main line. El Paso's related application in Docket No. CP67–141 was filed on November 14, 1966.

The application states that in the event a differential should occur in the deliveries made between the parties, under the exchange agreement such differentials shall be eliminated within 6 months by balancing deliveries. In addition, the exchange agreement provides that Applicant will pay to El Paso 1.5 cents per Mcf (at 15.025 p.s.i.a.) of gas delivered by El Paso to Applicant.

The total estimated cost of Applicant's proposed facilities is $3,826, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before January 3, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–13362; Filed, Dec. 13, 1966; 8:45 a.m.]

[Project No. 2612]

CENTRAL MAINE POWER CO.

Notice of Application for License for Constructed Project

DECEMBER 7, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Central Maine Power Co. (correspondence to: W. H. Kimball, vice president and comptroller, Central Maine Power Co., 9 Green Street, Augusta, Maine 04330), for constructed Project No. 2612, known as the Flagstaff Storage Project, located on the Dead River and its tributary Little Spencer Stream, in the counties of Franklin and Somerset, near Stratton, Maine.

The existing Flagstaff Storage Project consists of Flagstaff Dam and Reservoir with 12 billion cubic feet of storage and Spencer Dam and Reservoir with 639 million cubic feet of storage. Flagstaff Dam and Reservoir is located on the Dead River, a tributary of the Kennebec River, and Spencer Dam and Reservoir is located on Little Spencer Stream, a tributary of the Dead River. The two storage reservoirs provide water flow and regulation for the generation of hydroelectric energy at Applicant's downstream licensed Wyman Project No. 2329 and other projects on the Kennebec River. More specifically described, the Flagstaff Dam and Reservoir consists of: (1) A 43-foot (maximum height) dam consisting of: (a) An impervious core earth dike which extends 694 feet to a concrete retaining wall; (b) a gate section about 195 feet long containing a fishway ladder, two sluice gates, a log sluice and a tainter gate section which includes 5 gates; and (c) a concrete overflow section 450 feet long (about 1,340 feet in total length); and (2) a reservoir of 27.5 square miles extending 27 miles upstream with a normal elevation of 1,146 feet (USGS datum) and a storage capacity of 275,000 acre-feet at maximum 35 feet of drawdown; and the Spencer Dam and Reservoir consists of: (1) A dam consisting of: (a) A rock-filled timber crib section 19 feet long; (b) a sluice-gate section 23 feet long; (c) a spillway section 20 feet long; (d) a sluice-gate section 15 feet long and 13 feet above the stream bed; and (e) a rock-filled timber-crib section 43 feet long including a 26.3-foot long spillway; and (2) a 6-mile long, 2.6-square mile reservoir at normal elevation of 1,092.7 feet (USGS datum) with a storage capacity of 14,700 acre-feet at 8.5 feet of drawdown.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 2, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–13363; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. CP67–150]

CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 7, 1966.

Take notice that on November 25, 1966, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP67–150 an application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval to replace certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation and acquisition of natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to acquire by purchase from Kansas Gas Supply Corp. 10.39 miles of 16-inch pipeline, to construct and operate 2.25 miles of 16-inch pipeline, and to install and operate gas cleaning, measuring, and regulating facilities, all to provide natural gas service on an interruptible basis to its existing customer, Kansas Gas & Electric Co. (KG&E), at its Gordon Evans Generating Plant at Wichita, Kans.

Applicant further seeks permission and approval to replace 0.79 mile of 8-inch pipeline now serving KG&E's Wichita, Kans., Murray Gill Plant with 0.79 mile of 12-inch pipeline.

The total estimated cost of the proposed facilities is $598,389 which will be paid from treasury cash.

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 December 30, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–13364; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. CP67–155]

COLORADO INTERSTATE GAS CO.

Notice of Application

DECEMBER 7, 1966.

Take notice that on December 5, 1966, Colorado Interstate Gas Co. (Applicant),

Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67–155 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities and transportation of gas for sale on a short-term basis to Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to sell and deliver to Natural on an interruptible basis such daily volumes of gas as Natural may require and as Applicant may have available for a term ending December 31, 1967. Natural expects that its purchases will average 20,000 Mcf per day from January 1, 1967, through March 1967. Applicant is not required in any day to deliver quantities in excess of 50,000 Mcf per day. Natural will pay a commodity charge of 18 cents per Mcf for all volumes delivered by Applicant.

No new facilities are needed to effectuate the proposed sale.

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 December 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–13365; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. CP67–149]

CONCORDIA PARISH, LA., AND HUMBLE GAS TRANSMISSION CO.

Notice of Application

DECEMBER 6, 1966.

Take notice that on November 25, 1966, Gas Utility District No. 1 of Concordia Parish, La. (Applicant), filed in Docket No. CP67–149 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Humble Gas Transmission Co. (Respondent) to establish physical connection of its facilities with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas to Applicant for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to receive natural gas from Respondent to resell to citizens of the southwestern section of Concordia Parish, La., which includes the communities of Monterey, Eva, New Era, Acme, and Lismore, La., and the area along and adjacent to portions of Louisiana Highways 129, 906, 907, 908, and 909.

The estimated third year annual and peak day requirements of Applicant are 34,826 Mcf and 479 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–13366; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. CP67–152]

LONE STAR GAS CO.

Notice of Application

DECEMBER 7, 1966.

Take notice that on November 29, 1966, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67–152 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities in connection with the underground storage of natural gas in the Lake Dallas Field, Denton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to utilize in place 500 feet of existing 8-inch Line FA extending westerly from Line F to approximate Station 5+00 and to construct and operate the following facilities:

(1) Approximately 1,500 feet of 8-inch Line FA extension extending from Line FA in a southerly direction to the outlet of proposed dehydration plant located on the storage compressor site;

(2) An injection compressor station (1,100 h.p.);

(3) Gas injection and withdrawal systems; and

(4) A withdrawal dehydration plant (50,000 Mcf maximum).

Applicant would also drill and equip at least two injection and withdrawal wells.

The application states that Applicant proposes to inject an average amount of 12,000 Mcf of gas per day for 200 days per year into the reservoir through three existing and two proposed wells. The estimated delivery capacity through these five wells is 37,000 Mcf of gas per day with a peak withdrawal of 50,000 Mcf of gas per day.

The total estimated investment in existing facilities to be utilized, the approximate cost of construction, acquisition and drilling, together with possible future drilling and construction is $988,817, which cost will be financed from working capital.

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 January 3, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–13367; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. CP67–148]

NORTHERN NATURAL GAS CO.

Notice of Application

DECEMBER 6, 1966.

Take notice that on November 23, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67–148 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase its system capacity by 47,637 Mcf per day to supply the increased contract demand requirements of its present customers commencing with the 1967–68 heating season. This increase in contract demand will boost Applicant's total system saleable capacity up to 2,338,382 Mcf per day.

Some of Applicant's customers have requested a decrease in the effective contract demand of certain communities. Applicant requests approval of these reductions also.

Specifically, in order to provide this additional service Applicant proposes to

construct main line and branch line facilities estimated to cost $12,844,100 which cost will be financed from reserve accruals, retained earnings, and cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before December 30, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-13368; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket Nos. CP66-131, CP66-171]

TRUNKLINE GAS CO.

Notice of Petition To Amend

DECEMBER 7, 1966.

