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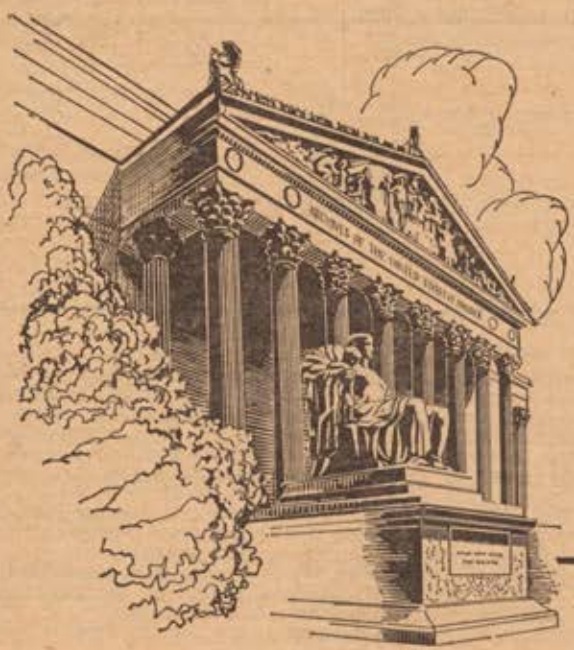

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SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Determination and Announcement With Respect to Grade N_2 Flue-Cured Tobacco and Other Grades of Flue-Cured Tobacco Not Eligible for Price Support

§ 724.34v Basis and purpose.

(a) Section 724.34w is issued under the Agricultural Adjustment Act of 1938, as amended, particularly by Public Law 89–12 (79 Stat. 66), approved April 16, 1965 (7 U.S.C. 1281 et seq.), to announce the determination that no action will be taken pursuant to the proviso in paragraph (1) of subsection (g) of section 317 of the Act with respect to flue-cured tobacco of the 1965 crop for the 1965–66 marketing year.

(b) Notice that the Secretary was preparing to make certain determinations under Public Law 89–12 was published in the FEDERAL REGISTER on April 21, 1965 (30 F.R. 5641–5643). This notice did not specifically cover the determination made herein but in response thereto 39 letters were received regarding the proviso in paragraph (g)(1). All of these comments except one were opposed to the Secretary taking any action under the proviso. The determinations made pursuant to the notice were published in the FEDERAL REGISTER of May 1, 1965 (30 F.R. 6144–6146), and in the Basis and Purpose section of such determinations it was stated that no determination was being made with respect to the proviso at that time, since no marketing experience under the acreage-poundage program was then available. Since that time numerous requests have been received by the Department to make either an affirmative or a negative determination under the proviso so that all flue-cured tobacco farmers could adjust their harvesting and market preparation of the 1965 crop with knowledge as to whether N_2 and other grades of tobacco not eligible for price support would be exempted from marketing restrictions under Public Law 89–12. The harvesting of flue-cured tobacco has begun in the southern part of the flue-cured area. It is determined now that enough information is available to make a determination under the proviso even though no marketings have been made under the acreage-poundage program. It is hereby determined that because of the facts existing with respect to the harvesting of flue-cured tobacco of the 1965 crop compliance with the notice, public procedure requirements, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable, unnecessary, and contrary to the public interest, and this determination shall be effective upon publication in the FEDERAL REGISTER.

(c) The proviso in paragraph (g)(1) of Public Law 89–12 relating to acreage-poundage quotas for tobacco reads as follows:

> * * * *Provided, however,* If the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N_2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco in a marketing year without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced.

The flue-cured tobacco supply in the aggregate is far in excess of consumption requirements (30 F.R. 6144–6146). Table 1, attached as Exhibit A, shows the sales of N_2 and No-grade tobacco by years with averages for the period 1955–64 compared with total producer sales of all grades of flue-cured tobacco. These tobaccos were graded N_2, or were designated as No-grade because they failed to meet the criteria for classification into any grade eligible to receive price support. Tobacco in these categories typically has sold at prices ranging down from mandatory levels established at the lower end of the loan rate schedule, and N_2 and No-grade tobaccos compete with price-supported grades, principally those making up the lower end of the loan rate schedule. Above normal quantities of N_2 and No-grade tobacco that are purchased, and which displace the lower priced grades receiving mandatory price support, impose an unwarranted burden on the price support program.

The 1963 and 1964 crop marketings were not only very large, but were characterized by an unusually large proportion of N_2 and No-grade tobacco. The quantity of flue-cured tobacco in these categories in 1960–62 marketings averaged 64 million pounds; in 1963, however, the N_2 and No-grade categories jumped to 95 million pounds, and in 1964 rose further to about 116 million pounds. Stated another way, annual marketings of N_2 and No-grade tobacco during the last 2 years averaged more than 41 million pounds larger than the average of the preceding 3 years (1960–62). These disproportionately large marketings of N_2 and No-grade flue-cured in the past 2 years imply that above-normal quantities of tobacco in these categories are now a part of stocks holdings, since, customarily, tobacco must be aged about 2 years or longer before being used in manufactured products. Quarterly data collected on stocks held by dealers and manufacturers are not reported by grades or detailed categories. However, an appraisal of the data on flue-cured tobacco holdings of some segments of the trade particularly interested in flue-cured tobacco falling in the lower price ranges, shows that their holdings on April 1, 1964, were 41 percent higher, and by April 1, 1965, were 80 percent higher, than the 1961–63 average for the April 1 date.

It is anticipated that a substantial quantity of N_2 and No-grade tobacco will be marketed from the 1965 crop since many producers did not increase their tobacco acreage to the maximum extent permitted under the acreage-poundage program and will therefore choose to market all or most of their actual production in order to fill their poundage quota. The already existing and anticipated supply of N_2 and No-grade tobacco is considered to be fully adequate. Thus, it is not deemed desirable to encourage the marketing of grade N_2 tobacco, or any grade of tobacco not eligible for price support, of the 1965 flue-cured crop in order to meet the normal demands of export and domestic markets by authorizing the marketing of such tobacco in the 1965–66 marketing year without the payment of penalty or deduction from subsequent quotas for the farms on which the tobacco was produced, which would otherwise be required. In addition to the adequate supplies of N_2 and No-grade tobacco, about 40 million pounds of lower grades of price-supported flue-cured tobacco are available in the inventory of the flue-cured tobacco of the Flue-Cured Tobacco Cooperative Stabilization Corporation. These tobaccos consist of groups of grades for which the 1964 support price loan rate was less than 40 cents per pound and for most grades was well under 40 cents per pound. These grades are competitive on a price basis with nonsupported N_2 and No-grade tobacco.

§ 724.34w Determination.

It is determined that it is not desirable to encourage the marketing of grade N_2 tobacco, or any grade of tobacco not eligible for price support, of the 1965 flue-cured crop in the marketing year 1965–66 in order to meet the normal demands of export and domestic markets. Therefore no authorization will be issued permitting the marketing of such tobacco in the 1965–66 marketing year without the payment of penalty or deduction from subsequent quotas for the farms on which such tobacco was produced which would be required in the absence of the issuance of such an authorization.

(Secs. 317, 375, 52 Stat. 66, as amended, 79 Stat. 66; 7 U.S.C. 1314c, 1375, Public Law 89–12, approved Apr. 16, 1965)

Effective date. Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 22d day of June 1965.

JOHN A. SCHNITTKER,
Under Secretary.

EXHIBIT A

TABLE 1—ESTIMATED SALES OF N_1 AND NO-GRADE FLUE-CURED TOBACCO—TYPES 11-14 [1] 1955-64 CROPS

Crop	N_1 1,000 pounds	No-grade 1,000 pounds	Total N_1+ No-grade 1,000 pounds	Producers' sales all grades 1,000 pounds	Percent total N_1+ No-grade sales
1955	19,812	38,899	58,711	1,478,522	3.97
1956	26,158	17,571	43,729	1,421,615	3.08
1957	19,454	9,182	28,636	972,701	2.94
1958	30,486	6,944	37,430	1,079,903	3.47
1959	57,181	11,802	68,983	1,076,853	6.41
1960	54,791	10,302	65,093	1,247,223	5.22
1961	38,417	12,652	51,069	1,248,932	4.09
1962	64,316	11,132	75,448	1,400,306	5.39
1963	74,088	20,435	94,523	1,304,175	6.93
1964	81,686	34,086	115,772	1,378,892	8.40
Average (1955-59)	30,618	16,880	47,498	1,205,919	3.94
Average (1955-64)	46,639	17,300	63,939	1,266,912	5.05
Average (1960-62)	52,507	11,362	63,869	1,298,807	4.92
Average (1963-64)	77,887	27,261	105,148	1,371,534	7.67

[1] Based on weighted percentage of market news sample.

[F.R. Doc. 65-6703; Filed, June 24, 1965; 8:49 a.m.]

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

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, 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 recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limited the grade, size, and quality of such potatoes will tend to effectuate the declared policy of the act and thereby maintaining orderly marketing conditions and tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) producers and handlers have operated under the marketing order program since 1948; (2) the section establishes the same grade, size, quality, and maturity regulations which were made effective July 1, 1964, at the beginning of last season; (3) regulations (§ 945.323) are in effect at this time which would otherwise continue until July 17, 1965; (4) information regarding the Committee's recommendation has been disseminated to producers and handlers in the production area, and (5) to maximize benefits to growers of the 1965 crop Idaho potatoes by making this section effective as of July 1, 1965.

Order. The provisions of § 945.323 (7 CFR 945.323) are hereby terminated as of the effective time of § 945.324.

§ 945.324 Limitation of shipments.

During the period from July 1, 1965, through June 30, 1966, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade.*—All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties.* 1⅞ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(iii) *All varieties.* Size B if U.S. No. 1, or better grade.

(3) *Cleanliness*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;
(ii) Charity;
(iii) Starch;
(iv) Canning or freezing;
(v) Dehydration;
(vi) Experimentation.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility, grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Pay assessments on such shipment, except shipments for canning or freezing;

(3) Have each shipment inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any

portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540—51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421—52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e-1 of the Act and § 980.1, *Import regulations* (§ 980.1 of this chapter), Irish potatoes imported into the United States during the period July 1 through September 30, 1965, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section. From October 1, 1965, through June 30, 1966, imports of long varieties of potatoes shall meet the grade, size, quality, and maturity requirements applicable to long varieties specified in paragraphs (a) and (b) of this section.

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

Dated: June 22, 1965.

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

[F.R. Doc. 65-6704; Filed, June 24, 1965; 8:49 a.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

[Amdt. 1]

PART 1600—GENERAL INFORMATION AND DEFINITIONS

Definitions

Part 1600 of the regulations governing the Food Stamp Program, as revised and reissued in 30 F.R. 4315, April 2, 1965, is amended as follows:

Section 1600.2 is amended to read as follows:

§ 1600.2 Definitions.

For the purpose of this chapter, the term:

(a) "Application form" means C&MS forms "Retailer Application for Authorization to Participate in the Food Stamp Program" or "Wholesaler Application for Authorization to Participate in the Food Stamp Program," or both as required by the context.

(b) "Authorization" means the approval by C&MS of retail food stores and wholesale food concerns to participate in the Program.

(c) "Authorization card" means the C&MS form which evidences approval of a retail food store or a wholesale food concern to participate in the Program.

(d) "Bank" means member and nonmember banks of the Federal Reserve System.

(e) "Coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this chapter for the purchase of eligible food.

(f) "C&MS" means the Consumer and Marketing Service of the U.S. Department of Agriculture.

(g) "Coupon allotment" means the total value of coupons issued to a household during each month or other time period not in excess of 1 month.

(h) "Department" means the U.S. Department of Agriculture.

(i) "Eligible food" means any food or food product for human consumption except alcoholic beverages, tobacco, those foods which are identified on the package as being imported, and meat and meat products which are imported.

(j) "Eligible household" means a household that lives in a project area and whose income and resources are determined to be a substantial limiting factor in the attainment of a nutritionally adequate low-cost diet.

(k) "Federal fiscal year" means a period of 12 calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(l) "Federally aided public assistance program" means any of the following programs authorized in the Social Security Act of 1935, as amended: Old-Age Assistance, Aid to Families with Dependent Children, Aid to the Blind, and Aid to the Permanently and Totally Disabled.

(m) "Federal reserve banks" means the 12 Federal Reserve Banks and their 24 branches.

(n) "Firm" means a retail food store or a wholesale food concern.

(o) "Food retailer" means any individual, partnership, corporation or other legal entity owning or operating a retail food store.

(p) "Food wholesaler" means any individual, partnership, corporation or other legal entity owning or operating a wholesale food concern.

(q) "Free coupon(s)" mean(s) that portion of the coupon allotment that is in excess of the amount paid by an eligible household for its coupon allotment.

(r) "Head of the household" means the member of the household in whose name application is made for participation in the Program.

(s) "Household" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. It shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

(t) "Program" means the Food Stamp Program conducted under the Food Stamp Act of 1964 (P.L. 88-525, 78 Stat. 703) and the provisions of this chapter.

(u) "Project area" means the political subdivision within a State which has been approved for participation in the Program by the Department.

(v) "Purchase requirement" means the amount to be paid by an eligible household for its coupon allotment.

(w) "Redemption certificate" means C&MS Forms: "Retail Merchants Food Stamp Program Redemption Certificate"; or "Wholesalers Food Stamp Program Redemption Certificate," or both as required by the context.

(x) "Retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells eligible food to households for home consumption.

(y) "State" means any 1 of the 50 States or the District of Columbia.

(z) "State agency" means the agency of the State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within the State, and, in those States where such assistance programs are operated on a decentralized basis, it includes the counterpart local agencies which administer such assistance programs for the State agency.

(aa) "State issuing agency" means another agency of the State government to which the State agency delegates its statewide administrative responsibilities in connection with the issuance of coupons.

(bb) "Wholesale food concern" means an establishment which sells eligible food to retail food stores for resale to households.

ROY W. LENNARTSON,
Associate Administrator.

Approved: June 21, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-6675; Filed, June 24, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6318; Amdt. 39-92]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Camera and Instrument Corp. Model 5424 ( ) Series Flight Data Recorder

AD 65-5-3 (Amendment 39-38, 30 F.R. 2256), requires the modification of Fairchild Camera and Instrument Corporation Model 5424 ( ) flight data recorders. That airworthiness directive requires the modification to be performed in accordance with Fairchild

Field Service Bulletin No. 159, dated September 1, 1964.

Fairchild has issued a revised service bulletin on this modification. Since compliance with either the original or revised service bulletin is satisfactory, the airworthiness directive is being amended to allow compliance with either bulletin. In addition, the AD is being amended to preclude the need for further amendment of the directive in the event that other FAA-approved revisions are issued in the future.

Since this amendment imposes no additional burden on any person, but is relaxatory in nature, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and good cause exists for making it effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39) is hereby amended by amending Amendment 39–38 (AD 65–5–3, 30 F.R. 2256) as follows:

1. By amending the last paragraph to read:

Replace the front panel assembly with a reinforced front panel assembly and install two stainless steel sideplates in accordance with Fairchild Field Service Bulletin No. 159 dated September 1, 1964, or No. FDR–159 (revised), dated November 24, 1964, or later FAA-approved revision.

