FEDERAL REGISTER

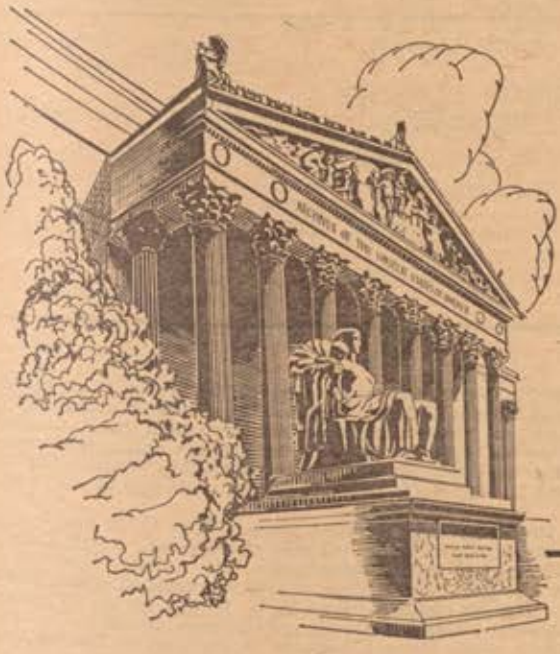
VOLUME 30 • NUMBER 86

Wednesday, May 5, 1965 • Washington, D.C.

Pages 6237–6324

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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

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

Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

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

5 CFR

213 (2 documents) 6241

7 CFR

301 (2 documents) 6243, 6245
707 6246
862 6247
863 6248
864 6248
1488 6249
PROPOSED RULES:
28 6255
930 6255

12 CFR

PROPOSED RULES:
261 6275
262 6275

14 CFR

71 6241
73 6242
75 (2 documents) 6241, 6242
99 6242
PROPOSED RULES:
39 6274

16 CFR

PROPOSED RULES:
303 6275

29 CFR

50 6249

47 CFR

0 6250
15 6250
73 6251
PROPOSED RULES:
73 (2 documents) 6274, 6275

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to recognize the replacement of the office of the Under Secretary for Political Affairs by the office of the Under Secretary for Economic Affairs and the appointment of the former Under Secretary for Political Affairs as Ambassador-at-Large. Because of these changes, two new positions, Personal Assistant and Staff Assistant to the Under Secretary for Economic Affairs, are excepted under Schedule C; one position of Special Assistant and the position of Private Secretary in the office of the Under Secretary for Political Affairs are now in the office of the Under Secretary for Economic Affairs; one position of Special Assistant and the position of Personal Assistant in the office of the Under Secretary for Political Affairs are now in the office of the Ambassador-at-Large; and the new positions of Personal Assistant and Staff Assistant to the Under Secretary for Economic Affairs are excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraphs (16) and (18) of paragraph (a) of § 213.3304 are amended and subparagraph (20) is added to paragraph (a) as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(16) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.

* * * * *

(18) One Special Assistant and one Staff Assistant to the Under Secretary for Economic Affairs.

* * * * *

(20) One Personal Assistant and one Special Assistant to the Ambassador-at-Large.

* * * * *

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

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

[F.R. Doc. 65–4709; Filed, May 4, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Director, Office of Manpower, Automation, and Training and the position of his Secretary are excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraphs (22) and (23) are added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(22) Director, Office of Manpower, Automation, and Training.

(23) One Private Secretary to the Director, Office of Manpower, Automation, and Training.

* * * * *

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

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

[F.R. Doc. 65–4708; Filed, May 4, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–WA–29]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Federal Airways, Jet Routes, and Low Altitude Reporting Points; Corrections

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to make minor corrections in the alignment of segments of VOR Federal airway Nos. 3, 4, 5, 11, 16, 25, 60, 68, 77, 97, 115, 139, 141, 159, 177, 210, 272, 280, 295, 304, 437, 455, 490; Jet Route Nos. 13 and 26; and the Coalfax Intersection, Edgerton Intersection, Garrison Intersection, Leslie Intersection, Pioneer Intersection, and Scipio Intersection low altitude reporting points.