Take notice that on November 30, 1966, Trunkline Gas Co. (Petitioner), Post Office Box 1642, Houston, Tex. 77001, filed in Docket Nos. CP66-131 and CP66-171 a petition to amend the orders issued in said dockets on February 11, 1966, and July 1, 1966, respectively, by requesting authorization to construct and operate certain facilities and to increase sales for resale to certain customers, all 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 issued February 11, 1966, Docket No. CP66-131, Petitioner was authorized to install facilities and to provide a contract quantity for Consumers Power Co. (Consumers) of 350,000 Mcf per day commencing November 1, 1966.

By the order issued July 1, 1966, Docket No. CP66-171, Petitioner was authorized to install facilities and to provide a contract quantity for Mississippi River Transmission Co. (Mississippi) of 111,000 Mcf per day commencing November 1, 1966.

Specifically, Petitioner seeks to amend the abovementioned orders by requesting authorization to sell an additional 75,000 Mcf per day to Consumers, pursuant to Petitioner's Rate Schedule P-2, an additional 15,000 Mcf per day to Mississippi, and an additional 70,000 Mcf per day to Panhandle Eastern Pipe Line Co., pursuant to Petitioner's Rate Schedules SG-1 and SG-2.

Accordingly, to effectuate such increases Petitioner requests authority to construct and operate: 82.9 miles of 30-inch O.D. pipeline to loop portions of Petitioner's existing main transmission line between Bourbon, Ill., and the terminus of such line near Elkhart, Ind.; 229.2 miles of 36-inch O.D. pipeline and 5.5 miles of 30-inch O.D. pipeline to loop portions of Petitioner's existing main transmission lines between Longville, La., and Tuscola, Ill.; 17.2 miles of 24-inch O.D. pipeline to loop a portion of Petitioner's Lakeside-Longville, La., gathering line; 21.4 miles of 30-inch O.D. pipeline to loop a portion of Petitioner's Kaplan-Longville, La., gathering line; 1,050 additional horsepower at existing Compressor Station No. 313, Centerville, La.; and 8,400 additional horsepower at existing Compressor Station No. 210, Kaplan, La. The proposed facilities will increase the transmission capacity of Petitioner's pipeline system to 1,230,000 Mcf per day.

The total estimated cost of the proposed facilities is $55,330,000, the permanent financing of which will be obtained from the sale of long-term securities and the issuance of additional common stock.

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 January 3, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-13369; Filed, Dec. 13, 1966; 8:45 a.m.]

[Docket No. CP67-151]

VILLAGE OF JEFFERSONVILLE, ILL., AND TRUNKLINE GAS CO.

Notice of Application

DECEMBER 7, 1966.

Take notice that on November 28, 1966, the village of Jeffersonville, Ill. (Applicant), filed in Docket No. CP67-151 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection of its facilities with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas for resale in Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order of the Commission directing Respondent to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas estimated in the third year of service to be 275 Mcf for peak day and 21,450 Mcf for annual requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 30, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-13370; Filed, Dec. 13, 1966; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

DECEMBER 7, 1966.

By an exchange of notes dated November 22, 1966, the Governments of the United States and the Republic of Korea amended the bilateral cotton textile agreement between them of January 26, 1965. These amendments provide in part for the deletion of the specific ceiling on Category 48 for the 12-month period beginning January 1, 1966, and for additional amounts in Categories 9, 18/19, 22, 26, 46, 49, 50, 51, 54, 60, and part of 64 (T.S.U.S.A. Nos. 366.4500, 366.4600, and 366.4700 only) to be exported from the Republic of Korea to the United States during the period beginning January 1, 1966, and extending through March 31, 1967, without charge against the limitations and ceilings in the agreement of January 26, 1965, as amended.

There is published below a letter of December 6, 1966, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs directing that entries of cotton textiles and cotton textile products in designated categories and quantities produced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States during the period beginning January 1, 1966, and extending through March 31, 1967, be authorized without charge against the levels of the directive of December 30, 1965. The directive of December 30, 1965, is amended by deletion of the limits on Category 48 as they applied to the 12-month period beginning January 1, 1966. The terms of the exchange of notes effectuating these amendments was published in State Department Press Release No. 277 of November 23, 1966.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
December 6, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive supplements and amends the directive of December 30, 1965, concerning cotton textiles and cotton textile products produced or manufactured in the Republic of Korea. Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to authorize, effective as soon as possible, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26, 46, 49, 50, 51, 54, 60, and part of 64 (T.S.U.S.A. Nos. 366.4500, 366.4600, 366.4700 only), produced or manufactured in the Republic of Korea and exported to the United States from the Republic of Korea during the period beginning January 1, 1966, and extending through March 31, 1967, in the quantities designated below, without charging such entries against the levels of restraint set forth in the directive of December 30, 1965:

Category	*Quantities*
9 (square yards)	100,000
18/19 (square yards)	75,000
22 (square yards)	191,920
26 (duck only) [1] (square yards)	343,000
26 (other than duck) (square yards)	42,500
46 (dozen)	481
49 (dozen)	2,250
50 (dozen)	3,099
51 (dozen)	5,464
54 (dozen)	3,850
60 (dozen)	8,925
64 (part of 64) [2] (pounds)	16,750

[1] T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

[2] Only T.S.U.S.A. Nos. 366.4500, 366.4600, 366.4700.

In carrying out this directive you shall first charge entries of such goods made after the effective date of this directive against the amounts provided for in this directive before charging them against the levels provided for in the directive of December 30, 1965.

Effective as soon as possible, the directive of December 30, 1965, is hereby amended by terminating the provisions therein relating to Category 48.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 66-13389; Filed, Dec. 13, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1686]

LINCOLN PRINTING CO.

Order Suspending Trading

DECEMBER 8, 1966.

The common stock, 50 cents par value, and the $3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1966, through December 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-13373; Filed, Dec. 13, 1966; 8:46 a.m.]

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

DECEMBER 8, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 9, 1966, through December 18, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-13374; Filed, Dec. 13, 1966; 8:46 a.m.]

TARIFF COMMISSION

[APTA-W-4; Publication 191]

CERTAIN WORKERS OF MAREMONT CORP.

Report to Automotive Agreement Adjustment Assistance Board

DECEMBER 8, 1966.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA-W-4, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Cleveland, Ohio, plants of the Maremont Corp.

Only certain sections of the Commission's report can be made public since much of the data it contains were received in confidence. The sections of the report that can be made public are reproduced below. In addition to this material, the report also contained information concerning the factors causing the changes in employment at the plants.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of investigation No. APTA-W-4, which was ordered in response to a request from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. The Committee's request resulted from a petition for adjustment assistance filed with the Board on October 14, 1966, by Lawrence Weber, on behalf of a group of workers, formerly employed by the Gabriel Division, Maremont Corp., in Cleveland, Ohio.

The petition alleged that because of the phasing out of production of automotive shock absorbers in Cleveland, Ohio, by the Maremont Corp., and the transfer of such production to Canada, a substantial number of workers were dislocated. The petition further alleged, in effect, that the operation of the United States-Canadian automotive agreement was the primary factor causing the dislocation.