This amendment shall become effective June 25, 1965.

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

Issued in Washington, D.C., on June 21, 1965.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–6659; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64–SW–56]

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

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 65–4101, appearing at page 5623, in the issue for Wednesday, April 21, 1965, the following change should be made: In the 45th line of the New Orleans, La., transition area description, the phrase "91°00'00" W." should read "89°18'00" W.".

[Airspace Docket No. 65–CE–76]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the controlled airspace in the Liberal, Kans., terminal area.

Central Airlines has decommissioned their "MH" facility at Liberal, Kans. The associated Special ADF approach procedure which was predicated upon this facility has also been canceled. Therefore, the controlled airspace required for the special ADF approach procedure is no longer needed and is released by this alteration of the Liberal, Kans., control zone and transition area.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure are unnecessary and the amendment may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Liberal, Kans., control zone is amended to read:

LIBERAL, KANS.

Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'30" N., longitude 100°57'30" W.), and within 2 miles each side of the 328°, 025° and 153° radials of the Liberal VOR, extending from the 5-mile radius zone to 8 miles NW, N, and SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17643) the Liberal, Kans., transition area is amended to read:

LIBERAL, KANS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Liberal Municipal Airport (latitude 37°02'30" N., longitude 100°57'30" W.), and within 5 miles NE and 8 miles SW of the 328° radial of the Liberal VOR, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 025° radial of the Liberal VOR, extending from the VOR to 12 miles N, and within 6 miles SW and 9 miles NE of the 153° radial of the Liberal VOR, extending from the VOR to 14 miles SE.

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

Issued in Kansas City, Mo., on June 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–6660; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–80]

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

Designation of Control Zone

On page 1995 of the FEDERAL REGISTER for February 12, 1965, the Federal Aviation Agency published proposed regulations which would designate a control zone over Trumbull Airport, Groton, Conn.

Interested parties were given 30 days after publication in which to submit written data or views. Pilgrim Airlines through a Mr. Joseph M. Fugere, while concurring in the designation of the control zone objected to the inclusion of Elizabeth Airport, Fishers Island, N.Y., because of its hardship effect upon its operation between Elizabeth Airport and Waterford, Conn. Pilgrim Airlines commented that because of the extreme variation in weather conditions between Trumbull Airport and Elizabeth Airport, that operations could be conducted VFR between Elizabeth and Waterford Airports many times when Trumbull Airport was IFR. The AL–5049–VOR–Radial 210 instrument approach procedure is being altered from the 210° to the 216° magnetic radial. This alteration will permit the exclusion of Elizabeth Airport for the proposed Groton, Conn., control zone.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965, except as follows:

Under Item 1, line 10 of the text material delete "196°" and insert in lieu thereof "202°".

Further, delete in the text material on line 15 commencing with the word "including" and all after up to and including the words "Fishers Island, N.Y." on line 17. In the text material after the last sentence add the phrase "and during specific dates and times established in advance by a Notice to Airmen."

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

Issued in Jamaica, N.Y., on June 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a part-time control zone for Groton, Conn., described as follows:

GROTON, CONN.

Within a 4-mile radius of the center 41°-19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Conn.; within 2 miles each side of the Groton VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Groton VOR 126° radial extending from the 4-mile radius zone to 6.5 miles SE of the VOR; within 2 miles each side of the Groton VOR 202° radial extending from the 4-mile radius zone to 6.5 miles S of the VOR and within 2 miles each side of the 216° and 244° bearings from the Groton RBN extending from the 4-mile radius zone to 6.5 miles SW of the RBN. This control zone is effective from 0530 to 2200 hours Monday through Saturday and 0900 to 2200 hours Sunday, local time.

[F.R. Doc. 65–6661; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 65–AL–13]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter and extend Alaskan VOR Federal airway No. 510 from Big Lake,

Alaska, to McGrath, Alaska, via the intersection of the Big Lake 294° T (268° M) and the McGrath 122° T (099° M) radials.

The western terminus of V–510 is near Puntilla Lake, Alaska, where it joins Alaskan VOR Federal airway No. 440. The minimum en route altitude (MEA) on the segment of V–440 W of the intersection of V–510 is 11,000 feet m.s.l. The realignment and extension of V–510 from Big Lake to McGrath via the above-stated intersection permits the reduction of the MEA to 10,000 feet m.s.l. for the portion of the airway W of Puntilla Lake, thereby facilitating the movement of IFR traffic operating between Anchorage, Alaska, and McGrath via Big Lake.

Since this amendment involves a very minor change in the present airspace structure, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.125 (29 F.R. 17546), V–510 is amended to read as follows:

V–510 From McGrath, Alaska, via INT of McGrath 122° and Big Lake, Alaska, 294° radials; Big Lake; to INT of Big Lake 073° radial and Sheep Mountain, Alaska, RBN 343° bearing.

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

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6662; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 63–SW–82]

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

Alteration of Transition Area Designation

On April 27, 1965, Federal Register Document 65–4337 was published in the FEDERAL REGISTER (30 F.R. 5827) which, in part, designated the Mineral Wells, Tex., transition area.

Subsequent to the publication of this rule in the FEDERAL REGISTER, it was discovered that the height of the floor of the Mineral Wells, Tex., transition area had inadvertently been omitted from the description. Accordingly, Federal Register Document 65–4337 is corrected herein.

Since this amendment will impose no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the rule may be retained as initially adopted.

In consideration of the foregoing, paragraph 12 of Federal Register Document No. 65–4337 is amended, effective immediately, to read as follows:

In § 71.181 (29 F.R. 17643) the following transition area is added:

MINERAL WELLS, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.); within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 6-mile radius area to 8 miles SE of the RBN and within 2 miles each side of the Mineral Wells VORTAC 137° radial, extending from the 6-mile radius area to 8 miles SE of the VORTAC.

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

Issued in Fort Worth, Tex., on June 17, 1965.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 65–6663; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–66]

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

Correction to Transition Area Description

On page 6579 of the FEDERAL REGISTER for May 13, 1965, the Federal Aviation Agency published a regulation to designate a 1,200-foot Danville, Va., transition area. It has been determined that a longitude coordinate in the description of the 1,200-foot transition area was in error by approximately 10 seconds. Therefore, the purpose of this correction is to delete the erroneous coordinate and insert in lieu thereof a correct one.

Because the correction is of a clarifying nature the public interest does not require the 30-day notice.

The subject regulation is hereby amended as follows:

1. Under Item 2, second paragraph of the text material delete the coordinate "80°25'20" W.", and insert in lieu thereof, "80°25'10" W.".

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

Issued in Jamaica, N.Y., on June 4, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65–6664; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–75]

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

Designation of Transition Areas

On page 3785 of the FEDERAL REGISTER for March 23, 1965, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Aeroflex-Andover Airport, Andover, N.J., and a 1200-foot floor Andover, N.J., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

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

Issued in Jamaica, N.Y., on June 7, 1965.

W. E. CULLINAN, Jr.,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Andover, N.J., Transition Area described as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°00'09" N., 74°44'00" W. of Aeroflex-Andover Airport, Andover, N.J., and within 5 miles north and 8 miles south of the Stillwater, N.J., VOR 263° radial extending from the VOR to 12 miles west of the VOR effective from sunrise to sunset daily.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

[F.R. Doc. 65–6665; Filed, June 24, 1965; 8:46 a.m.]

[Airspace Docket No. 65–WA–24]

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

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Restricted Area and Alterations of Jet Route, Federal Airways, and Controlled Airspace

On April 30, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6121) stating that the Federal Aviation Agency was considering amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations that would designate a restricted area at Cudjoe Key, Fla., and that would alter pertinent portions of Blue Federal airway No. 19, VOR Federal airways Nos. 3 and 35, Jet Route No. 53 and Control 1408 to reflect the restricted area designation.

Although not proposed in the notice, action is taken herein to delete from the descriptions of VOR Federal airways Nos. 51 and 157 the phrase "The portion outside the United States has no upper limit." Jet Route No. 53 and its associated controlled airspace would overlie these airways outside the continental control area. Since these amendments are editorial in nature, compliance with section 4 of the Administrative Procedure Act is unnecessary.

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

The National Business Aircraft Association, although concurring with the need for the research effort, considers the balloon tether a potential hazard to pilots who may not be aware of the restricted area. Further, it recommended that the cable be marked every 500 feet with streamers for daylight observation and

lights during darkness. Section 101.11 of Part 101 of the Federal Aviation Regulations, concerning moored balloons, kites, and unmanned rockets, exempts persons operating moored balloons within restricted areas from the lighting and marking requirements as set forth in § 101.17. Additionally, a satisfactory method for marking and lighting a balloon tether, such as that to be used in the restricted airspace, has not been developed. Use of existing methods would seriously derogate the primary objective of the research mission. However, the Air Force has stated that it is accelerating research to develop such a method and in the interim have agreed to install a searchlight in the center of the restricted area to be operated during hours of darkness when the area is in use for the purpose designated. A steady light beam, directed upward, will assist pilots in identifying the restricted area. The Federal Aviation Agency considers that the operation of a searchlight will enhance safety by supplementing the designation of the restricted area.

In consideration of the foregoing, Parts 71, 73, and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., August 19, 1965, as herein set forth.

1. In § 71.109 (29 F.R. 17507), B–19 is amended to read as follows:

B–19 From Key West, Fla., RBN, via the INT of the Key West, RBN 039° and the Perrine, Fla., RBN 232° bearings; to Perrine RBN.

2. Section 71.123 (29 F.R. 17509, 30 F.R. 6241) is amended as follows:

a. In V–3, "INT of Key West 078° and Miami, Fla., 205° radials;" is deleted and "INT of Yey West 085° and Miami, Fla., 205° radials;" is substituted therefor.

b. In V–35 "INT of Key West 078° and Miami, Fla., 153° radials;" is deleted and "INT of Key West 085° and Bimini, Bahama, 216° radials; INT of Bimini 216° and Miami, Fla., 153° radials;" is substituted therefor.

c. In V–51 "The portion outside the United States has no upper limit." is deleted.

d. In V–157 "The portion outside the United States has no upper limit." is deleted.

3. Section 71.161 (29 F.R. 17552) is amended by adding Jet Route No. 53 as follows:

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

4. In § 71.163 (29 F.R. 17552) Control 1408 is amended by adding to the text "The airspace within R–2916 is excluded."

5. Section 73.29 (29 F.R. 17739) is amended by adding Restricted Area R–2916 as follows:

R–2916 CUDJOE KEY, FLA.

Boundaries: A circular area 4 statute miles in diameter centered at latitude 24°42'01" N., longitude 81°30'30" W.

Designated altitudes: Surface to 14,000 feet m.s.l.

Time of designation: Continuous.

Using agency: U.S. Air Force Cambridge Laboratory, Office of Aerospace Research, U.S. Air Force, L. G. Hanscom Field, Bedford, Mass.

6. In § 75.100 (29 F.R. 17776) Jet Route No. 53 is amended by deleting everything before "West Palm Beach, Fla.;" and substituting therefor "From Key West, Fla., via Miami, Fla.;" and adding at end of text "The portion within Canada is excluded."

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510 and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on June 18, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65–6666; Filed, June 24, 1965; 8:46 a.m.]

[Airspace Docket No. 65–SW–16]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to delete the Crown Point, N. Mex., VOR from the description of Jet Route No. 76.

Jet Route No. 76 presently is designated, in part, from the Tuba City, Ariz., VORTAC, via the Crown Point, N. Mex., VOR, to the Las Vegas, N. Mex., VORTAC. The Federal Aviation Agency plans to decommission the Crown Point VOR as a phase in the improvement of the jet route structure in this area. Therefore, action is taken herein to delete this facility from the description of J–76.

Since the alteration and alignment of J–76 resulting from the deletion of the Crown Point VOR from the description of the route is very negligible, the amendment is minor in nature and notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), J–76 is amended as follows:

In the text of Jet Route No. 76 "Tuba City, Ariz., Crown Point, N. Mex.;" is deleted and "Tuba City, Ariz.;" is substituted therefor.

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

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6667; Filed, June 24, 1965; 8:46 a.m.]

[Airspace Docket No. 65–WA–39]

PART 75—ESTABLISHMENT OF JET ROUTES

Alterations of Jet Route Descriptions

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to make editorial changes in the descriptions of segments of Jet Routes Nos. 70 and 93.

Presently J–70 is designated, in part, from the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials (over the site of the Hoquiam, Wash., VOR) via Seattle. J–93 is presently designated, in part, from the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials (over the site of the Newport, Oreg., VOR) via Portland.

On May 27, 1965, a rule was published in the FEDERAL REGISTER (30 F.R. 7099) that established Jet Route No. 19 between Oakland, Calif., and Seattle, Wash., effective July 22, 1965. J–19 will be aligned, in part, from North Bend, Oreg., via Newport, Oreg. to Hoquiam, Wash., J–70 and J–93 are aligned over the Hoquiam and Newport VORs, respectively, but specific references to these facilities are not used in the text of the descriptions. With the designation of J–19, such reference can be made in the descriptions of J–70 and J–93. This will reduce chart clutter and will facilitate the portrayal of these routes on aeronautical charts.

Since these alterations are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

Section 75.100 (29 F.R. 17776) is amended as follows:

1. In the text of J–70 "From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials via Seattle;" is deleted and "From Hoquiam, Wash., via Seattle, Wash.;" is substituted therefor.

2. In the text of J–93, "From the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials via Portland;" is deleted and "From Newport, Oreg., via Portland, Oreg.;" is substituted therefor.

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

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6668; Filed, June 24, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Maneb; Tolerance for Residues

A petition (PP 5F0439) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, requesting the establishment of a tolerance of 45 parts per million for residues of the fungicide

maneb (manganous ethylenebisdithiocarbamate) calculated as zinc ethylenebisdithiocarbamate, in or on sugarbeet tops.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), § 120.110 is amended by adding thereto, in numerical sequence, a new tolerance reading as follows:

§ 120.110 Maneb; tolerances for residues.

* * * * *

45 parts per million in or on sugarbeet tops.

* * * * *

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: June 21, 1965.

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

[F.R. Doc. 65-6699; Filed, June 24, 1965; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In Part 200 in the Table of Contents the pertinent section headings are amended to read as follows:

Sec.
200.81 Data Processing Officer and Deputy.
200.106 Associate Deputy Commissioner for Operations and Deputy; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Multifamily Housing Representatives; Assistant Commissioner for Administration; Director of Personnel and Deputy.

In § 200.77 paragraph (a) is amended to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(a) To be responsible for coordination and general supervision of the Procedures Branch, the Financial Reports Branch, the Accounting Branch, the Data Processing Branch, the Insurance Branch, and the Fiscal Branch.

* * * * *

Section 200.78 is amended to read as follows:

§ 200.78 Accounts Officer and Deputy.

To the position of Accounts Officer, and under his general supervision to the position of Deputy Accounts Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Accounting Branch.