The Commission instituted the investigation upon receipt of the Committee's request on October 19, 1966; public notice thereof was given in the FEDERAL REGISTER (31 F.R. 13775) on October 26, 1966. Although the petitioners had initially requested a public hearing, the request was later withdrawn by letter dated November 3, 1966, and none was held. Public notice of the cancellation of the hearing was given by publication in the FEDERAL REGISTER (31 F.R. 14525) on November 11, 1966.

The information reported herein was obtained from the workers concerned, the Maremont Corp., the Bureau of Unemployment Compensation of the State of Ohio, the major U.S. automotive vehicle manufacturers, and the Commission's files, and by fieldwork by members of the Commission's staff.

In the course of its investigation, the Commission solicited a statement from the Maremont Corp. setting forth the reasons it decided to discontinue its production of shock absorbers in Cleveland. * * *

The automotive product concerned—shock absorbers. Shock absorbers are an integral part of the suspension system of motor vehicles; they provide for the absorption of road shocks under a variety of speed and load conditions, and they also improve the steerability and control of the vehicle. Primarily, a shock absorber regulates the spring rebound so that the spring recoils slowly; thus it prevents sudden jolts and bounces from being transmitted to the vehicle body and its occupants and cargo. Double action shocks, the type used predominantly on automotive vehicles today, also dampen spring compression and permit the use of more flexible springs.

Many types of shock absorbers, with various specifications, are currently in use, depending on the year and model of the vehicle for which they are designed. Virtually all of the shock absorbers currently being manufactured in the United States are hydraulically operated units which depend upon the resistance of a fluid (oil) flowing through a restricted opening to dissipate energy.

Shock absorbers imported into the United States are generally dutiable as parts of motor vehicles under item 692.27 of the Tariff Schedules of the United States at the rate of 8.5 percent ad valorem, unless imported from Canada for use as original motor vehicle equipment, in which case they are duty free under item 692.28.

The Maremont Corp. and its shock-absorber operations. The Maremont Corp., with headquarters in Chicago, produces textile machinery, ordnance, electronic equipment, aerospace products, and automotive parts for both original-equipment manufacture (OEM) and the replacement markets. Net sales totaled $133 million in 1965, approximately 50 percent of which was accounted for by automotive parts (exhaust systems, shock absorbers, oil filters, brake linings, and rebuilt carburetors, generators, fuel pumps, etc.).

In the United States, Maremont operates 24 plants; its Automotive Group of which the Gabriel Division is a part, operates 13 domestic and 8 foreign plants. Maremont's Gabriel Division currently produces shock absorbers domestically only at Pulaski, Tenn.; its Cleveland operations were shut down in April 1966.

* * * * *

United States and Canadian production and trade. The Tariff Commission obtained data representative of U.S. production, U.S. exports to Canada, and Canadian production of shock absorbers for use as original equipment in the assembly of motor vehicles (table 3). These data indicate that U.S. production of shock absorbers in the months of January–April 1966 exceeded that in each of the corresponding months of the 1964 model year. U.S. exports of shock absorbers to Canada in January–April 1966 also exceeded those in the corresponding months of the 1964 model year. Canadian production of shock absorbers was greater in 3 of the 4 months, January–April 1966, than in the like period of the 1964 model year; the decline occurring in April 1966 is attributable to a strike by a Canadian supplier which interrupted its shipments to one motor vehicle producer. The production of shock absorbers in both the United States and Canada has generally increased during the last 5 model years, as have U.S. exports to Canada. There have been no U.S. imports of shock absorbers from Canada during the past 5 model years, except for a negligible quantity entered in 1966.

The data above and that presented in table 3 were compiled from information furnished by the major United States and Canadian motor vehicle producers [1] on their use of shock absorbers in the assembly of motor vehicles; they were asked to distinguish between the shock absorbers obtained in the United States and those obtained in Canada. The data were reported on a quantity basis. Several companies found it necessary to submit estimated data. No satisfactory indication of the degree of error that might be embodied in these estimates is available.

* * * * *

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

TABLE 3.—U.S. PRODUCTION, U.S. EXPORTS TO CANADA AND CANADIAN PRODUCTION OF SHOCK ABSORBERS FOR USE AS ORIGINAL EQUIPMENT IN THE ASSEMBLY OF MOTOR VEHICLES, MODEL YEARS 1962–66,[1] AND, BY MONTHS, JANUARY–APRIL 1964 AND JANUARY–APRIL 1966

[In thousands of units]

Period	U.S. production	U.S. exports to Canada	Canadian production
Model years:[1]			
1962	29,584	----------	1,800
1963	32,878	----------	2,193
1964	35,940	----------	2,630
1965	40,211	----------	2,855
1966	39,869	----------	3,214
January–April 1964:			
January	3,393	(2)	279
February	3,092	----------	247
March	3,303	----------	262
April	3,608	----------	279
January–April 1966:			
January	3,761	----------	327
February	3,557	----------	322
March	4,170	----------	[3] 309
April	3,725	----------	[3] 266

[1] The model year begins about Aug. 1 of the year preceding that shown, and ends about July 31 of the year shown.

[2] Publication of data might reveal the operations of individual concerns.

[3] One producer reported that his Canadian supplier was on strike during this period.

Source: Compiled by the U.S. Tariff Commission from data supplied by 8 motor vehicle producers.

NOTE.—The data reported by several companies were estimated. No indication of the degree of error that might be embodied in these estimates is available.

* * * * *

[F.R. Doc. 66–13388; Filed, Dec. 13, 1966; 8:50 a.m.]

[1] United States and Canadian companies that produce only a relatively small number of motor vehicles were not requested to supply information; data on the use of shock absorbers by these companies could not affect the trends shown by the compiled data to a meaningful extent.

INTERSTATE COMMERCE COMMISSION

[Notice 1450]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 1966.

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

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

No. MC–FC–69135. By order of December 7, 1966, the Transfer Board, on reconsideration, approved the transfer to North Central Van Lines, Inc., Lincoln, Nebr., of a portion of the operating rights in certificate No. MC–124148, issued May 4, 1962, in the name of Andrew G. Nelson, Inc., Chicago, Ill., name changed to that of transferor herein, North Central Truck Lines, Inc., pursuant to order of the Commission entered March 25, 1963, authorizing the transportation of: New and used household goods, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted against the transportation of new and used store fixtures and stock in trade of drug stores. Robert J. Gallagher, attorney, 111 State Street, Boston, Mass., A. James McArthur, attorney, 4100 Cornhusker Highway, Lincoln, Nebr., James H. Blanshan, attorney, 402 West Main Street, Marshalltown, Iowa.

No. MC–FC–69175. By order of December 7, 1966, the Transfer Board approved the transfer to Bradley's Express, Inc., Middletown, Conn., of the operating rights in certificates Nos. MC–85130, MC–85130 (Sub-No. 2), MC–85130 (Sub-No. 3), and MC–85130 (Sub-No. 4), issued March 22, 1941, November 17, 1950, February 14, 1951, and May 9, 1958, respectively, to Anna Bradley, doing business as Bradley's Express, Middletown, Conn., and authorizing the transportation of: General commodities, with the usual exceptions, over regular routes, between Middletown, Conn., and New York, N.Y., and return; cotton cloth, over irregular routes, from Fonda and Broadalbin, N.Y., Woonsocket, R.I., and Canton, Mass., to Middletown, Conn.; rubber footwear, from Middletown,

Conn., to Utica, N.Y.; paper and fiber cases, from East Walpole, Mass., to Middletown, East Hampton, Rocky Hill, and Cromwell, Conn.; and general commodities, over a regular route between Bridgeport and Middletown, Conn., serving certain intermediate and off-route points, and Thompsonville. Anna Bradley, Acheson Drive, Middletown, Conn., representative for applicants.

No. MC–FC–69184. By order of November 30, 1966, the Transfer Board approved the transfer to Bulk Express, Inc., El Dorado, Ark., of a portion of the certificate in No. MC–102906, issued February 5, 1964, to McConnell Heavy Hauling, Inc., Little Rock, Ark., authorizing the transportation of: Fly ash, in bulk, in hopper type trailers, between points in Arkansas, restricted to traffic having a prior movement by rail or water in interstate commerce. William H. Sutton, 1100 Boyle Building, Little Rock, Ark. 72201, attorney for applicants.

No. MC–FC–69252. By order of November 30, 1966, the Transfer Board approved the transfer to Harchelroad Trucking Co., a corporation, Pittsburgh, Pa.; of certificate in No. MC–4428, issued October 13, 1948, to Cameleus F. Sanguigni, doing business as A. Sanguigni Sons Co., McKees Rocks, Pa., authorizing the transportation of: General commodities, with the usual exceptions, between Pittsburgh, Pa., and points within 15 miles of Pittsburgh, and roadbuilding and construction equipment, materials, and supplies including commodities requiring special equipment in the same area, and from points in Allegheny County, Pa., to points in Ohio and West Virginia. Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC–FC–69237. By order of December 7, 1966, the Transfer Board approved the transfer to D. M. Davis, Inc., Kansas City, Mo., of the operating rights of D. M. Davis, Kansas City, Mo., in certificate of registration No. MC–121269 (Sub-No. 1), issued April 7, 1965, authorizing the transportation, as a common carrier, over irregular routes, of property, excluding uncrated household goods, between Arley and points within 10 miles of Arley, on the one hand, and all points in Missouri, on the other, subject to limitations contained in section 390.051, R.S. Mo. 1959, prohibiting irregular route operations between points on the regular route of an authorized motor carrier. Charles A. Darby, 1215 Commerce Building, 922 Walnut Street, Kansas City, Mo. 64106, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–13406; Filed, Dec. 13, 1966; 8:48 a.m.]

[Notice 1001]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 9, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 109612 (Sub-No. 12) (Republication), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, and republished, this issue. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. 46204. By application filed May 19, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of glass containers, 1 gallon or less in capacity, restricted to returned and rejected shipments which had a prior movement from Winchester, Ind., from Racine and Oconomowoc, Wis., to Gurnee, Ill. An order of the Commission, Operating Rights Board No. 1, dated November 23, 1966, and served December 7, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *glass containers*, from Oconomowoc and Racine, Wis., to Gurnee, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued, concurrently with or subsequent to the issuance to applicant of certificate No. MC 109612 (Sub-No. 11) and the cancellation of applicant's outstanding and pending permits in No. MC 115066 and Subs thereto. That in No. MC 109612 (Sub-No. 11), applicant has requested the cancellation of all of its outstanding and pending contract carrier permits and the conversion of such rights to those of a common carrier by motor vehicle; and that inasmuch as the conversion application is presently pending before the Commission, issuance of the authority for which a need is found herein should be withheld until final determination by the Commission of the applicant's pending conversion application. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 109637 (Sub-No. 295) (Republication), filed February 1, 1966, published FEDERAL REGISTER issue of February 17, 1966, and republished, this issue. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. In the above-specified proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of chemicals, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Florida, Georgia, North Carolina, and South Carolina, subject to the following restrictions: (1) Service from Chattanooga, Tenn., shall be limited to pickup of partial tank vehicle loads to complete loading of applicant's tank vehicles which have been originated at and partly loaded at points within the commercial zone of Calvert City, Ky.; (2) no transportation shall be performed from the plantsite of Velsicol Chemical Corp. at Chattanooga, Tenn., to points in Florida, Georgia, and North Carolina; and (3) no transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen shall be performed from Chattanooga, Tenn., to points in Georgia and Florida. A report of the Commission, Operating Rights Review Board No. 3, decided November 22, 1966, and served December 5, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *chemicals*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsites and distribution facilities of General Aniline & Film Corp. at Chattanooga, Tenn.; that applicant is fit, willing, and able properly to perform the proposed service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 109637 (Sub-No. 297) (Republication), filed February 1, 1966, published FEDERAL REGISTER issue of February 17, 1966, and republished, this issue. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. In the above-specified pro-

ceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of liquid chemicals, in bulk, in tank vehicles, from Chicago, Ill., to points in Iowa, Michigan, Minnesota, and Wisconsin; subject to the following restrictions: (1) Service from Chicago, Ill., shall be limited to pickup of partial tank vehicle loads to complete loading of applicant's tank vehicles which have been originated at and partly loaded at points within the commercial zone at Calvert City, Ky.; (2) service from Chicago, Ill., shall be restricted against the transportation of liquid caustic soda, liquid caustic potash, trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, and mixtures thereof, and (3) no transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen shall be performed from Chicago, Ill., to points in Michigan. A report of the Commission, Operating Rights Review Board No. 3, decided November 22, 1966, and served December 5, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to points in Iowa, Michigan, Minnesota, and Wisconsin, restricted to traffic originating at the distribution facilities of General Aniline & Film Corp. at Chicago, Ill.; that applicant is fit, willing, and able properly to perform the proposed service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 111729 (Sub-No. 135) (Republication), filed February 4, 1966, published FEDERAL REGISTER issue of February 25, 1966, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. (Retitled) AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed February 4, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of commercial papers, business papers, records, and audit and accounting media, between points in Wayne, Oakland, and Macomb Counties, Mich., on the one hand, and, on the other, points in Ohio (except Cleveland). An order of the Commission, Operating Rights Board No. 1, dated November 23, 1966, and served December 7, 1966, finds (1) that applicant has failed to establish that it is fit, willing, and able properly to perform the service of a common carrier by motor vehicle, as defined in section 203(a)(14) of the act, with respect to the authority requested in this application, and that therefore section 207 of the act requires that the *common carrier* application be denied; (2) that, viewing the substance of the application, the proposed service is actually that of a *contract carrier* by motor vehicle, as defined by section 203(a)(15) of the act; (3) and that the operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *such commercial papers, documents, and written instruments, and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Detroit, Mich., on the one hand, and, on the other, points in Ohio (except Cleveland), under a continuing contract or contracts with the National Bank of Detroit, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the contract carrier authority for which a need is found in this order will be published in the FEDERAL REGISTER, and for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