(b) To devise and establish accounting procedures and policies and to maintain official accounting records for all activities of the Administration.

(c) To devise and establish procedures and policies and to maintain official records for all home properties and mortgages held by the Commissioner.

(d) To provide technical advice and guidance to all organizational elements of the Administration in the fields of accounting, including property and mortgage servicing accounting.

(e) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting matters and to collaborate with such departments and agencies in the formation of accounting programs.

(f) To maintain liaison with the Federal National Mortgage Association, its regional offices and servicers, and other Government agencies on matters pertaining to the sale and insurance of Commissioner-held mortgages.

(g) To endorse mortgage notes for insurance and to take any action necessary to consummate the sale of Commissioner-held mortgages to purchasers of such mortgages.

(h) To develop and maintain a program for the fiscal servicing of Commissioner-held home mortgages including the execution of vouchers for expenditures from mortgagors' escrow accounts.

(i) To execute vouchers for payment of taxes on home properties where title is vested in the Commissioner and for payment of excess proceeds to effect final settlement with mortgagees on certificates of claim under provisions of the National Housing Act.

(j) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic policies on accounting and the fiscal servicing of home property and mortgage note accounts.

Section 200.81 is amended to read as follows:

§ 200.81 Data Processing Officer and Deputy.

To the position of Data Processing Officer, and under his general supervision to the position of Deputy Data Processing Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Data Processing Branch.

(b) To devise and establish automatic data processing procedures and policies and to provide an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to feasibility studies, systems design, programing and cost analyzing proposed conversions to such processing.

(c) To provide technical advice and guidance to all organizational elements of the Administration in the field of data processing.

(d) To maintain liaison with the Interagency ADP Committee, the Bureau of the Budget, the General Services Administration, the Office of the Administrator, and other agencies of the Government on data processing matters, and to collaborate with such departments and agencies in the development of data processing programs and policies.

(e) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic data processing policies.

In § 200.106 paragraph (a) is amended to read as follows:

§ 200.106 Associate Deputy Commissioner for Operations and Deputy; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Multifamily Housing Representatives; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.

(a) To the Associate Deputy Commissioner for Operations; Deputy to Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; Multifamily Housing Representatives; the Assistant Commissioner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal Government, or any other oath, required by law in connection with employment therein, such oath to be administered without charge

or fee and to have the same force and effect as oaths administered by officers having seals.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 18, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-6676; Filed, June 24, 1965; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

On page 6523 of the FEDERAL REGISTER of May 12, 1965, there was published a notice of intention to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1966 season.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1966 an assessment of $267,925.86 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 79,488.27 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1966 an assessment of $50,486.27 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,703.81 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1966 an assessment of $21,068.57 for the operation and maintenance of the irrigation system which served that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,812.67 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

NED O. THOMPSON,
Acting Area Director.

[F.R. Doc. 65-6672; Filed, June 24, 1965; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6831]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Interest Equalization Tax

The following amendment to the temporary regulations prescribed under section 4917 of the Internal Revenue Code of 1954, as added by the Interest Equalization Tax Act, approved September 2, 1964 (Pub. Law 88-563), is hereby adopted:

Paragraph (c) of § 147.4-1 is amended to read as follows:

§ 147.4-1 Exclusion for original or new issues where required for international monetary stability.

* * * * *

(c) *Notice of acquisition under Executive Order No. 11175—(1) Manner of filing.* Except as otherwise provided in the instructions accompanying the form, each United States person claiming an exclusion of original or new Canadian stock or debt obligations under section 4917(a) in accordance with Executive Order No. 11175 shall file the notice of acquisition required under this section on Form 3779 with the Commissioner of Internal Revenue (Attention: Treasury, IET), Washington, D.C., 20224, and such notice shall set forth the information required by the form.

(2) *Time of filing—(i) Acquisitions occurring after July 18, 1963, and before June 25, 1965.* The notice of acquisition referred to in paragraph (a) of this section with respect to acquisitions occurring after July 18, 1963, and before June 25, 1965, shall be filed on or before August 2, 1965.

(ii) *Acquisitions occurring on or after June 25, 1965.* The notice of acquisition with respect to acquisitions occurring on or after June 25, 1965, shall be filed not before the date of such acquisition but on or before the last day of the month following the month in which such acquisition occurs.

(3) *Extensions of time.* Extensions of the time within which a notice of acquisition must be filed will be granted for good cause upon request made to the district director (or, if applicable, the Director of International Operations, Washington, D.C., 20225) with whom the acquiring United States person files his income tax return.

Because this Treasury decision provides rules which are procedural in nature, it is hereby found impracticable 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 limitations of section 4(c) of such Act.

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

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: June 23, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6737; Filed, June 24, 1965; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-19—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-19.2—Vending Stands Operated by Blind Persons

Part 101-19 is amended by the addition of the following new Subpart 101-19.2:

Subpart 101-19.2—Vending Stands Operated by Blind Persons

Sec.

AUTHORITY: The provisions of this Subpart 101–19.2, issued under sec. 1, 49 Stat. 1559; 68 Stat. 663; 20 U.S.C. 107.

§ 101–19.200 Scope of subpart.

(a) This subpart contains the regulations assuring the granting of preference to blind persons licensed under the provisions of the Randolph-Sheppard Act (40 Stat. 1559, as amended by 68 Stat. 663, 20 U.S.C. 107) for the operation of vending stands and machines. They are issued after consultation with the Department of Health, Education, and Welfare and approval by the Bureau of the Budget (20 F.R. 2747).

(b) The regulations in this subpart shall apply to Federal property owned, leased, or occupied by the United States over which General Services Administration has control of the maintenance, operation, and protection, except space used by Post Office Department as workrooms, swing rooms, and locker rooms. Vending machines and stands in these rooms are governed by regulations issued by the Post Office Department.

§ 101–19.201 Administration policy.

Blind persons licensed by State licensing agencies designated by the Secretary of Health, Education, and Welfare, under the provisions of the Randolph-Sheppard Act, shall be given preference in the operation of vending stands and/or machines on any General Services Administration controlled property in which vending stands and/or machines may be properly and satisfactorily operated by such persons without unduly inconveniencing the General Services Administration or adversely affecting the interests of the United States.

§ 101–19.202 Cooperation in establishing facilities.

(a) The Commissioner, Public Buildings Service, General Services Administration, and his representatives shall cooperate with the Department of Health, Education, and Welfare and designated State licensing agencies in making surveys looking toward the establishment and operation of vending stands by blind persons. In this connection, it is the policy of General Services Administration to approve vending stands in all buildings having a population sufficient to support such a stand, except where the physical limitations of the building or economic factors make the establishment of a stand infeasible.

(b) Consideration shall be given to the inclusion of vending facilities during the planning, design, and construction of new buildings and the alteration of existing buildings. This includes buildings or portions thereof to be leased by or under lease to the Government.

(c) Where it is determined that vending facilities to be operated by the blind may be installed, the State licensing agency shall be so notified and the necessary permit agreed upon and issued.

§ 101–19.203 Leased property.

If stands and/or vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the issuance of a permit.

§ 101–19.204 Application for permits.

Applications shall be made in writing on the appropriate form, submitted to the Buildings Manager, and approved by the Chief, Buildings Management Division of the appropriate General Services Administration regional office.

§ 101–19.205 Terms of permit.

Every permit shall describe the location of the vending stand and vending machines located other than on the stand premises and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency. The State licensing agency shall:

(1) Prescribe such procedures as are necessary to assure that in the selection of operators and employees for vending stands there shall be no discrimination because of race, creed, color, or national origin.

(2) Take the necessary action (i) to assure that operators of vending stands do not discriminate by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any vending stand facility, including any and all services, privileges, accommodations, and activities provided thereby, and (ii) to assure compliance by such operators with Title VI of the Civil Rights Act of 1964 and the regulations of the General Services Administration issued pursuant thereto which are set forth in Subpart 101–6.2 of this chapter and specifically made applicable to the provision of free space and utilities by GSA for vending stands operated by blind persons under section 1 of the Randolph-Sheppard Act (20 U.S.C. 107) by § 101–6.217(k) of this chapter.

(b) The permit shall be for an indefinite term.

(c) No charge shall be made to the State licensing agency for the use of Government furnished space or for maintenance and repair of the building structure in and adjacent to the vending stand areas, including any necessary, initial, and periodical painting and decorating; for utilities required to operate vending stands and vending machines; or, for repairing and replacing floor coverings, and cleaning windows; and, for providing other related building services in accordance with the normal level of building service programs applicable to the Federal property on which the stand is located.

(d) Cleaning, including floor scrubbing and waxing, necessary for sanitation and to maintain vending areas at stands and machines in an orderly condition at all times and other building services not provided under the normal level of building service programs applicable to the property, the installation, maintenance, repair, replacement, servicing, and removal of vending stand equipment; and, additional wiring, electrical, or plumbing connections which may not be provided for in the planning, design, and construction of new buildings and the alteration of existing buildings, shall be without cost to the General Services Administration. (See § 101–19.202(b).)

(e) Items sold at vending stands operated by the blind may consist of newspapers, periodicals, publications, prepackaged confections, tobacco products, articles dispensed automatically or in containers or in wrappings in which they are placed before receipt by the vendor, and such other articles as may be determined by the State licensing agency to be suitable for a particular location and approved by the Chief, Buildings Management Division. Periodicals and publications which have been judicially determined to be patently offensive and appealing to prurient interest shall not be sold.

(f) Vending facilities shall be operated in compliance with applicable local and State health, sanitation, and building codes or ordinances and such standards as may be prescribed by the Chief, Buildings Management Division.

(g) Installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the Chief, Buildings Management Division. Costs of relocations initiated by the State licensing agency shall be paid by the State licensing agency. Costs of relocations initiated by the Chief, Buildings Management Division shall be borne by the General Services Administration.

§ 101–19.206 Protection from competition.

(a) All income from vending machines shall be offered to the State licensing agency operating a vending stand or stands on the same property except the income from vending machines which may be assigned by contract or agreement with others. Such income shall be made available to the licensing agency only for assignment to operators of vending stands on the property (limited to income from those machines which would be in reasonable proximity to a vending stand and would otherwise be in direct competition with such stand), and, for program-wide purposes for which set aside funds may be used, in accordance with section 3(3) of the Randolph-Sheppard Act (20 U.S.C. 107(3)), and the regulations of the Department of Health, Education, and Welfare (45 CFR 403.8), namely:

(1) Maintenance and replacement of equipment;

(2) The purchase of new equipment;

(3) Management services;

(4) Assuring a fair minimum return to operators of vending stands.

(b) Under such conditions and circumstances as are mutually agreed upon between the Regional Administrator, General Services Administration, and the Commissioner of Vocational Rehabilitation, Department of Health, Educa-

tion, and Welfare, and after consultation with the sponsoring Federal agency or agencies, employee welfare and recreational groups may share in the operation of or the income from vending machines to the extent agreed upon by these officials not to exceed 50 percent of the net proceeds. (The term "net proceeds", for the purpose of this subsection is defined as the total commissions which would normally be paid by a vending company, less any amount customarily deposited into the miscellaneous receipts of the Treasury.) In all such cases appropriate reimbursement shall be made to General Services Administration by such employee groups for utility services based on the extent to which they share in the vending machine arrangement. (See Report to the Congress of the United States from the Comptroller General dated March 29, 1963, B–114874.)

(c) On property where a vending stand permit has been approved, agreements assigning income from vending machines to employee welfare and recreational groups, unless otherwise covered by an agreement pursuant to paragraph (b) of this section, shall:

(1) Terminate (in cases where a stand exists);

(2) Not be formed;

(3) Terminate when a vending stand starts operation on the property.

(d) On property where a vending stand permit has been approved.

(1) All arrangements pertaining to the operation of vending stands not provided by contract or by permits issued to designated State licensing agencies shall terminate within 6 months.

(2) Permission to operate vending stands shall be granted only by permits to designated State licensing agencies, or by contract with others, such as a necessary basic food service operation.

§ 101–19.207 Enforcement procedures.

(a) The authorization for the establishment of a vending stand, the regulations and standards of General Services Administration, the State licensing agency, and the Department of Health, Education, and Welfare (45 CFR 403) shall regulate the operation of vending stands and machines.

(b) Ordinarily, day-to-day matters pertaining to the operation of the vending stand shall be resolved by the Buildings Manager with the blind operator of the vending stand and, when appropriate, with the State licensing agency.

(c) Violations of the regulations and standards, and unresolved matters shall be reported in writing by the Chief, Buildings Management Division, General Services Administration to the State licensing agency.

(d) Upon failure to reach agreement on any unresolved matter, the question shall be referred to the appropriate Regional Administrator, General Services Administration, who will consult with the Department of Health, Education, and Welfare, regional office, and the designated State licensing agency.

§ 101–19.208 Review.

(a) If the Regional Administrator and the State licensing agency fail to reach agreement concerning the granting of a permit for a vending stand, the revocation or modification of a permit, the suitability of the stand location, the assignment of vending machine proceeds, the methods of operation of the stand, or other terms of the permit (including articles which may be sold), the State licensing agency shall be allowed the right to appeal such disagreements to the Administrator of General Services, Washington, D.C., 20405.

(b) A full report shall be obtained from the Regional Administrator from whose decision the appeal is being taken.

(c) Designated State licensing agencies shall have the right to present their arguments orally and in writing at each step of review. The Department of Health, Education, and Welfare shall be consulted for general advice on program activities and objectives. A final decision of the Administrator of General Services shall be rendered within 90 days of the filing of the appeal.

(d) Notification of the decision on appeal and the action taken thereon shall be reported to the State licensing agency and to the Department of Health, Education, and Welfare.

§ 101–19.209 Report.

At the end of each fiscal year, the General Services Administration shall report to the Department of Health, Education, and Welfare, the total number of applications for vending stand locations received from State licensing agencies, the number accepted, the number denied, and the number still pending.

Effective date: This subpart shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 19, 1965.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

Approved: June 19, 1965.

CHARLES L. SCHULTZE,
Director, Bureau of the Budget.

[F.R. Doc. 65–6730; Filed, June 24, 1965; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 38, 2d Rev.]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

Resolution or Agreement of the Taxpayer; Correction

In F.R. Doc. 65–5643 appearing in the FEDERAL REGISTER issue of May 29, 1965 (30 F.R. 7215), the "Note" at the end of paragraph (b) of § 287.6 (30 F.R. 7217), should read as follows:

NOTE: The resolutions referred to in this section shall be retained 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer.

JAMES S. DAWSON, JR.,
Secretary.

JUNE 22, 1965.

[F.R. Doc. 65–6707; Filed, June 24, 1965; 8:49 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Further Interpretation of the Shipping Act, 1916

On April 11, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 5041) a further interpretation of the Shipping Act, 1916 (46 CFR 530.5). The purpose of the interpretation was to advise the public that certain types of leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities would not require filing with the Commission under section 15, of the Act.

That section is hereby revoked and the following is substituted therefor:

§ 530.5 Further interpretation of the Shipping Act, 1916.