No. MC 127215 (Sub-No. 11) (Republication), filed November 19, 1965, published FEDERAL REGISTER issue of December 9, 1965, and republished, this issue. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. By application filed November 19, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of petroleum products, in bulk, in tank vehicles, from Pana, Ill, and points within 10 miles thereof, to points in Indiana, Iowa, Missouri, Wisconsin, and Illinois. A supplemental order of the Commission, Operating Rights Board No. 1, dated November 23, 1966, and served December 6, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid petroleum products* (except liquid hydrogen), in bulk, in tank vehicles, from the plantsite and storage facilities used by Pana Refining Co. at or near Pana, Ill., to points in Illinois, Iowa, Missouri (except points in Bates, Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, Henry, Jackson, Johnson, Lafayette, Platte, and Ray Counties, Mo.), Wisconsin, and points in that part of Indiana north, east, and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to Peru, Ind., thence along U.S. Highway 31 to junction U.S. Highway 50 (east of Seymour, Ind.), thence along U.S. Highway 50 to the Indiana-Illinois State line, except Whiting, Ind., and points in its commercial zone; restricted to the transportation of traffic originating at the indicated plantsite and storage facilities; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9606. Authority sought for control and merger by ROY STONE TRANSFER CORPORATION, Post Office Box 385, Collinsville, Va., of the operating rights and property of C & A MOTOR EXPRESS CO., Post Office Box 27, Steubenville, Ohio, and for acquisition by ROY C. STONE, Sheraton Court, Martinsville, Va., J. E. BASSETT, Bassett, Va., and L. B. STONE (FIRMAR & COMPANY, TRUSTEE), Martinsville, Va., of control of such rights and property through the transaction. Applicants' attorney: Spencer T. Money, 411 Park Lane Building, 2025 Eye Street NW., Washington, D.C. 20006. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household good and commodities in bulk, as a *common carrier*, over irregular routes, between Steubenville, Ohio, on the one hand, and, on the other, points within 50 miles of Steuben-

ville; and *construction materials, machinery, mine supplies, glassware, paper products,* and *hardware,* between points in Brooke County, W. Va., on the one hand, and, on the other, points in West Virginia, Ohio, and Pennsylvania which are located within 125 miles of Wellsburg, W. Va. ROY STONE TRANSFER CORPORATION is authorized to operate as a *common carrier* in Virginia, West Virginia, Ohio, Maryland, New York, New Jersey, Pennsylvania, North Carolina, South Carolina, Delaware, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Tennessee, Louisiana, Mississippi, Iowa, Kansas, Missouri, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9607. Authority sought for purchase by MIDWEST FREIGHT FORWARDING COMPANY, INC., 3220 South Wolcott Avenue, Chicago, Ill. 60608, of the operating rights and certain property of LEONARD PALAZZO, doing business as BRIDGEPORT TRANSFER SERVICE, 329 Central Avenue, Bridgeport, Conn., and for acquisition by A. E. DE CEANNE and ROSE DE CEANNE, both also of Chicago, Ill., of control of such rights and property through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Harry Freedman, 945 Main Street, Bridgeport, Conn. 06603. Operating rights sought to be transferred: Under a certificate of registration in docket No. MC–58509 Sub-No. 1, covering the transportation of property, in intrastate commerce, as a common carrier, in the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, Pennsylvania, New York, Illinois, Massachusetts, and Ohio. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC–28008 Sub-7 is a matter directly related.

No. MC–F–9608. Authority sought for control and merger by BEANEY TRANSPORT, LIMITED, 5905 Lake Road South, Brockport, N.Y. 14420, of the operating rights and property of E & R Lines, Inc., 3487 Brockport-Spencerport Road, Spencerport, N.Y. 14559, and for acquisition by CHARLES H. BEANEY, also of Brockport, N.Y., of control of such rights and property through the transaction. Applicants' representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017. Operating rights sought to be controlled and merged: *General commodities,* excepting among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between Rochester, N.Y., on the one hand, and, on the other, points in Monroe and Orleans Counties, N.Y., within 50 miles of Rochester, N.Y. BEANEY TRANSPORT, LIMITED, holds no authority from this Commission. However, it is controlled by CHARLES H. BEANEY, who by doing business as BEANEY TRANSPORT, is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9609. Authority sought for purchase by ELLIOTT BROS. TRUCK LINE, INC., Dysart, Iowa, of the operating rights of MURPHY TRANSPORTATION CO., Hampton, Iowa, and for acquisition by EUGENE F. ELLIOTT, Dysart, Iowa, of control of such rights through the purchase. Applicants' representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Operating rights sought to be transferred: *Livestock,* as a *common carrier,* over irregular routes, from Hampton, Iowa, to points within 40 miles of Hampton, to Chicago, Ill.; *steel* and *steel products,* including wire fencing and fence posts, from points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673 and from Joliet, Waukegan, and Chicago Heights, Ill., to Hampton, Iowa, and points within 40 miles of Hampton; *prepared roofing* and *insulating materials,* from points in the Chicago, Ill., commercial zone, supra, and from Joliet, Waukegan, Chicago Heights, Wilmington, and Marseilles, Ill., to Hampton, Iowa, and points within 40 miles of Hampton, from Joliet, Waukegan, Chicago Heights, and Wilmington, Ill., to points in Iowa, except Hampton, Iowa, and points within 40 miles of Hampton, from Lockport, Ill., to points in Iowa; *prepared animal foods,* from Chicago Heights, Ill., to points in the Chicago, Ill., commercial zone, supra, to Hampton, Iowa, and points within 40 miles of Hampton; *barium, barium carbonate* and *binder twine,* from points in the Chicago, Ill., commercial zone, supra, to Hampton, Iowa, and points within 40 miles of Hampton; *farm implements and machinery* and *parts thereof,* from Rockford and Rock Island, Ill., to points in the *Chicago, Ill., commercial zone,* supra, to Hampton, Iowa, and points within 40 miles of Hampton; *fertilizer,* from Chicago Heights, Ill., and points in the *Chicago, Ill., commercial zone,* supra, to points in that part of Iowa on and east of U.S. Highway 69; *catalogues,* from Chicago, Ill., to Hampton, Iowa; and in pending Docket No. MC–108549 Sub–7, seeking a certificate of public convenience and necessity, covering the transportation of twine, as a common carrier, over irregular routes, from Philadelphia, Pa., to points in Iowa. Vendee is authorized to operate as a *common carrier,* in Illinois, Iowa, Indiana, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9610. Authority sought for control by ARROW MOTOR TRANSIT, INC., 4600 West 34th Street, Cicero, Ill. 60650, of COREY & EVANS, INC., Post Office Box 478, De Kalb, Ill. 60115, and for acquisition by ALBERT J. WILKINS, also of Cicero, Ill., of control of COREY & EVANS, INC., through the acquisition by ARROW MOTOR TRANSIT, INC. Applicants' representative: Robert J. Downing, 105 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled: *General commodities,* excepting among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Chicago, Ill., and Rochelle, Ill., serving all intermediate points, and the off-route points of Elva, Kaneville, and Steward, Ill., except that service to and from Chicago is restricted to that portion of the Chicago commercial zone which is within the State of Illinois, between Marengo, Ill., and Chicago, Ill., serving all intermediate points and the off-route point of Union, Ill., except that service to and from Chicago is restricted to that portion of the Chicago commercial zone which is within the State of Illinois; and under a certificate of registration in Docket No. MC–9285, Sub–6, covering the transportation of commodities general, as a common carrier, in intrastate commerce in the State of Illinois. ARROW MOTOR TRANSIT, INC., is authorized to operate as a *common carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9611. Authority sought for control and merger by GLEASON TRANSPORTATION CO., INC., Post Office Box 907, White River Junction, Vt. 05001, of the operating rights and property of CHIOVITTI'S MOTOR TRANSPORTATION, INC., Post Office Box 558, Putney Road, Brattleboro, Vt., and for acquisition by ELLIS S. ROUSE, Chellis Street, White River Junction, Vt., and CAROL A. ROUSE, 20 Farman Avenue, West Lebanon, N.H., of control of such rights and property through the transaction. Applicants' representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Operating rights sought to be controlled and merged: *General commodities,* except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, and commodities requiring special equipment, as a *common carrier,* over regular routes, between Boston, Mass., and Brattleboro, Vt., serving the intermediate points of Keene, N.H., and those in Massachusetts; and the off-route points of Peabody, Maynard, and Gardner, Mass., and those within 5 miles of Boston; *groceries,* over irregular routes, from New York, N.Y., to Keene, N.H., traversing Connecticut and Massachusetts for operating convenience only; *woodwork machinery* and *road construction machinery,* from New York, N.Y., to Keene, N.H., and points within 10 miles of Keene; *wooden boxes, woodenware* and *shook,* from points in Cheshire County, N.H., to New York, N.Y.; *silver polish, new furniture, furniture forms, fruit* and *maple syrup,* from Keene, N.H., to New York, N.Y.; *wooden and metal toys,* from Marlboro, N.H., to New York, N.Y.; and *household goods* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, between points on the above-described route, including the off-route points specified, those on New Hampshire Highway 10 from Keene, N.H., to the New Hamp-

shire-Massachusetts State line, those on Massachusetts Highway 10 from the State line to junction U.S. Highway 5, those on U.S. Highway 5 from said junction to Springfield, Mass., those within 5 miles of Springfield, and those on New Hampshire Highway 119 between Winchester, N.H., and Brattleboro, Vt., including the points named, those in Cheshire County, N.H., and those in Windham County, Vt., on the one hand, and, on the other, points in Massachusetts. GLEASON TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Vermont, New York, New Hampshire, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-9605. Authority sought for purchase by CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State Street, New Haven, Conn. 06511, of the operating rights and certain property of BROWN'S CONNECTICUT AIRPORT SERVICE, INC., Eastbound Railroad Street, Stamford, Conn. 06902, and for acquisition by EDWARD DiLAURO, JR., 855 Prospect Street, Hamden, Conn., of control of such rights and property through the purchase. Applicant's attorney: Palmer S. McGee, Jr., 1 Constitution Plaza, Hartford, Conn. Operating rights sought to be transferred: Passengers and their baggage, and pets, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations, as a *common carrier*, over irregular routes, between Westport, Darien, New Canaan, Stamford, and Greenwich, Conn., on the one hand, and, on the other, La Guardia Airport and Kennedy International Airport, New York, N.Y., with restriction; and in pending docket No. MC-124372 Sub-No. 10, seeking a certificate of public convenience and necessity, covering the transportation of passengers and their baggage and pets, in the same vehicle with passengers, as a common carrier, over regular routes, (1) between East Haven, Conn., and La Guardia Airport, New York, N.Y., and Kennedy International Airport, New York, N.Y., from East Haven over Interstate Highway 95 to New York, N.Y., thence over city streets, highways and other passageways to La Guardia Airport and Kennedy International Airport and return over the same route, serving certain intermediate points in Connecticut, and the junction of Hutchinson River Parkway and Bruckner Boulevard. Interchange at New York, N.Y., for interline or connecting line service and to and from Newark Airport, Newark, N.J.; and (2) between New Canaan, Conn., and junction Connecticut Highway 29 and Interstate Highway 95; from New Canaan over city streets and highways to Connecticut Highway 29, thence over Connecticut Highway 29 to junction Interstate Highway 95 and return over the same route, serving no intermediate points, for tacking with (1) above. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 66-13407; Filed, Dec. 13, 1966; 8:48 a.m.]

[Notice 1003]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 9, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 113624 (Sub-No. 30) (Amendment), filed May 19, 1966, published in the FEDERAL REGISTER issue of June 23, 1966, amended November 25, 1966, and republished as amended, this issue. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's representative: Martin F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, acids and chemicals*, in bulk and in bags, from points in Woodbury County, Iowa, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to change the origin point, to broaden the authority sought.

HEARING: January 23, 1967, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

No. MC 115331 (Sub-No. 206) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 25, 1966, amended November 29, 1966, and republished as amended, this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Illinois, Wisconsin, Minnesota, and Iowa. NOTE: The purpose of this republication is to (1) add Dakota County, Nebr., to the origin territory, and (2) reflect the hearing information.

HEARING: January 23, 1967, at the Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Parks M. Low.

By the Commission.

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

[F.R. Doc. 66-13408; Filed, Dec. 13, 1966; 8:48 a.m.]

[Notice 302]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 9, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 10345 (Sub-No. 83 TA), filed December 7, 1966. Applicant: C&J COMMERCIAL DRIVEAWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. 48910. Applicant's representative: Douglas Bettis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *New automobiles*, in secondary movements, in truckaway service, from Pittsburgh, Pa., and its commercial zone (including Pitcairn in Allegheny County, Pa.) to points in Pennsylvania, Ohio, West Virginia, and Frostburg and Cumberland, Md., restricted to new automobiles manufactured at plants of General Motors Corp. and to automobiles that have had immediately prior movement by rail, for 180 days. Supporting shipper: Oldsmobile Division of General Motors Corp., 920 Townsend Street, Lansing, Mich. Send protests to: District Supervisor Flemming, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 74857 (Sub-No. 23 TA), filed December 7, 1966. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Donald E. Fuller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Salt, in dump vehicles*, from Cincinnati, Ohio, to points in Blackford, Boone, Delaware, Grant, Hamilton, Hendricks, Howard, Jay, Madison, Randolph, and Tipton Counties, Ind., for 180 days. Supporting shippers: Cargill, Inc., Post Office Box 4072, 3335 Southside Avenue, Cincinnati, Ohio 45204. Diamond Crystal Salt Co., St. Clair, Mich. 48079. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 114364 (Sub-No. 131 TA), filed December 7, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Grape juice*, in bulk, in sealed tanks, from Grandview, Wash., to Oklahoma City, Okla., for 150 days. Supporting shipper: Clements Foods Co., R. J. Clements, Chairman, Post Office Box 14158, 6601 North Harvey, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 117765 (Sub-No. 55 TA), filed December 7, 1966. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern Avenue, Oklahoma City, Okla. Applicant's representative: R. E. Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Beverages*, carbonated and noncarbonated, in containers, from points in Muskogee County, Okla., to points in Louisiana, for 180 days. Supporting shipper: Wagner Industries, Inc., 1331 South 55th Court, Cicero, Ill. 60650. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC–124813 (Sub-No. 33 TA), filed December 7, 1966. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Feed ingredients*, dry, in bags and in bulk, from Lake Crystal, Minn. and points within 5 miles thereof, to points in Iowa, for 180 days. Supporting shipper: Industrial Molasses Corp., 7100 France Avenue South, Minneapolis, Minn. 55410. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

By the Commission.

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

[F.R. Doc. 66–13409; Filed, Dec. 13, 1966; 8:48 a.m.]