(a) *Introduction.* Section 1 of the Shipping Act, 1916, provides, in part, that:

> The term "other person subject to this act" means any person not included in the term "common carrier by water", carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

Section 15 of the Shipping Act, 1916, provides, in part:

> That every common carrier by water, or other person subject to this Act, shall file immediately with the Commission a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to this Act, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement * * *

Particular leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities may or may not be subject to section 15. The Federal Maritime Commission issues this interpretation of sections 1 and 15 to assist the public in determining (1) whether such agreements are between "other persons subject to this Act", and (2) whether they fall within the standards of section 15. Where doubt exists, such leases, licenses, assignments, or agreements should be submitted to the Commission for examination.

(b) *When parties to terminal agreements are considered persons subject to the Act.* Any person, firm, company, corporation, or government subdivision providing marine terminal services, or which owns or leases property used as a terminal, in connection with a common carrier by water, including, but not limited to

the following designated categories, is an "other person subject to this Act":

(1) Railroads, who provide terminal facilities for the interchange of waterborne cargo in connection with common carriers by water as defined in section 1 of the Shipping Act, 1916;

(2) Landlords, when not acting merely in the capacity of a lessor of realty, but who maintain some control over lessee's rates or competitive practices either by unilateral action or by mutual agreement;

(3) Carloaders and unloaders, truckloaders and unloaders, when furnishing equipment or labor, except when such person performs service for a terminal operator who publishes a tariff covering such service;

(4) Operators of shipside grain elevators, bulk loaders, tank farms, and lumberyard facilities handling cargo in connection with a common carrier by water;

(5) Stevedores when engaged in performing any of the duties of terminal operators.

(c) *When agreements between persons subject to the Act are required to be filed.* Agreements between persons subject to the Act covering the lease, license, or assignment of terminal facilities are required to be filed when they:

(1) Fix or regulate rates, rules, regulations, or charges by requiring lessee to:

(i) Be competitive with other operators or port areas;

(ii) Conform to rates, rules, or regulations established by lessor or participate in lessor's tariff;

(iii) Submit tariffs for approval by lessor; or

(iv) Assess rates based upon standards set by lessor.

(2) Give or receive special rates, accommodations, or privileges by:

(i) Deviating from established tariff charges through a fixed rental in lieu of tariff rates, or rental payment based on tariff charges with a maximum payment established; or

(ii) Granting the right of first refusal on the lease of additional facilities or property where such lease would limit competition.

(3) Control, regulate, prevent, or destroy competition by:

(i) Granting the right to operate within an area beyond the leased area, to the exclusion of competitors;

(ii) Restricting right of carrier to select his own stevedore; except at general cargo terminals where the lessee provides stevedoring services, and other terminals in the port are available to carriers;

(iii) Excluding certain carriers or classes of carriers from berthing in the port;

(iv) Obligating lessee to discriminate against one carrier or shipper in favor of another; or

(v) Restricting or limiting lessee's right to handle cargo.

(4) Provide for an exclusive, preferential, or cooperative working arrangement by agreeing to pool facilities, labor, or resources for terminal operations.

(5) Provide that earnings or losses received from a marine terminal operation shall be divided between two or more persons subject to the Act; except that rental payments based directly upon the amount of cargo handled will not be considered an apportionment of earnings.

(d) *When terminal agreements are not required to be filed.* Agreements covering the lease, license, or assignment of marine terminal facilities are not subject to section 15, Shipping Act, 1916, when they:

(1) Are between two persons either of whom is not subject to the Act;

(2) Do not include terminal facilities for the handling of cargo or passengers moving in foreign or interstate ocean commerce;

(3) Are not related to terminal facilities which handle, or hold themselves out to handle, common carrier vessels in foreign or interstate ocean commerce;

(4) Cover only lease of space to stevedores for offices and/or for storage of gear, provided that rental for such space is a fixed amount not in excess of $10,000 annually;

(5) Concern routine day-to-day terminal operations involving the temporary assignment of berth, wharf, or pipeline, or the rental of equipment, when provided for in a tariff or by a license or permit form which has been previously been determined to be not subject to section 15;

(6) Concern terminal services, the charges for which appear in a tariff and are available to all applicants on equal terms.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6678; Filed, June 24, 1965; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Sixth Revised S.O. 95; Amdt. 3]

PART 95—CAR SERVICE

Appointment of Refrigerator Car Agent; Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, in Washington, D.C., on the 21st day of June A.D. 1965.

Upon further consideration of Sixth Revised Service Order No. 95 (27 F.R. 6234; 28 F.R. 6510; 29 F.R. 8419) and good cause appearing therefor:

It is ordered, That:

Section 95.95(a) *Appointment of refrigerator car agent* of Sixth Revised Service Order No. 95, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1965.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6685; Filed, June 24, 1965; 8:47 a.m.]

[S.O. 950; Amdt. 3]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad; Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 21st day of June A.D., 1965.

Upon further consideration of Service Order No. 950 (29 F.R. 565, 5757, 18427) and good cause appearing therefor:

It is ordered, That:

Section 95.950 (a) *The Chicago, Burlington & Quincy Railroad authorized to operate over trackage of Union Pacific Railroad* of Service Order No. 950, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1965.

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

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and

by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6686; Filed, June 24, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14229; FCC 65-544]

PART 73—RADIO BROADCAST SERVICES

Fostering Expanded Use of UHF Television Channels

Supplement No. 1 to fourth report and order. 1. On June 4, 1965, the Commission adopted a revised Table of Assignments for UHF television broadcast channels developed through the use of the Commission's electronic computer (FCC 65-504, 30 F.R. 7711, released June 8, 1965). The revised plan was constructed around the framework of existing authorized channels, with the selection of new assignments being made on the basis of the impact on remaining available assignments. Consequently, the channels selected for individual cities differed in most cases from those in the earlier assignment table that was superseded except for those which were retained because of an authorized facility.

2. The Commission did not wish to impose a "freeze" on new UHF construction during the course of this proceeding, and therefore applications were accepted and processed, with some designated for hearing, while the new table was being developed. In the early phases of the development it was possible to adjust the new table to accommodate such formal actions by the Commission. As the new table neared completion it became impractical to adapt to new grants or designations.

3. In the cases of those applications designated for hearing, an effort was made to retain the original channel in the new table. However, the computer was permitted to choose a different channel if such a choice would result in a substantially more efficient over-all assignment plan. Since a different choice was made in many of the cities and in some cases a choice of channels was provided, it is now necessary to specify the channel which is substituted for the channel initially involved in the hearing. Where there is a choice of new channels, the lower available one is specified.

4. Accordingly, the applicants involved in the following hearings are hereby ordered to amend their applications to the extent necessary to specify operation on the channels designated below as substituted for those originally applied for: [1]

Docket No.	City	Applicant	Channel No.	
			Applied for	To be substituted
15213	Houston, Tex.	United Artists Broadcasting, Inc. (BPCT-3166)	23	28
15248	Lorain, Ohio	United Artists Broadcasting, Inc. (BPCT-3168)	31	43
15250	Cleveland, Ohio	The Superior Broadcasting Corp. (BPCT-3243)	65	61
15459	Springfield, Ill.	Midwest Television, Inc. (BPCT-2846)	26	49
15460	Fairfield, Ala.	Symphony Network Association, Inc. (BPCT-3238).	54	21
15461	Homewood, Ala.	William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co. (BPCT-3282).	54	21
15619	Columbus, Ohio	Farragut Television Corp. (BPCT-3319)	40	47
15620	do.	Peoples Broadcasting Corp. (BPCT-3333)	40	47
15668	Chicago, Ill.	Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co. (BPCT-3116).	38	50
15708	do.	Chicago Federation of Labor and Industrial Union Council (BPCT-3439).	38	50
15714	Fort Worth, Tex.	Trinity Broadcasting Co. (BPCT-3172)	20	40
15826	Houston, Tex.	KXYZ Television, Inc. (BPCT-3220)	29	26
15827	do.	Crest Broadcasting Co. (BPCT-3302)	29	26
15856	Anniston, Ala.	William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co. (BPCT-3317).	70	40
15857	do.	Anniston Broadcasting Co. (BPCT-3320)	70	40
15875	Baltimore, Md.	Erway Television Corp. (BPCT-3058)	72	45
15876	do.	Chesapeake Engineering Placement Service, Inc. (BPCT-3479).	72	45
15932	St. Paul, Minn.	Associated Television Corp. (BPCT-3318)	23	29
15933	do.	Dell O. Gustafson, trading as Capitol City Television Co. (BPCT-3428).	23	29

5. *It is further ordered,* That:

(a) The proceedings in the above-listed hearing cases are stayed, until the applicant or applicants involved have given written notice of their intention to amend their applications to specify the new channel listed above; at which time such proceedings shall proceed except as to issues affected by the new assignment and necessity for amendment; [2]

(b) Such written notice shall be received at the Commission on or before July 6, 1965; if not received by that time the application will be dismissed with prejudice;

(c) Amendments to specify the new channel assignments, including all of the new engineering information and specifications required by the changed assignment, shall be filed on or before August 10, 1965; if not filed by that date the application will be dismissed with prejudice.[3]

6. *It is further ordered,* That, for reasons stated in footnote 1, above, effective July 29, 1965, the Table of Television Assignments, § 73.606 of the Commission's rules, is amended to read as follows with respect to the city listed (authority for this change in the rules is contained in sections 4(i), 303 and 307 (b) of the Communications Act of 1934, as amended):

City	*Channel Nos.*
Hagerstown, Md.	49, *55

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

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[4]

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

[F.R. Doc. 65-6690; Filed, June 24, 1965; 8:48 a.m.]

[1] In the case of the substitution at Baltimore, Md., listed below, use of either new Baltimore channel (45 or 63) would involve a slight short spacing with one of the two new Hagerstown assignments, with respect to one of the Baltimore applicants who proposes a transmitter site 8 miles from the center of that city. We have selected Channel 45 as the substitute, and therefore Channel 31 is being deleted at Hagerstown. There are no authorized UHF stations or applications for Hagerstown. An effort will be made to find a replacement channel for that community, which will presently have one commercial and one educational assignment remaining.

[2] The applications as amended will remain in hearing status, the hearings to be limited to those applications now involved. As we have previously held, where one television channel is substituted for another which is the subject of a hearing proceeding, the substituted channel need not be opened to new applicants. Austin A. Harrison, FCC 64-1017, 3 R.R. 2d 847.

In some cases listed above, another new UHF assignment is available in addition to that specified as the substitute. In these situations, where there are competing applicants one applicant may wish to amend to the other channel rather than continuing in the competitive hearing. He may do so, subject to the usual rules concerning amendments and also to meeting required minimum mileage separations, and if so may go through the notification and amendment procedure mentioned on the basis of the other channel rather than the specified channel. Applicants so electing will be removed from hearing status.

[3] Since the amendments involved are required by changes in the Commission's Rules, and in light of the pending rule making proceeding (Docket No. 15881) looking toward noncharge of the usual filing fee in cases where amendment of an application is required by such changes, it is appropriate to waive the fee requirement in these cases, as long as the only changes proposed are those in channel and necessary engineering changes. No fee will be required in these cases. As we have stated previously, we expect grantees of UHF construction permits to proceed diligently and expeditiously to construct their stations. If such diligence appears lacking, we will seriously consider making other use of the channel involved.

[4] Commissioner Cox absent.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

PIPERONYL BUTOXIDE AND PYRETHRINS IN THE OUTER PLY OF MULTIWALL PAPER BAGS

Proposal To Establish Tolerances for Residues

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4H1455) submitted by Fairfield Chemicals, FMC Corporation, Middleport, N.Y., has concluded that certain food additive regulations should be amended and new regulations should be issued to provide for the safe use of piperonyl butoxide and pyrethrins in the outer ply of multiwall paper bags. Based upon information in the petition and other relevant material which show that these chemicals do migrate to the contents of the bag, the Commissioner has concluded that the prior sanction granted for the use of pyrethrins in combination with piperonyl butoxide in outer plies of multiwall bags, on the basis that these substances would not reasonably be expected to migrate to food, should be withdrawn and tolerances should be established for the residues that result. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), it is proposed by the Commissioner that Part 121 be amended as hereinafter indicated.

1. It is proposed to amend Subpart C by adding the following new sections:

§ 121.____ Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects in the outer ply of multiwall paper bags in amounts not exceeding 60 milligrams per square foot. Such treated bags are to be used only for dried feeds that contain 4 percent fat, or less.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on dried feeds which contain 4 percent fat, or less, when present as the result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

§ 121.____ Pyrethrins.

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

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects in the outer ply of multiwall paper bags in amounts not exceeding 6 milligrams per square foot. Such treated bags are to be used only for dried feeds that contain 4 percent fat, or less.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of 1 part per million is established for residues of pyrethrins in or on dried feeds that contain 4 percent fat, or less, when present as the result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

2. It is proposed to revise §§ 121.1074 and 121.1075 in Subpart D to read as follows:

§ 121.1074 Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects:

(1) In cereal grain mills and milled cereal grain products storage areas.

(2) In the outer ply of multiwall paper bags in amounts not exceeding 60 milligrams per square foot. Such treated bags are to be used only for dried foods that contain 4 percent fat, or less.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on:

(1) Milled fractions derived from cereal grains, when present therein as a result of its use in cereal grain mills and milled cereal grain products storage areas.

(2) Dried foods that contain 4 percent fat, or less, when present as a result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

§ 121.1075 Pyrethrins.

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

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects:

(1) In cereal grain mills and milled cereal grain products storage areas.

(2) In the outer ply of multiwall paper bags in amounts not exceeding 6 milligrams per square foot. Such treated bags are to be used only for dried foods that contain 4 percent fat, or less.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of 1 part per million is established for residues of pyrethrins in or on:

(1) Milled fractions derived from cereal grains, when present as a result of its use in cereal grain mills and milled cereal grain products storage areas.

(2) Dried foods that contain 4 percent fat, or less, when present as the result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

3. It is proposed to amend § 121.2001 (h) by deleting the following item:

§ 121.2001 Substances employed in the manufacture of food packaging materials.

* * * * *

(h) * * *

Pyrethrins in combination with piperonyl butoxide in outside plies of multiwall bags.

4. It is proposed to amend Subpart F in the following respects:

a. By deleting from § 121.2571(b) the following item:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

List of Substances	*Limitations*
Pyrethrins in combination with piperonyl butoxide.	In outside plies of multiwall bags.

b. By adding the following new section.

§ 121.____ Piperonyl butoxide and pyrethrins as components of outer ply of multiwall paper bags.

Piperonyl butoxide in combination with pyrethrins may be safely used for insect control in the outer ply of multiwall paper bags that are intended for use in contact with dried feed in compliance with §§ 121.____ and 121.____, or that are intended for use in contact with dried food in compliance with §§ 121.1074 and 121.1075.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with

the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 21, 1965.

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

[F.R. Doc. 65-6700; Filed, June 24, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-WE-39]

FEDERAL AIRWAYS

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish floors on portions of VOR Federal airways Nos. 4, 4 S alternate, 253, 298, 500, and 507.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If the proposals, as set forth above, are adopted, floors would be established on the pertinent airway segments as follows:

1. V-4 from Baker, Oreg., 1,200 feet above the surface (AGL) to 57 nautical miles W of Burley, Idaho, thence 7,500 feet m.s.l. to 39 nautical miles W of Burley, thence 1,200 feet AGL to Burley.