[Notice 425]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 9, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3598 (Deviation No. 8), WOOSTER EXPRESS, INC., Post Office Box 1469, Hartford, Conn. 06101, filed November 29, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to Newark, N.J., thence over the New Jersey Turnpike to junction New Jersey Highway 38, thence over New Jersey Highway 38 to Camden, N.J., thence across the Delaware River to Philadelphia, Pa., and (2) from New York, N.Y., over U.S. Highway 1 to Newark, N.J., thence over the New Jersey Turnpike to junction New Jersey Highway 38, thence over New Jersey Highway 38 to junction Interstate Highway 295, thence over Interstate Highway 295 to Camden, N.J., thence across the Delaware River to Philadelphia, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa., and (2) from New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 130 (formerly New Jersey Highway 25), thence over U.S. Highway 130 to Camden, N.J., thence across the Delaware River to Philadelphia, Pa., and return over the same routes.

No. MC 4963 (Deviation No. 19), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, filed November 29, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Spring City, Pa., over unnumbered highway to Trappe, Pa., thence over U.S. Highway 422 to Collegeville, Pa., thence over Alternate U.S. Highway 422 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U.S. Highway 22, and (2) from Spring City, Pa., over unnumbered highway to Trappe, Pa., thence over U.S. Highway 422 to Collegeville, Pa., thence over Alternate U.S. Highway 422 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction U.S. Highway 263, at or near Lahaska, Pa., thence over Pennsylvania Highway 263 to the Pennsylvania-New Jersey State line, thence across the Delaware River to Stockton, N.J., thence over New Jersey Highway 519 to Lambertville, N.J., thence over U.S. Highway 202 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U.S. Highway 22, and return over the same routes, for operating convenience only. The notice

indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Spring City, Pa., over unnumbered highway to junction Pennsylvania Highway 83, thence over Pennsylvania Highway 83 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to Hereford, Pa., thence over Pennsylvania Highway 29 to junction U.S. Highway 22, at or near Allentown, Pa., thence over U.S. Highway 22 to junction Alternate U.S. Highway 22, thence over Alternate U.S. Highway 22 via Phillipsburg, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22), thence over unnumbered highway via Bloomsburg, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 via Clinton, N.J., to junction unnumbered highway (formerly U.S. Highway 22) just west of Annandale, N.J., thence over unnumbered highways an old alinement of U.S. Highway 22 via Annandale, Lebanon, Potterstown, Whitehouse, and North Branch, N.J., to junction New Jersey Highway 28 (formerly U.S. Highway 22), and return over the same route.

No. MC 10875 (Deviation No. 14), BRANCH MOTOR EXPRESS CO., 114 Fifth Avenue, New York, N.Y. 10011, filed December 1, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Leicester, N.Y., over New York Highway 36 to junction New York Highway 5 at Caledonia, N.Y., thence over New York Highway 5 to Batavia, N.Y., thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Leicester, N.Y., over Alternate U.S. Highway 20 to East Aurora, N.Y., thence over New York Highway 16 to Buffalo, N.Y., and return over the same route.

No. MC 60012 (Deviation No. 1), RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221, filed November 29, 1966. Carrier's representative: Warren D. Braucher, 1531 Stout Street, Post Office Box 5482, Denver, Colo. 80217. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Heber, Utah, over U.S. Highway 40 to Craig, Colo., thence over Colorado Highway 13 to Rifle, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Denver, Colo., over U.S. Highway 6 to Wheeler, Colo., thence over Colorado Highway 91 to Leadville, Colo., thence over U.S. Highway 24 to Grand Junction, Colo., (2) from Wheeler, Colo., over U.S. Highway 6 to Dowds, Colo., (3) from Provo, Utah, over U.S. Highway 189 to Heber, Utah, (4) from Salt Lake City, Utah, over U.S. Highway 91 via Springville, Utah, to Spanish Fork, Utah, thence over U.S. Highway 6 to Price, Utah, and (5) from Price, Utah, over U.S. Highway 50 to Grand Junction, Colo., and return over the same routes.

No. MC 76032 (Deviation No. 16), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed December 1, 1966. Carrier's representative: Ken Wolford (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to St. Louis, Mo., thence over Interstate Highway 70 to junction Interstate Highway 465 at Indianapolis, Ind., thence over access streets and highways to Interstate Highway 69, thence over Interstate Highway 69 to Fort Wayne, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over Alternate U.S. Highway 30 to Sterling, Ill., thence over Illinois Highway 2 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 24, thence over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Cameron, Mo., thence over U.S. Highway 69 to Kansas City, Mo., thence over U.S. Highway 40 to Denver, Colo., and (2) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to Valparaiso, Ind., thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind. (also from Chicago over U.S. Highway 20 to Elkhart), thence over U.S. Highway 33 to Fort Wayne, Ind., and return over the same routes.

No. MC 103435 (Deviation No. 12), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. 57701, filed November 29, 1966. Carrier's representative: Maurice Andren (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nebraska City, Nebr., over U.S. Highway 75 to junction Interstate Highway 70 at Topeka, Kans., thence over Interstate Highway 70 to Kansas City, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Joseph, Mo., over U.S. Highway 71 to junction U.S. Highway 136, thence over U.S. Highway 136 to Tarkio, Mo., (2) from St. Joseph, Mo., over U.S. Highway 59 to Tarkio, Mo., (3) from Westboro, Mo., over Atchison County Highway C to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Iowa Highway 2, thence over Iowa Highway 2 to the Missouri River, thence across the Missouri River to Nebraska City, Nebr., thence over U.S. Highway 75 to Omaha, Nebr., and return from Omaha over U.S. Highway 75 to Nebraska City, Nebr., thence across the Missouri River to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 59, thence over U.S. Highway 59 to Fairfax, Mo., thence return over U.S. Highway 59 to junction Atchison County Highway C, thence over Atchison County Highway C to Westboro, Mo., (4) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Kansas City, Kans., and (5) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to Cameron, Mo., thence over U.S. Highway 36 to St. Joseph, Mo., and return over the same routes.

No. MC 103435 (Deviation No. 13), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. 57701, filed November 29, 1966. Carrier's representative: Maurice Andren (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Omaha, Nebr., and Kansas City, Kans.-Mo., commercial zone, over Interstate Highway 29, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Joseph, Mo., over U.S. Highway 71 to junction U.S. Highway 136, thence over U.S. Highway 136 to Tarkio, Mo., (2) from St. Joseph, Mo., over U.S. Highway 59 to Tarkio, Mo., (3) from Westboro, Mo., over Atchison County Highway C to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Iowa Highway 2, thence over Iowa Highway 2 to the Missouri River, thence across the Missouri River to Nebraska City, Nebr., thence over U.S. Highway 75 to Omaha, Nebr., and return from Omaha over U.S. Highway 75 to Nebraska City, Nebr., thence across the Missouri River to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 59, thence over U.S. Highway 59 to Fairfax, Mo., thence return over U.S. Highway 59 to junction Atchison County Highway C, thence over Atchison County Highway C to Westboro, Mo., (4) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Kansas City, Kans., and (5) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to Cameron, Mo., thence over U.S. Highway 36 to St. Joseph, Mo., and return over the same routes.

No. MC 103435 (Deviation No. 14), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. 57701, filed December 1, 1966. Carrier's representative: Maurice Andren (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation

route as follows: From Nebraska City, Nebr., over U.S. Highway 75 to junction Interstate Highway 70 at Topeka, Kans., thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Joseph, Mo., over U.S. Highway 71 to junction U.S. Highway 136, thence over U.S. Highway 136 to Tarkio, Mo., (2) from St. Joseph, Mo., over U.S. Highway 59 to Tarkio, Mo., (3) from Westboro, Mo., over Atchison County Highway C to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Iowa Highway 2, thence over Iowa Highway 2 to the Missouri River, thence across the Missouri River to Nebraska City, Nebr., thence over U.S. Highway 75 to Omaha, Nebr., and return from Omaha over U.S. Highway 75 to Nebraska City, Nebr., thence across the Missouri River to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 59, thence over U.S. Highway 59 to Fairfax, Mo., thence return over U.S. Highway 59 to junction Atchison County Highway C, thence over Atchison County Highway C to Westboro, Mo., (4) from Langdon, Mo., over Atchison County Highway E to junction Missouri Highway 111, thence over Missouri Highway 111 to Rock Port, Mo., (5) from Princeton, Mo., over U.S. Highway 65 to Chillicothe, Mo., thence over U.S. Highway 36 to Hannibal, Mo., thence over U.S. Highway 61 to Wentzville, Mo., thence over Alternate U.S. Highway 40 to East St. Louis, Ill., (6) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Kansas City, Mo., and (7) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to Cameron, Mo., thence over U.S. Highway 36 to St. Joseph, Mo., and return over the same routes.

No. MC 103435 (Deviation No. 15), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. 57701, filed December 1, 1966. Carrier's representative: Maurice Andren (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Kansas City, Mo., and St. Louis, Mo., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Princeton, Mo., over U.S. Highway 65 to Chillicothe, Mo., thence over U.S. Highway 36 to Hannibal, Mo., thence over U.S. Highway 61 to Wentzville, Mo., thence over Alternate U.S. Highway 40 to East St. Louis, Ill., (2) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Kansas City, Kans., and (3) from Princeton, Mo., over U.S. Highway 65 to Trenton, Mo., thence over Missouri Highway 6 to Cameron, Mo., thence over U.S. Highway 36 to St. Joseph, Mo., and return over the same routes.

No. MC 109533 (Deviation No. 2), OVERNITE TRANSPORTATION COMPANY, Post Office Box 1216, Richmond, Va. 23209, filed December 1, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Richmond, Va., and Fayetteville, N.C., over Interstate Highway 95 and/or U.S. Highway 301, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Richmond, Va., over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, N.C., thence over U.S. Highway 70 to Highway Point, N.C., thence over U.S. Highway 331 to Winston-Salem, N.C., and (2) from Raleigh, N.C., over U.S. Highway 401 to Fayetteville, N.C., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 344) (Cancels Deviation No. 284), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed November 29, 1966. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 5 and unnumbered highway (Blaine, Wash.), over Interstate Highway 5 to junction unnumbered highway (Ferndale Road), (2) from junction Interstate Highway 5 and unnumbered highway (Everett, Wash.), over Interstate Highway 5 to Seattle, Wash., and (3) from Bellingham, Wash., over Interstate Highway 5 to Burlington, Wash., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the international boundary over Interstate Highway 5 to Blaine, Wash., thence over unnumbered highway to junction U.S. Highway 99 (Ferndale Road), thence over U.S. Highway 99 to Bellingham, Wash., thence over unnumbered highway to junction U.S. Highway 99 (North Burlington Junction), thence over U.S. Highway 99 to Everett, Wash, thence over unnumbered highway to Seattle, Wash., and return over the same route.

No. MC 1515 (Deviation No. 345) (Cancels Deviation No. 283), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed November 29, 1966. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Washington Highway 904 and Interstate Highway 90 (Tyler, Wash.), over Interstate Highway 90 to junction Washington Highway 904 (Four Lakes Interchange), and (2) from junction unnumbered highway and Interstate Highway 90 (Thorpe Road Junction), over Interstate Highway 90 to Spokane, Wash., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction Interstate Highway 90 and Washington Highway 281 (South Quincy Junction), over Interstate Highway 90 to junction U.S. Highway 10 (Warden Road Junction), thence over U.S. Highway 10 to junction U.S. Highway 395 and Interstate Highway 90 (Ritzville Junction), thence over Interstate Highway 90 to junction U.S. Highway 10 (Tokio Junction), thence over combined U.S. Highways 10 and 395 to junction Interstate Highway 90 (Fishtrap), thence over Interstate Highway 90 (Four Lakes Interchange), thence over Interstate Highway 90 to junction unnumbered highway (Thorpe Road Junction), thence over unnumbered highway to Spokane, Wash., and return over the same route.

No. MC 1515 (Deviation No. 346), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed November 29, 1966. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Orcutt, Calif., over California Highway 135 to junction California Highway 1, thence over California Highway 1 to junction unnumbered highway (Vandenberg Junction), thence over unnumbered highway to San Antonio Creek Junction, Calif., and (2) from Orcutt, Calif., over California Highway 135 to junction California Highway 1, thence over California Highway 1 to Harriston Station, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction unnumbered highway and California Highway 135 (Orcutt Junction), over California Highway 135 to junction unnumbered highway, thence over unnumbered highway via Harriston Station and Vandenberg Air Force Base main gate to junction Calfiornia Highway 1 north of Lompoc (Buellton Junction), thence over

California Highway 1 to Las Cruces, Calif., and return over the same route.

By the Commission.

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

[F.R. Doc. 66-13410; Filed, Dec. 13, 1966; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 9, 1966.

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

State docket No. 15861, filed December 2, 1966. Applicant: CUMMINGS TRUCKING COMPANY, INC., 1321 Seventh Avenue North, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except commodities in bulk, between Birmingham, Ala., and points within 15 miles thereof, on the one hand, and on the other hand, the plantsite of Gulf States Paper Co., located approximately 10 miles west of Demopolis, Ala. Both intrastate and interstate authority sought.

HEARING: Interested parties should contact Secretary, Alabama Public Service Commission, Post Office Box 991, 702 State Office Building, Montgomery, Ala. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Alabama Public Service Commission, Post Office Box 991, 702 State Office Building, Montgomery, Ala., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 66-13411; Filed, Dec. 13, 1966; 8:48 a.m.]

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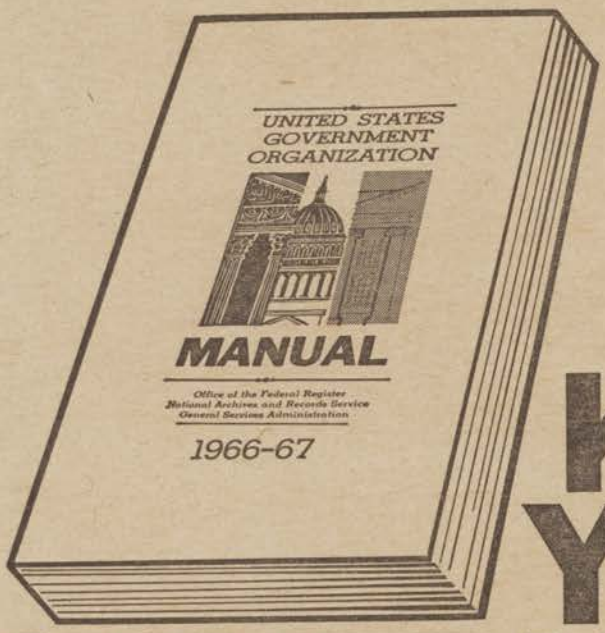

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