V-4 S alternate from Baker 1,200 feet AGL to Boise, Idaho. The 1,200 feet AGL floor is required for climb to minimum en route altitude and for aeronautical chart legibility. The 7,500 feet m.s.l. segment would provide additional uncontrolled airspace for operations at Gooding Airport, Idaho.

2. V-253 from McCall, Idaho, 9,900 feet m.s.l. to 30 nautical miles N of Boise, thence 1,200 feet AGL to Twin Falls, Idaho. The 1,200 feet AGL segments are required for en route to minimum en route altitudes.

3. V-298 from McCall 9,900 feet m.s.l. for 41 nautical miles E thence 14,500 feet m.s.l. to 47 nautical miles W of DuBoise, Idaho, thence 1,200 feet AGL to 15 nautical miles W of Dunoir, Wyo., thence 13,000 feet m.s.l. to Dunoir. The floor of the segment from 47 nautical miles W of DuBoise to 15 nautical miles W of Dunoir could be established at 500 feet below the minimum en route altitude. However, because of mountainous terrain, crossing altitudes at DuBoise, four minimum en route altitudes and 1,200 feet AGL floors proposed for V-21 and V-257 at DuBoise, a floor of 1,200 feet AGL for this segment of Victor 298 would enhance charting legibility.

4. V-500 from John Day, Oreg., 1,200 feet AGL to 30 nautical miles SE, thence 10,500 feet m.s.l. to 62 nautical miles NW of Boise, thence 1,200 feet AGL to Boise. The 1,200 feet AGL floors are required for climb to the minimum en route altitude.

5. V-507 from Rome, Oreg., 8,500 feet m.s.l. to 31 nautical miles SW of Boise, thence 1,200 feet AGL to Boise. The 1,200 feet AGL floor is required for climb to minimum en route altitudes.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6669; Filed, June 24, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16068; FCC 65-547]

MULTIPLE OWNERSHIP OF TELEVISION BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Sections 73.35(b), 73.240(b), and 73.636(a)(2) of the Commission's rules are generally known as the "concentration of control" rules. These provisions are designed to further two important objectives under the Communications Act: Maximum competition among broadcasters and the greatest possible diversity of programing sources and viewpoints. The rules provide that no license for an AM, FM, or television station will be granted to any party if the grant "would result in a concentration of control" in the particular broadcast service "in a manner inconsistent with public interest, convenience, or necessity." A number of specific factors are to be considered in determining whether there will be a concentration of control contrary to public interest,[1] but such a concentration is in any event deemed to exist if any party has an interest in more than a specified maximum number of stations in each service. For AM and for FM, the maximum number of stations is seven; for television it is also seven, but no more than five television stations may be VHF.

3. The history of Commission concern in this important area goes back over 25 years. The first ownership rule was adopted in 1940, and pertained to FM stations. 5 F.R. 2382. It provided that no person should own or control more than one station except upon a showing that competition would be fostered or a distinct service rendered, and that an undue concentration of control would not result. It further provided that the ownership or control of more than six stations would be considered a concentration of control inconsistent with the public interest. In 1941 a substantially similar rule was adopted for television stations, except that the maximum number of stations was limited to three. 6 F.R. 2282, 2284-5. In 1944 the three-station limitation was raised to five. 9 F.R. 5442. In Sherwood B. Brunton, 11 FCC 407 (1946), the Commission, in effect established a seven-station limitation with respect to ownership of AM stations. In December 1953, the Commission considered the question of multiple ownership in all three services, and essentially adopted the present rules. 18 F.R. 7796. The television rule then adopted allowed a maximum of only five stations. The rule was amended the following year to allow ownership of two additional UHF stations. 11 Pike and Fischer, R.R. 1519.

4. Thus, the concentration of control rules were adopted in substantially their present form in 1953.[2] Our experience with the television service, specifically, is that the present limit of seven stations, no more than five of which can be VHF, is not appropriate for all licensees wherever located. We have become particularly concerned about television multiple ownership in the largest population centers. In the paragraphs which follow, we discuss this problem in more detail and propose what we believe to be an appropriate change in the television multiple ownership rule.

5. With respect to the AM and FM services we are continuing to study the appropriateness of the present limitations. As of this time, we have not reached a conclusion as to whether we should initiate further limitations on the ownership of these facilities.

CONCENTRATION IN THE LARGE MARKETS

6. It is axiomatic that American industry generally should be effectively competitive and that undue concentrations of power should be avoided. These propositions are accepted national policy. They are imbedded in the Communications Act as well as in the antitrust statutes and they underlie the American free enterprise system. Basic

[1] The wording of the AM rule and the FM rule is the same: "In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent, and location of areas served, the number of people served, classes of stations involved, and the extent of other competitive service to the areas in question." The language of the television rule is identical except that there is no reference to "classes of stations involved."

[2] The Commission's authority to promulgate rules placing an absolute numerical limitation on the number of stations which can be owned was sustained in United States v. Storer Broadcasting Co., 351 U.S. 192 (1956). On remand, the U.S. Court of Appeals held that the rules were not unreasonable, Storer Broadcasting Co. v. United States, 99 U.S. App. D.C. 369, 240 F. 2d 55 (1956).

competitive principles are particularly important in the licensing of broadcast stations: First, because we are dealing with the most influential of all communications media; and second, because we are required for technical reasons to limit and control entry into the broadcast field. The second factor is a very substantial limitation on the free, competitive system as it operates in most other industries. If entrepreneurs could launch new VHF stations in the top 50 markets on the basis of the usual market criteria—i.e., the profitability of existing stations, the increases in the capital value of stations, and the opportunities for growth—we have no doubt but that the number of new VHF stations would be substantially greater. But the opportunity for free entry into the VHF marketplace is not available because of frequency limitations.

7. Our concern with growing concentration of control in the largest markets has led to an interim policy regarding further acquisitions of television stations. On December 18, 1964, we issued a public notice stating that until more comprehensive proposals regarding multiple ownership in large cities were formulated, it would be our practice, barring a compelling affirmative showing, to designate for hearing any application for acquisition of a VHF television station in the 50 top television markets filed by a party already owning 1 or more stations in 1 of these markets.[3] In support of this action, the notice set forth the following statistical summary of multiple television ownership in the largest markets:

The top 10 markets include almost 40 percent of all TV households (roughly 20 million homes). Within these markets are 40 VHF stations, of which 37 are held by multiple owners and the remaining 3 are licensed to companies owning daily newspapers in the same cities. Similarly, the top 50 markets include almost 75 percent of all TV homes: Within these markets are 156 VHF stations, of which 111 (71 percent) are licensed to multiple ownership interests while 17 of the remaining 45 stations have joint interests with daily newspapers in the same markets. Moreover, there is a clearly discernible pattern of the largest multiple owners concentrating their holdings in the largest markets. Thus, the 8 multiple owners holding the maximum allowable number of 5 VHF stations have 40 VHF stations, of which 22 are located in the top 10 markets, 32 in the top 25 markets, and 38 in the top 50 markets.

8. Not only is the level of concentration in the larger markets at a high point but it has been increasing. The table below compares the level of multiple ownership in 1956 and 1964:

TOP 50 MARKETS: MULTIPLE OWNERSHIP INTERESTS, 1956 AND 1964

	1956	1964
Total VHF stations	130	156
Number of VHF stations licensed to multiple owners	75	111
Percent of VHF stations under multiple ownership	57.7	71.2
Number of VHF stations licensed to nonmultiple owners	55	45
Number of separate owners of VHF stations	88	91
Increase in number of VHF stations in 8 years		26
Decrease in number of single VHF owners		10

9. This table shows, among other things, that while the total number of commercial VHF stations in the top 50 markets increased by 26 between 1956 and 1964, the number of separate owners increased by only 3. The number of single station owners decreased from 55 to 45, or 18 percent. Not shown in the table is another important fact: Of the 91 separate owners in the top 50 markets, 28 (31 percent) now control 93 VHF stations, or 60 percent of the total.

10. These statistics reflect an apparent trend toward more VHF stations coming under group ownership in the largest population centers and a corresponding decline in the number of single station owners. We are concerned that, under the current limit of 5 VHF stations per owner, there may be a continuation of this trend until the present figure of 91 owners in the top 50 markets is reduced to a much lower number.[4] We are also concerned that the future growth of UHF—which has its greatest immediate potential in these large markets—may follow the VHF pattern. Therefore, to deal with this trend in VHF and provide for effective preventive action now in the UHF field, we are proposing to revise § 73.636(a)(2) to provide substantially as follows:[5]

a. No person may have interests in more than 3 television stations within the 50 largest television markets, and no more than 2 of these 3 stations may be VHF.

b. No divestiture of existing facilities would be required, but the new provisions would be applied to applications for new stations, and (with some exceptions described within) to applications for assignments and transfers.

c. Subject to other portions of the rules, the present maximum limitation of seven television stations, of which no more than five may be VHF, would remain unchanged.

11. *The top-50-market concept.* We are proposing the 50-market cutoff for 3 reasons. These are: (a) The substantial degree of ownership concentration reached in these markets; (b) the high proportion of the total population resident in these areas and consequently the very large audiences reached by the individual VHF stations; and (c) the availability of ample economic support for individual, local ownership of both VHF and UHF stations in these markets.

12. We have already described the extent of ownership concentration in the top 50 markets. Further statistics show clearly that as market size declines, the incidence of multiple ownership decreases. The following table shows the incidence of multiple ownership in various categories within the top 100 markets:

Market size	Number of VHF stations	Number of VHF stations under multiple ownership	Percent of VHF stations under multiple ownership
1–10	40	37	92.5
11–25	49	32	65.3
26–50	67	42	62.7
51–75	64	34	53.1
76–100	46	20	43.5

Thus, the tendency toward concentration of ownership, while substantial in markets below the top 50, is not as high.

13. With respect to the population consideration, we have noted that roughly speaking the top 50 markets include almost 75 percent of all television homes. By comparison the top 75 markets include about 85 percent of television homes, and the top 100 markets, roughly 90 percent. Thus, the increments of additional television homes covered decrease markedly as between the top 50 and the next 50 markets: 75 percent as against 15 percent. In proposing to curb ownership in the top 50 markets we are actually recognizing one of the chief criticisms which has been made of the present rule—i.e., that it treats ownership of 5 "big" stations the same as ownership of 5 "small" stations.

14. Similarly, with respect to the matter of economic support, no one can validly argue that multiple ownership is required in order to provide capital for the establishment or continuation of television service in the top 50 markets. And while we are not holding that multiple ownership is needed, for example, in the lower end of the top 100 markets, these smaller markets do report lower perstation revenues and a larger incidence of "losing" stations.[6]

15. In any event, although we believe there are sound grounds for selecting the top 50 markets as a reasonable cutoff, we shall consider carefully any arguments that may be advanced in this proceeding for a different cutoff level.

16. *The specific numerical limitation.* Parties are also invited to comment on the specific numerical limit proposed—

[3] Public Notice, FCC 64-1171, Dec. 18, 1964. Applications to acquire 2 or more VHF stations in the top 50 markets by a party not already owning stations in these markets are also subject to the hearing requirement. The 50 largest markets listed in the notice are as ranked by the American Research Bureau, based on the net weekly circulation of the largest station in the market.

[4] The mathematical limit under our present rules—with no further increase in VHF stations assigned to these markets—would be 32 owners. We do not, of course, anticipate such an extreme reduction, but we do feel that these figures illustrate the large remaining potential for further concentration of ownership.

[5] The text of the proposed rule is set out in the attached appendix. We are also, today, issuing a public notice modifying the interim policy announced Dec. 18, 1964, to conform to the proposed rules discussed in this notice of proposed rule making.

[6] See Table 12, "TV Broadcast Financial Data—1963," Public Notice No. 54732.

three stations, no more than two of which may be VHF. In proposing this figure, we are well aware that no specific ownership limitation describes an abstract point beyond which, in every case, public injury occurs. Our proposal is derived, rather, from experience. Based upon the large populations in the top 50 markets, the great trend toward concentration which has occurred under the present rule, the present distribution of ownership, and the remaining potential for competition, we feel that the proposed limit is more reasonable than is the present rule. Commenting parties should therefore address themselves to this question: Is the existing ownership limit, the one proposed here, or some other regulation, best suited to present circumstances?

17. *Television ownership below the maximum limits.* The existing rule lists various factors to be considered in determining whether there is undue concentration of control below the maximum level of seven television stations or five VHF stations, including the "size, extent, and location of areas served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question." The proposed rule retains this list of evidentiary factors. We recognize that many of the reasons underlying our more restrictive ownership proposals for the top 50 markets apply also, to a substantial degree, in markets not very far below the top 50. In such cases, we would continue to make use of the ad hoc process to examine acquisition of stations within the maximum five-VHF plus two-UHF limit. In this context, we request comments as to whether or not the present list of evidentiary factors should be expanded to include other factors, such as the overall effect on a local competitive situation of an added multiple owner, the nature of any distinctive program service a multiple owner may seek to offer, etc.

18. *Additional questions.* We specifically request comments on several other questions bearing on the desirability of a more restrictive ownership rule in the top 50 markets:

(a) Is multiple ownership necessary for a licensee to undertake program production in competition with networks and other program suppliers? If so, what degree of multiple ownership is necessary?

(b) Will the proposed rules have any effect on the possibilities for establishment of a fourth television network?

(c) Is there any necessary correlation between a licensee's ability to present "quality" programing and multiple ownership? If there is any such correlation, is it strong enough to outweigh the strong policy considerations favoring the widest possible diversity of ownership?

(d) Given the fact that we propose no compulsory divestiture of existing stations, what long-term increase in diversity of ownership may the proposed rules be expected to accomplish? More specifically, what increases in the number of individual owners in the top 50 markets may be expected as a result of assignments and transfers and the growth of UHF?

19. In preparing comments regarding the proposed rule change, we request that parties be guided by the following considerations: We regard the question of our statutory authority to issue rules in this area as well settled. Therefore, comments should focus upon the question of need for the changed rules and the appropriateness of the specific rule proposed. In arguing need, or lack of need, for a new rule, parties may submit programing showings in a manner which seeks to demonstrate that the programing was made possible solely by virtue of a multiple ownership situation which could not arise under the proposed rule. Parties opposing the proposed rule should concentrate primarily upon the question of public benefits which may be ascribed to multiple ownership in excess of the level proposed herein. In short, the issue posed is not as between multiple ownership and single ownership, but as between the present level and a more limited degree of such ownership.

20. Because the questions involved here are of considerable importance, oral presentations before the Commission en banc would be appropriate and helpful. We will schedule oral argument after comments and reply comments are received, and all interested parties will be afforded an opportunity to participate.

PETITIONS FOR RECONSIDERATION OF DECEMBER 18, 1964, PUBLIC NOTICE ANNOUNCING INTERIM POLICY

21. In the public notice of December 18, 1964, we indicated that the interim policy adopted therein would be used pending the formulation of more comprehensive proposals following our study of concentration. The results of this study are reflected in the present notice of proposed rule making and the attached appendix. We shall therefore terminate the interim policy adopted on December 18, 1964. That policy will be replaced by a new interim policy conforming to the above proposal and therefore less restrictive in its application. See separate public notice, announcing a new policy based on the rule proposed in the appendix hereto, pending the outcome of the present proceeding.

22. In the circumstances, it is appropriate to comment on three timely petitions for reconsideration of the action taken in the December 18 public notice,[1] which requested that the policy of that notice either be rescinded or that its effectiveness be stayed indefinitely. The petitioners variously urge: (1) That the policy is an arbitrary announcement by the Commission that it will not expeditiously carry out the processing of applications under the provisions of section 309(a) of the Act; (2) that there is no evidence that the trend to increases in multiple ownership of television stations, especially in the major markets, has had deleterious effects with regard to competition or diversification, and there is no urgent or compelling concern about these matters; (3) that, therefore, the action was arbitrary and capricious; (4) that the action of the Commission in adopting the interim policy was nominally procedural but in effect substantive because the knowledge that certain applications for acquisition of VHF stations by or from multiple owners in the major markets will be designated for hearing—a type of procedure that may be long and time consuming—will stop the flow of such applications and that the proposed policy should have been presented through the rule making process; and (5) that this will defeat rather than promote the Commission's objectives of fostering competition and diversity in program presentations.

23. The contention that our interim procedure is improper, and that it should not be adopted without rule making proceedings, misses the purpose and effect of our interim policy. During the interim period, we are not applying the proposed rule. Application of the rule would mean the dismissal of applications in conflict with it, in the absence of a meritorious petition for waiver. We do not propose such a procedure during the interim period. On the contrary, what we do propose is to designate for hearing applications concerning which we do not feel able to make a finding that a grant would serve the public interest. This procedure is required by the Communications Act. Section 309 of the Act provides for a grant only where the Commission can find that a grant will serve the public interest. Under section 309 (e), if the Commission for any reason is unable to make that finding, it is required to designate the application for hearing. Our interim policy is necessary to prevent the compounding of situations which we believe may be contrary to the public interest. In this situation, we could not justify making grants without hearing.

24. The policy has a valid basis, and is not arbitrary or capricious. In the public notice, after setting forth facts concerning multiple ownership in recent years, we mentioned that the trend toward concentration in the VHF service was sufficiently serious to require the immediate adoption of an interim policy. Petitioners allege that there is no evidence that this trend has had a deleterious effect with regard to the ultimate goals of the multiple ownership rules. The preceding discussion gives in greater detail the basis of our concern and, in our opinion, shows a need for the policy adopted. They also controvert the contention that the interim policy will inhibit rather than promote the Commission's objectives of fostering competition and diversity of programing.

25. Authority for the adoption of the proposed amendments is contained in 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

26. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested parties may file on or before October 1, 1965, and reply comments on or before November 1, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission

[1] By WLAC-TV, Inc.; Meredith Broadcasting Co.; and by 96 television stations which filed a joint petition.

may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

27. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

28. In view of the discussion appearing in paragraphs above: *It is ordered*, That the petitions for reconsideration named in footnote 7, above, are granted, insofar as they are consistent with the action taken in the public notice adopted today, and in other respects are denied. *It is further ordered*, That said petitions will be filed in the present Docket No. 16068 to be considered as comments herein, without prejudice, however, to the filing of other comments, and of reply comments, in accordance with the provisions of paragraphs 26 and 27 above.

Adopted: June 21, 1965.

Released: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,*

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

* See dissenting statement of Commissioner Hyde (to be issued at a later date). Dissenting statement of Commissioner Lee filed as part of original document; Commissioner Wadsworth dissenting.

It is proposed to amend § 73.636(a)(2) and to add a new Note 5 at the end of the section to read as follows:

§ 73.636 Multiple ownership.

(a) * * *

* * * * *

(2) Such party, or any stockholder, officer, or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent, and location of area served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers, or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of any of the following:

(i) More than seven television broadcast stations, no more than five of which may be in the VHF band.

(ii) More than 3 television broadcast stations or more than 2 VHF television broadcast stations in the 50 largest television markets. The market size will be determined by the ranking of the American Research Bureau, on the basis of net weekly circulation for the most recent year. Any party believing that the ranking describes his particular circumstances inaccurately, or wishing to suggest another ranking, may do so and such suggestions will be considered on their merits.

* * * * *

NOTE 5: Paragraph (a)(2) of this section will not be applied so as to require divestiture, by any licensee, of broadcast facilities owned prior to ----------, 1965. That paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§ 1.540(b) or 1.541 (b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if the assignment or transfer to the heirs or legatees does not create interests proscribed by the paragraph. Paragraph (a)(2) will apply to all applications for new stations, and to all other applications for assignment or transfer. Commonly owned stations or stations prohibited by paragraph (a)(2) may not be assigned or transferred to a single person, group, or entity except as provided in this note.

[F.R. Doc. 65-6691; Filed, June 24, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

INVESTMENT GUARANTIES

Delegation of Authority

Pursuant to the authority delegated to me by the Delegation of Authority No. 39 from the Administrator of AID, dated April 13, 1964 (29 F.R. 5355), I hereby delegate the following functions:

1. To the Chief of the Investment Guaranties Division:

(A) Authority to consent to transfers and assignments of any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, under section 111(b)(3) of the Economic Cooperation Act, and under section 413(b)(4) of the Mutual Security Act of 1954, provided that such transfers and assignments run to individuals or entities meeting the requirements for eligibility as established under the foregoing Acts.

(B) Authority to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, under section 111(b)(3) of the Economic Cooperation Act, and under section 413(b)(4) of the Mutual Security Act of 1954, and to refuse to make a transfer or pay compensation to any such investor, who shall not pay the delinquent fee within thirty (30) days following said written notice of delinquency, for any event which occurred subsequent to the failure to pay the fee due.

2. The authorities delegated herein may not be redelegated and shall be exercised in accordance with agency policies, regulations, and procedures.

3. References in this Delegation of Authority to any Act shall be deemed to be references to such Act as amended from time to time.

4. This Delegation of Authority shall be deemed effective as of the date on which it is signed and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Delegation of Authority.

A. W. HOAGLAND,
Assistant Administrator, Development Finance and Private Enterprise.

APRIL 28, 1965.

[F.R. Doc. 65-6671; Filed, June 24, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

GENERAL PROCEDURES FOR GRAZING DISTRICT ADVISORY BOARD ELECTIONS

Pursuant to the authority delegated to the Director, Bureau of Land Management through the provisions of the grazing regulations 43 CFR 4114.1-2, notice is hereby given that the General Procedures for Grazing District Advisory Board Elections, as approved December 12, 1958, are revised to read as indicated below. These procedures shall be followed for all grazing district advisory board elections, except wildlife representatives. The regulations governing appointment of advisory board members, oath, and term of office, removal and vacancies, organization and duties of district advisers are found in 43 CFR 4114.1.

1. Definition of Terms; Qualification Requirements.
2. General.
3. Optional Election Procedures.

OPTION I—NOMINATING AND VOTING IN PERSON

(a) Nominations.
(b) Voting.
(c) Action following election.

OPTION II—NOMINATING AND VOTING BY MAIL

(a) Nominations.
(b) Voting.
(c) Action following return of ballots.

OPTION III—NOMINATING IN PERSON AND VOTING BY MAIL

(a) Nominations.
(b) Voting.
(c) Action following return of ballots.

4. Amendments.
5. Status of District Advisers.

1. Definition of Terms; Qualification Requirements:

A. *Nominee.* A qualified person who is nominated. To qualify as a nominee, a person must be a holder of a regular license or permit in the district, predominate in the class of livestock (cattle or sheep) on the basis of the number of AUM's of Federal Range qualifications,[1] and make grazing use in the same precinct[2] as the district adviser position. At the option of the District Manager following recommendation of the Advisory Board, precinct representation may be designated as being unclassified as to cattle or sheep.

To qualify as a nominee for a free use district adviser position, a person must be the holder of an active free use grazing license for use within the district.

Seconding of nominations will not be required.

B. *Nominator.* A qualified person who nominates a nominee. Qualifications of a nominator are the same as a nominee.

C. *Elector.* One who is qualified to elect. The qualifications of an elector are the same as those of a nominee except that he need not be from the precinct since voting is districtwide. An elector may cast only one vote for each district adviser position and vote only for candidates representing the class of livestock in which he predominates as defined under 2-A above.

D. *Candidate.* One who qualified as a nominee and who is nominated in accordance with the election option which is followed.

E. *District Manager.* Is the manager of the district and is the person who is the authorized representative of the Bureau of Land Management to conduct Advisory Board elections.

F. *Judges.* Persons who are selected by the district manager or his authorized representative to certify nominations and/or elections. A judge may be selected districtwide and must qualify as an elector. There shall be at least two judges at each nomination and election place or places.

G. *Registration list* (Register). All registration lists will be prepared on a form approved by the Director. This provides a listing of qualified persons developed for the following uses:

For nominations. This is a list by precinct[3] of regular licensees, and permittees, or qualified representative, with a breakdown by class of livestock (1) cattle and horses and (2) sheep and goats; the free use licensees will not be broken down by class of livestock or precinct and will be listed separately.

For elections. This is a districtwide list of regular licensees, and permittees, or their qualified representative, with a breakdown by class of livestock (1) cattle and horses and (2) sheep and goats; the free use licensees will not be broken down by class of livestock or precinct and will be listed separately. This is merely a consolidation of the nomination lists.

2. General:

A. A person who has interests in more than one license or permit can vote only once in a given election except that in cases where the operations under each license or permit are distinctly separate entities or in situations where more than one district is involved, then 3-J below shall apply.

B. Where the license or permit involves two or more persons, the parties involved shall designate in writing one of the members to represent their operation in district adviser elections. This name shall be that placed on the registration lists.

C. The holder of a regular license or permit may be represented in advisory board elections by a person designated in writing who may otherwise be authorized to do business with the Bureau for the holder's operation, i.e. Range Manager, Foreman, Attorney, etc. This name shall be placed on the registration lists.

D. A person whose name does not appear on the registration list shall not be allowed to nominate or vote, except where the district manager determines that such name was omitted by error;

[1] Does not include suspended nonuse.

[2] This precinct requirement would not apply to districtwide positions.

[3] For districtwide positions the list would be by district.

if otherwise, the nomination or vote shall be void.

E. If an individual is nominated for more than one precinct or for a precinct and a districtwide position, he must designate the position for which he wishes to be the nominee prior to balloting.

F. In the case of a tie vote, the district manager, in the presence of the judges, shall make a choice by lot.

G. A free-use licensee is eligible to nominate and vote for only one free-use candidate and for no other candidate.

H. The district manager will give adequate public notice of the time and place of the nomination and election of district advisers.

I. A minor may nominate or vote if otherwise qualified, except that upon request of his natural or legal guardian, the guardian may nominate or vote in behalf of the minor.

J. A person who is a licensee or permittee in more than one district may participate in the election of district advisers in each district. In cases where he is not the sole holder of any such license or permit, then 3–B or 3–C above shall apply.

K. Proxies will not be permitted in nominations or voting.

3. Optional Election Procedures:

The district manager, after recommendation by the advisory board and concurrence of the State Director, shall designate one of the following optional election procedures to be followed in the election of grazing district advisers except the wildlife member:

OPTION I

NOMINATING AND VOTING IN PERSON

A. *Nominations.* (1) The district manager will notify all persons qualified to be nominators and/or electors of the time and place or places where the nomination and election meeting or meetings will be held.

(2) Prior to the meetings, the district manager will prepare the registration lists.

(3) The persons qualified to be nominators shall gather at the time and place or places designated in the notice.

(4) Judges will be designated by the district manager or his authorized representative at each meeting place if there is more than one.

(5) Persons then present who are qualified as nominators may nominate qualified candidates for district advisers. Nominations will cease at the time previously designated by the district manager or his authorized representative.

(6) The judges will complete a "certificate of nominations" in a single copy on a form approved by the Director and present it to the district manager or his authorized representative.

B. *Voting.* (1) Polling places shall remain open on the day of the election from 2 p.m. to 5 p.m. or until all electors present at 5 p.m. shall have voted unless the district manager, after recommendation by the advisory board, has designated other hours.

(2) Registration lists of electors must be available.

(3) A list of candidates should be posted at the meeting place.

(4) The judges designated may be the same persons who were judges for taking nominations.

(5) No elector shall receive a ballot until he has been qualified and has signed the registration list (Register).

(6) Write-ins are permissible; however, the write-in candidate must qualify the same as a nominee and the write-in elector must qualify as to class of livestock.

(7) Before receiving a ballot, any elector may be challenged by any other elector qualified in the district and, thereupon, the judges may require the challenged elector to answer such questions concerning his qualification to vote as they deem necessary. Upon his failure or refusal to answer the questions satisfactorily, he shall not be permitted to register but he may, upon request, receive and mark a ballot which shall remain uncounted until his right to vote has been determined by the recommendation of the judges and decision of the district manager.

(8) Any candidate may designate a qualified elector as his representative to remain in the polling place during the casting and counting of the ballots and to act as challenger.

C. *Action following election.* (1) After the polls have been closed and those present have voted, the judges will count the votes and prepare a "report of the election" to the district manager or his authorized representative in a single copy of a form approved by the Director. The judges shall attach to this report the ballots and registration list.

(2) The district manager will complete a "notice of results" of the advisory board election in triplicate on a form approved by the Director and submit two copies to the State Director for his consideration and approval in accordance with 43 CFR 4114.1–3.

OPTION II

NOMINATING AND VOTING BY MAIL

A. *Nominations.* (1) The district manager will notify each person qualified to be a nominator, by mail at his address of record, including therewith a list of persons qualified as nominees. Such notice will explain his opportunity to nominate qualified persons of his choice.

(2) Nominations may be by letter or by forms provided with the nomination notice; in either case they must be signed by the nominator.

(3) Nominations must be returned by the date shown on the notice, and within five (5) days of this date the nominations will be assembled and certified as to qualifications of the nominees and nominators by the judges previously selected in accordance with 2–F above.

(4) The judges will complete a "certificate of nominations" in a single copy on a form approved by the Director and present it to the district manager or his authorized representative.

(5) The district manager will contact each nominee on the "certificate of nominations" and give him the opportunity to decline (in writing) the nomination.

B. *Voting.* (1) From the certificate of nominations, the district manager will prepare ballots listing the name of the qualified candidates by class of livestock and precinct if applicable. Ballots should provide adequate space for write-in candidates.

(2) Within fifteen (15) days following the nomination period, the district manager will mail the ballots with necessary instructions and providing for a secret ballot. The elector shall complete his ballot and shall return it in the official envelope provided for its return. The envelope must be signed by the elector in the space provided therefor; failure to sign will void the ballot.

C. *Action following return of ballots.* (1) Ballots must be returned by the date given in the instructions, and within five (5) days of this date the ballots will be counted and checked against the registration list (Register) by the election judges.

(2) The judges will complete a "certificate of returns" in a single copy on a form approved by the Director and submit it to the district manager or his authorized representative together with the ballots and registration list.

(3) The district manager will complete a "notice of results" of the advisory board election in triplicate on a form approved by the Director and submit two copies to the State Director for his consideration and approval in accordance with 43 CFR 4114.1–3.

OPTION III

NOMINATING IN PERSON AND VOTING BY MAIL

A. *Nominations.* Nominations shall be conducted in accordance with procedures for nominations, Item A under Option I above.

B. *Voting.* Within fifteen (15) days following the nomination meeting or meetings, the district manager will prepare and mail ballots to all electors in accordance with the procedures for Voting, Item B under Option II above.

C. *Action following return of ballots.* The ballots shall be counted, the votes tabulated, and certificates of returns executed in accordance with the procedures in Item C of Option II above.

4. Amendments:

These general procedures may be amended, modified, or supplemented by order of the Director, Bureau of Land Management, effective upon publication in the FEDERAL REGISTER.

5. Status of District Advisers:

Members of District advisory boards are Federal employees and are, therefore, subject to the conflict of interest statutes. Pursuant thereto, each elected district advisor will be required to file with the State Director a confidential statement of employment and financial interest prior to his appointment.

CHARLES H. STODDARD,
Director.

JUNE 21, 1965.

[F.R. Doc. 65-6674; Filed, June 24, 1965; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. Sub-B-34]

CAPTAIN AHAB, INC.

Notice of Hearing

Captain Ahab, Inc., New Bedford, Mass., has applied for a fishing vessel

construction differential subsidy to aid in the construction of an 88-foot over-all steel vessel to engage in the fishery for scallops, groundfish, lobster and swordfish.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on August 3, 1965, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

JUNE 21, 1965.

[F.R. Doc. 65-6673; Filed, June 24, 1965; 8:46 a.m.]

Office of the Secretary

AGUA CALIENTE INDIAN RESERVATION

Adoption and Application of State and Local Laws

Pursuant to section 1.4(b), Title 25, Code of Federal Regulations (30 F.R. 7520), the Secretary of the Interior does hereby adopt and make applicable, except as hereinafter provided, all of the laws, ordinances, codes, resolutions, rules, or other regulations of the State of California, and the city of Palm Springs, Calif., now existing or as they may be amended or enacted in the future, limiting, zoning, or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States and located on those portions of the Agua Caliente Indian Reservation situated within the exterior boundaries of the city of Palm Springs, Calif.

Exceptions. The following portions of the Palm Springs Zoning Ordinance are not adopted and made applicable to said portions of the Agua Caliente Indian Reservation:

7. The front and side yard requirements of the R-4, Large Scale Hotel and Apartment House Zone, and the R-4-VP, Vehicle Parking and Large Scale Hotel and Apartment House and Limited Commercial Retail Zone, insofar as they require a front yard setback of more than 20 feet and a side yard setback of more than 10 feet on an interior lot or the interior side of a corner lot or more than 15 feet on the street side of a corner lot;

2. The density provisions of the R-4, Large Scale Hotel and Apartment House Zone, and the R-4-VP, Vehicle Parking and Large Scale Hotel and Apartment House and Limited Commercial Retail Zone, insofar as they limit the maximum number of dwelling units per site to less than one dwelling unit for each 500 square feet of net lot area;

3. The Performance Standards of the R-4, Large Scale Hotel and Apartment House Zone, and the R-4-VP, Vehicle Parking and Large Scale Hotel and Apartment House and Limited Commercial Retail Zone, which require the development of percentages of the site area as usable landscaped open space and outdoor living and recreation area, insofar as such percentages exceed the amount of site area which must be used for front, rear, and side yards as specified in exception 1 hereof, plus an area equal to that portion of said yards used for parking;

4. The provisions of the Palm Springs Zoning Ordinance which require setbacks for high-rise buildings in excess of 1 foot of horizontal setback distance for each 1 foot of vertical rise of the building across the short dimension of the lot and 1½ feet of horizontal setback distance for each 1 foot of vertical rise of the building across the long dimension of the lot, as measured from the exterior lines of the site; the provisions of said ordinance which require obtaining a conditional use permit before a high-rise building can be constructed which otherwise meets the high-rise requirements as qualified above;

5. The yard requirements for a commercial building in the C-1AA, Large Scale Retail Commercial Zone, and the landscaping requirements insofar as they require more than 10 percent of the building site to be landscaped;

6. The automobile off-street parking requirements in the C-1AA, Large Scale Retail Commercial Zone, insofar as they require more than a minimum setback of 5 feet from any street; and

7. The provisions of the C-1AA, Large Scale Retail Commercial Zone, insofar as they require more than a minimum total of 5,000 square feet of floor space in buildings in one or more stories.

Nothing contained in this notice shall be construed to in any way alter or limit the provisions of sections 2(b) and 4 (b) and (c) of the Act of August 15, 1953 (67 Stat. 588).

Nothing contained in this notice shall be construed to in any way alter, limit or abridge any vested rights to real or personal property, including water rights, belonging to any Indian or Indian tribe, band or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

The Secretary of the Interior may by appropriate notice expressly revoke the adoption and application of any such laws, ordinances, codes, resolutions, rules, or other regulations if he determines such revocation to be in the best interests of the Indian owner or owners in achieving the highest and best use of their property.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

JUNE 22, 1965.

[F.R. Doc. 65-6731; Filed, June 24, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives Components of Paper and Paperboard

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1769) has been filed by The Dow Chemical Co., Post Office Box 467, Midland, Mich., 48641, proposing that paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended to provide for the use of 2-hydroxyethyl acrylate as a monomer in the copolymerization of styrene-butadiene copolymers for use in coatings intended for contact with food only of the types identified under VII, VIII, and IX of table 1 in § 121.2526(c).

Dated: June 17, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6701; Filed, June 24, 1965; 8:48 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petitions for Food Additives Amprolium, Hygromycin B, Penicillin, and Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind., 46206, has withdrawn its petitions (FAP 4C1185, FAP 4D1186) published in the FEDERAL REGISTER of January 21, 1964 (29 F.R. 506), proposing that § 121.213 *Hygromycin B* be amended to provide for the safe use in chicken feed of certain combinations of hygromycin

B, amprolium, and tylosin and also hygromycin B, amprolium, tylosin, and penicillin for prevention of coccidiosis and for growth promotion and feed efficiency.

The withdrawal of these petitions is without prejudice to a future filing.

Dated: June 21, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6702; Filed, June 24, 1965; 8:49 a.m.]

CIVIL SERVICE COMMISSION

NURSES

Notice of Adjustment of Minimum Rate and Rate Range

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rate and the rate range for positions of Nurse, GS-610-5. The revised rate range for this occupational level is:

	PER ANNUM RATES								
Grade	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
GS-5	$5,165	$5,330	$5,495	$5,660	$5,825	$5,990	$6,155	$6,320	$6,485	$6,650

2. Geographic coverage in Staten Island, New York, N.Y.

3. The effective date will be the first day of the first pay period beginning on or after June 18, 1965.

4. All new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date.

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

[F.R. Doc. 65-6656; Filed, June 24, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-548]

BROADCAST STATIONS

Interim Policy Concerning Acquisition

JUNE 21, 1965.

1. In Public Notice, FCC 64-1171, issued December 18, 1964, 29 F.R. 18399, December 24, 1964, the Commission set forth briefly the policy underlying the multiple ownership rules. It also presented information showing a marked increase in the extent of multiple ownership of television broadcast stations, particularly with regard to VHF stations in the largest markets. The Commission stated that it considered this trend in the largest markets to be of such import that the immediate adoption of an interim policy was necessary for handling applications involving the acquisition of VHF stations in the top 50 markets.

2. After having pointed out that it was presently conducting an extensive study of problems dealing with concentration and diversification of the broadcast media and of allied interests in other public opinion media, the Commission announced the following interim policy pending the formulation of more comprehensive proposals:

> Absent a compelling affirmative showing, we will designate for hearing any application filed after December 18, 1964, for acquisition of a VHF station in one of the top 50 television markets, if the applicant or any party thereto already owns or has interests in 1 or more VHF stations in the top 50 markets; we shall treat likewise any application to acquire interests in 2 or more VHF stations in these markets if the applicant now has no interest in VHF stations in these 50 markets. We are adopting this policy because, under presently existing circumstances, we cannot normally make the required finding that grant of an application for a second VHF station in the top 50 markets will serve the public interest without giving the proposal the detailed scrutiny of a hearing. (The top 50 markets were selected by using the 1963 American Research Bureau ranking based on net weekly circulation.)

3. Our study, referred to above, is now completed, and we have formulated a more definitive proposal concerning television concentration. Our proposal is set forth in the Appendix to a notice of proposed rule making, adopted today in Docket No. 16068, which instituted a rule making proceeding on the subject.[1] After the receipt of comments and reply comments in that proceeding we shall hold oral argument before the Commission en banc in which all interested parties may participate.

4. Now that our rule making proposal has been prepared, we are rescinding the previous policy and substituting for it the following interim policy (based on this proposal) to be followed until the completion of the proceeding in Docket No. 16068. We are of the opinion that the problem of television concentration of control in the largest markets is of sufficient seriousness to require this action. We further believe that the policy should include the designation of certain matters for hearing because, under present circumstances, we cannot normally make the required public interest finding with regard to the matters involved without the full examination that a hearing provides.

5. Accordingly, pending the termination of the rule making proceeding in Docket No. 16068, the following policy is adopted with regard to applications involving multiple ownership.

6. Absent a compelling affirmative showing to the contrary, we will designate for hearing any application filed after June 21, 1965, for a new television station, assignment of license, or transfer of control, the grant of which would result in the applicant or any party thereto having interests in violation of those set forth in proposed § 73.636(a)(2)(ii) below. Divestiture will not be required, but commonly owned stations in excess of the number set forth in the proposed rule which are proposed to be assigned or transferred to a single person, group, or entity will be designated for hearing. However, no hearing will be designated in any of the foregoing situations which involve applications for assignment or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of the Commission's rules, or applications for assignment or transfer of control to heirs or legatees by will or intestacy if the assignment or transfer does not create common interests which would be proscribed by the above-mentioned section.

7. Petitions for reconsideration of the interim policy adopted in the public notice of December 18, 1964, were filed by various parties. These petitions were, for the most part, denied. The order of denial and details of our consideration of those petitions appear in paragraphs 21-24, of the notice of proposed rule making in Docket No. 16068 adopted today.

Adopted: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6692; Filed, June 24, 1965; 8:45 a.m.]

[Docket Nos. 15826, 15827; FCC 65M-809]

KXYZ TELEVISION, INC., AND CREST BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of KXYZ Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT-3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit for new television broadcast station.

The Hearing Examiner having for consideration (1) a Motion for Continuance, filed by KXYZ Television, Inc., on June 16, 1965, together with pleadings filed in supplement and response thereto; and (2) Supplement No. 1 to Fourth Report and Order in Docket No. 14229, released by the Commission on June 18, 1965;

It appearing, that the subject petition seeks continuance of the hearing presently scheduled to commence on June 28, 1965;

It further appearing, that the said Supplement No. 1 stays further proceed-

[1] F.R. Doc. 65-6691, Proposed Rule Making Section, *supra*.

[2] Commissioners Hyde, Lee, and Wadsworth dissenting.

ing in this and other hearings until the applicants give notice of intention to amend their applications on or before July 6, 1965, and that such stay renders moot petitioners' request for relief;

It is ordered, This 22d day of June 1965, that the subject petition is dismissed; that all presently scheduled procedural dates are set aside; and that further proceedings herein are stayed pending further order of the Hearing Examiner to be released subsequent to July 6, 1965.

Released: June 22, 1965.

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

[F.R. Doc. 65-6693; Filed, June 24, 1965; 8:48 a.m.]

[Docket Nos. 15436, 15437; FCC 65M-807]

SKYLARK CORP. AND KINGSTON BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re applications of Skylark Corp., Kingston, N.Y., Docket No. 15436, File No. BPH-4256; Kingston Broadcasters, Inc., Kingston, N.Y., Docket No. 15437, File No. BPH-4357; for construction permits.

It is ordered, This 18th day of June 1965, that the hearing now scheduled for July 12 will be converted to a further prehearing conference to be held at 9 a.m.

Released: June 21, 1965.

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

[F.R. Doc. 65-6694; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 14368 etc.; FCC 65M-811]

SYRACUSE TELEVISION, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of: Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio and Television Corp., Syracuse, N.Y., Docket No. 14369, Filed No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, N.Y, Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order in the above-entitled proceeding, released June 17, 1965 (FCC 65-527);

It is ordered, This 21st day of June 1965, that a prehearing conference shall be convened, at 10 a.m., Friday, July 9, 1965, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the parties or their counsel are to be prepared, during the prehearing conference, to agree upon a specific schedule for the development of the record under the new issues framed by the Commission.

Released: June 22, 1965.

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

[F.R. Doc. 65-6695; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 15213; FCC 65M-813]

UNITED ARTISTS BROADCASTING, INC.

Order Regarding Procedural Dates

In re application of United Artists Broadcasting, Inc., Houston, Tex., Docket No. 15213, Filed No. BPCT-3166; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the Commission's Fourth Report and Order in Docket No. 14229, released June 8, 1965, and Supplement No. 1 thereto adopted June 16, 1965; and

It appearing, that further hearing procedures in the above-entitled matter are inappropriate pending the filing and disposition of a petition for leave to amend pursuant to the said Commission releases;

It is ordered, This 21st day of June 1965, that all the procedural dates herein are suspended pending further order of the Hearing Examiner.

Released: June 22, 1965.

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

[F.R. Doc. 65-6696; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 15248; FCC 65M-812]

UNITED ARTISTS BROADCASTING, INC.

Order Regarding Procedural Dates

In re application of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the Commission's Fourth Report and Order in Docket No. 14229, released June 8, 1965, and Supplement No. 1 thereto adopted June 16, 1965; and

It appearing, that further hearing procedures in the above-entitled matter are inappropriate pending the filing and disposition of a petition for leave to amend pursuant to the said Commission releases;

It is ordered, This 21st day of June 1965, that all the procedural dates herein are suspended pending further order of the Hearing Examiner.

Released: June 22, 1965.

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

[F.R. Doc. 65-6697; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 15985; FCC 65M-814]

WHOO RADIO, INC. (WHOO)

Order Scheduling Prehearing Conference

In re application of WHOO Radio, Inc. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; for construction permit.

A further prehearing conference in the above-entitled proceeding will be held on Tuesday, July 6, 1965, beginning at 9 a.m., in the offices of the Commission, Washington, D.C.

The matters to be considered will include but will not be limited to the following:

1. The engineering matters to be presented under Issue 2, the requested waiver of § 73.24(g) of the Commission's Rules.

2. What engineering showing, if any, will be made or attempted by the engineers for Clarke Broadcasting Corp., licensee of Station WLOF, Orlando, Fla., and The Outlet Co., licensee of Station WDBO, Orlando, Fla., concerning the ability of the applicant to maintain properly and satisfactorily the service contours of Station WHOO operating as proposed.

3. The type of material which Clarke Broadcasting Corp. and The Outlet Co. propose to offer in evidence pertaining to the manner in which Station WHOO operating as proposed would affect adversely the ability of either or both of these parties to continue to operate their respective radio stations in the public interest.

4. The necessity of revising the time schedule agreed upon at the earlier prehearing conference held on May 24, 1965.

The attorneys and engineers for Clarke Broadcasting Corp. (WLOF) and The Outlet Co. (WDBO), will familiarize themselves with the contents of the record of the prehearing conference of May 24, 1965.

It is so ordered, This, the 18th day of June 1965.

Released: June 22, 1965.

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

[F.R. Doc. 65-6698; Filed, June 24, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-23]

PHILIPPINE FORWARDING CO., INC.

Application for Freight Forwarder License

On January 19, 1962, pursuant to section 44, Shipping Act, 1916 (Public Law 87-254, 46 U.S.C. 841(b)), Philippine Forwarding Co., Inc., 150 Nassau Street, New York, N.Y., filed application for a license as an independent ocean freight forwarder. After consideration of the application Philippine Forwarding Co., Inc. was notified of the approval of its application subject to the condition that the required independent ocean freight forwarder surety bond be filed.

However, subsequent to the approval notification and prior to the issuance of a license information was obtained by the Commission which indicates that Philippine Forwarding Co., Inc. is neither fit, willing, nor able to carry on the business of forwarding for others. Accordingly, by letter dated March 24, 1965, the Managing Director rescinded the conditional approval and notified Philippine Forwarding Co., Inc. of the Commission's intent to deny its application. The specific grounds for denial of the application are as follows:

(1) Applicant has failed to promptly pay over to oceangoing common carriers, and other persons when due, all funds advanced by principals for the payment of charges, debts, or obligations in connection with forwarding transactions, thereby violating Rule 510.23(f) of Federal Maritime Commission General Order 4;

(2) Applicant prepared and filed fraudulent documentation in violation of Rules 510.23(c&h) of General Order 4;

(3) Applicant is not financially fit to qualify for a license;

(4) Applicant has not maintained the standard of responsibility required of licensees.

The applicant has now requested the opportunity to show at a hearing that denial of the application would not be warranted.

Therefore it is ordered, Pursuant to sections 22 and 44, Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether Philippine Forwarding Co., Inc. qualifies for a license within the meaning of section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b));

It is further ordered, That Philippine Forwarding Co., Inc. be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner;

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondent;

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with a copy to respondent, on or before July 2, 1965, and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6679; Filed, June 24, 1965; 8:47 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. S. G. Holmes, Manager Rates and Conferences, American President Lines, International Building, 601 California Street, San Francisco, Calif., 94108.

Agreement 9467 between American President Lines Ltd. (originating carrier), and American Mail Lines, Ltd. (delivering carrier), covers a through billing arrangement on cargo from ports of call of the originating carrier in Okinawa to ports of call of the delivering carrier on the Pacific coasts of the United States and Canada with transhipment at Yokohama or Kobe, Japan.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6680; Filed, June 24, 1965; 8:47 a.m.]

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John K. Cunningham, Chairman, American West African Freight Conference, 80 Broad Street, New York, N.Y., 10004.

Agreement 7680-19, between the member lines of the American West African Freight Conference, amends the basic agreement for the purpose of clarifying the provisions of the agreement with respect to the nature of the vote required to take action thereunder, defines the character of the several types of votes that may be cast and sets forth the quorum required before a meeting may be conducted thereunder.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6681; Filed, June 24, 1965; 8:47 a.m.]

GRACE LINE, INC., AND MOORE-McCORMACK LINES, INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a re-

quest for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line Inc., 3 Hanover Square, New York, N.Y., 10004.

Agreement 9469, between Grace Line Inc. (Grace) and Moore-McCormack Lines, Inc. (Moore-McCormack), provides for Moore-McCormack to act as Grace's general passenger agent in Argentina, Brazil, Uruguay, Denmark, Norway, and Sweden to solicit and book passengers on Grace's vessels, to issue tickets, to accept bookings and collect fares from travel agents in accordance with the terms and conditions set forth in the agreement.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6682; Filed, June 24, 1965; 8:47 a.m.]

MOORE-McCORMACK LINES, INC., ET AL.

Notice of Proposed Cancellation of Agreement

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of Agreement 7549, filed by:

Mr. M. J. Kelly, Assistant Vice President, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y., 10004.

Agreement 7549, between Moore-McCormack Lines, Inc., Swedish American Line, and Transatlantic Steamship Co., Ltd., covers an arrangement for the scheduling of weekly sailings of vessels of the Swedish Companies and Moore-McCormack, for the purpose of maintaining a regular service and approximately even distribution of freight between the carriers, eastbound and westbound, in the trade between New York and ports in Sweden.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6683; Filed, June 24, 1965; 8:47 a.m.]

MOORE-McCORMACK LINES, INC., AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9468, between Moore-McCormack Lines, Inc. (Moore-McCormack) and Grace Line, Inc. (Grace), provides for Grace to act as Moore-McCormack's general passenger agent in Central America and the North and West Coasts of South America to solicit and book passengers on Moore-McCormack's vessels, to issue tickets, to accept bookings and collect fares from travel agents in accordance with the terms and conditions set forth in the agreement.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6684; Filed, June 24, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4280]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

JUNE 21, 1965.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala., 35202, an exempt holding company and an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1995. The interest rate of the new bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the indenture dated as of January 1, 1942, between Alabama and Chemical Bank New York Trust Co., successor trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of the first day of the calendar month in which such new bonds are issued.

Alabama also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 70,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the new preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to Alabama (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Alabama's charter will be amended to allow for and to establish the terms of the new preferred stock. The general provisions which apply to Alabama's preferred stocks of all classes which are now or may hereafter be authorized or created are set forth in the joint agreement of merger between Alabama and Birmingham Electric Co. In addition to the terms and conditions therein, Alabama has agreed to the additional terms and

conditions applicable to its preferred stocks that were imposed by the order of the Commission dated March 15, 1961, in File No. 70-3941 (Holding Company Act Release No. 14389).

The proceeds from the issuance and sale of the new bonds and new preferred stock will be applied by Alabama, together with funds available from other sources, to finance its 1965 construction program (presently estimated at $93,300,000), to reimburse its treasury for the retirement of previously outstanding bonds, to pay short-term bank loans, and for other lawful purposes.

The issuance and sale of the new bonds and the new preferred stock have been expressly authorized by the Alabama Public Service Commission, the State commission of the State in which Alabama is organized and doing business. The application states that no Federal commission, other than this Commission, has jurisdiction over the transactions proposed. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than July 13, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6670; Filed, June 24, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 526]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 9, 1965.

OFFICE

Small Business Administration Regional Office, 301 Board of Trade Building, 120 South Market Street, Wichita, Kans., 67202.

2. Temporary offices will be established in such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1965.

Dated: June 11, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6657; Filed, June 24, 1965; 8:45 a.m.]

[License No. 07-0023]

MIDWEST CAPITAL CORP.

Order Revoking License of Small Business Investment Company

Whereas, Midwest Capital Corp. was incorporated under the laws of the State of Illinois on April 20, 1961, solely to perform the functions of a small business investment company.

Whereas, Midwest Capital Corp. was licensed by the Small Business Administration on June 12, 1961, as a small business investment company.

Whereas, section 308 of the Small Business Investment Act of 1958, as amended, provides that the license of a small business investment company may be forfeited if said small business investment company is determined and adjudged by a court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act,

Whereas, suit was filed by the Small Business Administration against Midwest Capital Corp. and others for issuance of an injunction, determination, and adjudication of violation and appointment of a receiver,

Whereas, the Federal District Court for the Northern District of Illinois in Civil Action No. 63 C 1434 determined and adjudged noncompliance with and violations of the Act and the regulations promulgated thereunder, to wit:

(a) Midwest Capital Corp. failed to keep proper financial records and failed to file its annual report and audit with the Small Business Administration, which was due July 1, 1963;

(b) As of August 12, 1963, Midwest Capital Corp. maintained no proper business office;

(c) Midwest Capital Corp. made loans and disbursed funds which did not and were not intended to inure to the benefit of small business concerns as defined in the Act;

(d) Midwest Capital Corp. disbursed funds for the sole purpose of benefiting its own corporate officers; and

(e) Midwest Capital Corp. made a loan to an eleemosynary institution which was not a small business concern within the meaning of the Act.

Now therefore, as Deputy Administrator for Investment of the Small Business Administration and by the authority vested in me by the Small Business Investment Act of 1958, as amended, I hereby revoke License No. 07-0023 issued to Midwest Capital Corp. and cause notice of this revocation to be served upon Harry A. Ash, receiver of Midwest Capital Corp., and to be published in the FEDERAL REGISTER.

Dated: June 18, 1965.

SMALL BUSINESS ADMINISTRATION,
ROBERT B. LEISY,
Acting Deputy Administrator for Investment.

[F.R. Doc. 65-6658; Filed, June 24, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562; Pfahler's ICC Order 176, Amdt. 2]

MIDLAND VALLEY RAILROAD CO.

Diversion and Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 176 (Midland Valley Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 176 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, office of the Federal Register.

Issued at Washington, D.C., June 22, 1965.

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

[F.R. Doc. 65-6687; Filed, June 24, 1965; 8:48 a.m.]

[Notice 1194]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 22, 1965.

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

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

No. MC-FC-67903. By order of June 17, 1965, the Transfer Board approved the transfer to Leonard Brothers Transport Co., Inc., Topeka, Kans., of the operating rights issued by the Commission November 19, 1956, under Certificate No. MC-13547, to H. R. Leonard and Doyle B. Leonard, a partnership, doing business as Leonard Brothers Transport Co., Topeka, Kans., authorizing the transportation, over regular routes, of general commodities, except commodities in bulk, household goods, and other specified commodities, between Topeka, Kans., and Atchison, Kans., serving all intermediate points; between Topeka, Kans., and Leavenworth, Kans., serving all intermediate points; and the off-route points of Fort Leavenworth, Kans., between Kansas City, Mo., and Topeka, Kans., serving all intermediate points, and all off-route points in the Kansas City, Mo.-Kansas City, Kans., commercial zone. James H. Hope, % Jandera, Hope & Bulkley, 641 Harrison, Topeka, Kans., attorneys for applicants.

No. MC-FC-67917. By order of June 17, 1965, the Transfer Board approved the transfer to Grant Cowie, doing business as Fastest Way Motor Freight, Spokane, Wash., of Certificate No. MC-59465, issued January 21, 1954, to John Matheny, doing business as Spokane-Northeast Motor Freight, Spirit Lake, Idaho, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Spirit Lake, Idaho, and Spokane, Wash., serving the intermediate points of Twin Lakes, Rathdrum, and Hauser Junction, Idaho, and Newman Lake Station, Wash., and the off-route points bordering the Twin Lakes, Idaho, and between Spirit Lake, Idaho, and the southern boundary of the Village of Old Town, Idaho, serving all intermediate and off-route points on and within a radius of 10 miles east and west of the indicated segment of Idaho Highway 41 (except the Village of Old Town, Newport, Washington, Albany Falls, and Priest River, Idaho). Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash., 99201, representative for applicants.

No. MC-FC-67918. By order of June 17, 1965, the Transfer Board approved the transfer to Sherwood L. Yergey and David A. Yergey, a partnership, doing business as Yergey's Moving and Storage, Pottstown, Pa., of Certificate No. MC-21900, issued December 12, 1949, to Oscar E. Yergey, Pottstown, Pa., authorizing the transportation, over irregular routes, of household goods, over irregular routes, between Pottstown, Pa., and points within 15 miles of Pottstown, on the one hand, and, on the other, points in New York and New Jersey; and cloth and cloth products, between Pottstown, Pa., Bridgeton, N.J., and Newburgh, N.Y. Sherwood L. Yergey, 152 High Street, Pottstown, Pa., 19464, attorney for applicants.

No. MC-FC-67919. By order of June 17, 1965, the Transfer Board approved the transfer to Nyari Trucking, Inc., Bryan, Ohio, of Permit No. MC-117132 issued September 5, 1958, to Paul Nyari, Bryan, Ohio, authorizing the transportation of scrap metals, in dump vehicles, between Bryan and Defiance, Ohio, on the one hand, and, on the other, points in Indiana and Michigan. Earl J. Thomas, Thomas Building, Post Office Drawer 70, 5844-5866, North High Street, Worthington, Ohio, 43085, representative for applicants.

No. MC-FC-67924. By order of June 17, 1965, the Transfer Board approved the transfer to Saul Goldberg, doing business as J. Goldberg & Son, Yonkers, N.Y., of the operating rights of Raymond Vanderberg & Son, Inc., New Rochelle, N.Y., in Certificate No. MC-94926, issued by the Commission February 27, 1963, authorizing the transportation of household goods, over irregular routes, between points in Westchester County, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Rhode Island. Alvin Altman, 1776 Broadway, New York, N.Y., 10019, attorney for applicants.

No. MC-FC-67927. By order of June 17, 1965, the Transfer Board approved the transfer to Brake Trucking, Inc., Springfield, Ill., of the operating rights in Certificate No. MC-125477 (Sub-No. 1), issued April 14, 1964, to James F. Brake, Springfield, Ill., authorizing the transportation, over irregular routes, of wooden kitchen cabinets and related cases, and components thereof, crated, from Kreamer, Pa., to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin. Robert T. Lawley, 308 Reisch Building, Springfield, Ill., attorney for applicants.

No. MC-FC-67929. By order of June 17, 1965, the Transfer Board approved the transfer to Mary K. Sheppo, doing business as M. Sheppo, Saint Clair, Pa., of the operating rights in Certificates Nos. MC-112809 and MC-112809 (Sub-No. 1), issued August 3, 1954, and January 23, 1962, respectively, to Michael Sheppo, Jr., Frackville, Pa., authorizing the transportation of coal; malt beverages, in bottles, cans, and barrels; and bottles, cans, barrels, cardboard cartons, and malt cereal and grain flakes used in the manufacture of beer, from and to specified points in Pennsylvania, New Jersey, and New York, varying with the commodities transported. John E. Lavelle, Professional Building, Ashland, Pa., 17921, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6689; Filed, June 24, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

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

3 CFR

PROCLAMATIONS:
3658 — 7695

EXECUTIVE ORDERS:
July 10, 1912 (revoked in part by PLO 3699) — 7898
May 14, 1915 (revoked in part by PLO 3673) — 7752
Oct. 30, 1916 (revoked in part by PLO 3664) — 7750
Dec. 12, 1917 (revoked in part by PLO 3699) — 7898
6143 (revoked in part by PLO 3691) — 7823
6276 (revoked in part by PLO 3691) — 7823
6285 (revoked in part by PLO 3693) — 7824
6583 (revoked in part by PLO 3691) — 7823
7655 (revoked in part by PLO 3661) — 7521
8278 (revoked in part by PLO 3705) — 7901
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