Numerous changes in magnetic radials and bearings for airways, jet routes and reporting points, resulting from newly computed magnetic variation data will be applied by the U.S. Coast and Geodetic Survey to aeronautical charts, effective June 24, 1965. Accordingly, action is taken herein to reflect 1° corrections in the descriptions of the above listed airways, jet routes, and reporting points to make their descriptions compatible with the computed data.

Since these amendments are essentially editorial and minor in nature, notice and public procedure herein are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509, 30 F.R. 4463) is amended as follows:

a. V–3 is amended by deleting "Jacksonville 027°" and substituting "Jacksonville 028°" therefor.

b. V–4 is amended by deleting "Louisville 113°" and substituting "Louisville 114°" therefor.

c. V–5 is amended by deleting "Chattanooga 333°" and substituting "Chattanooga 332°" therefor.

d. V–11 is amended by deleting "Scotland 011°" and substituting "Scotland 010°" therefor.

e. V–16 is amended by deleting "Tucson 121°" and substituting "Tucson 122°" therefor.

f. V–25 is amended by deleting "Ventura, Calif., 145°" and substituting "Ventura, Calif., 144°" therefor.

g. V–60 is amended by deleting "including an S alternate;" and substituting "including an S alternate via INT of Albuquerque 103° and Otto 253° radials;" therefor.

h. V–68 is amended by deleting "Corona 268°" and substituting "Corona 269°" therefor.

i. V–77 is amended by deleting "Wichita, Kans., 226°" and substituting "Wichita, Kans., 225°" therefor.

j. V–115 is amended by deleting "Birmingham, Ala., 138°" and substituting "Birmingham, Ala., 139°" therefor.

k. V–139 is amended by deleting "Boston, Mass., 014°" and substituting "Boston, Mass., 015°" therefor.

l. V–141 is amended by deleting "Boston 014°" and substituting "Boston 015°" therefor.

m. V–159 is amended by deleting "Vero Beach 342°" and substituting "Vero Beach 341°" therefor.

n. V–177 is amended by deleting "Monterey 276°" and substituting "Monterey 277°" therefor.

o. V–210 is amended by deleting "Harrisburg, Pa., 273°" and substituting "Harrisburg, Pa., 274°" therefor.

p. V–272 is amended by deleting "Oklahoma City, Okla., including an N alternate and" and substituting "Oklahoma City, Okla., including an N alternate via INT of Sayre 070° and Oklahoma City 282° radials" therefor.

q. V–280 is amended by deleting "Kansas City, Mo., 275°" and substituting "Kansas City, Mo., 274°" therefor.

r. V–295 is amended by deleting "Vero Beach 342°" and substituting "Vero Beach 341°" therefor.

s. V–304 is amended by deleting "Liberal 233°" and substituting "Liberal 234°" therefor.

t. V-437 is amended by deleting "Florence, S.C., 179°" and substituting "Florence, S.C., 178°" therefor.

u. V-455 is amended by deleting "Meridian 229°" and substituting "Meridian 230°" therefor.

v. V-490 is amended by deleting "Boston, Mass., 014°" and substituting "Boston, Mass., 015°" therefor.

2. Section 71.203 (29 F.R. 17711) is amended as follows:

a. Coalfax INT is amended by deleting "Johnstown, Pa., 092°" and substituting "Johnstown, Pa., 093°" therefor.

b. Egerton INT is amended by deleting "Fort Wayne, Ind., 040°" and substituting "Fort Wayne, Ind., 039°" therefor.

c. Garrison INT is amended by deleting "Drumond, Mont., 091°" and substituting "Drumond, Mont., 092°" therefor.

d. Leslie INT is amended by deleting "Salem, Mich., 272°" and substituting "Salem, Mich., 273°" therefor.

e. Pioneer INT is amended by deleting "Ft. Wayne, Ind., 040°" and substituting "Ft. Wayne, Ind., 039°" therefor.

f. Scipio INT is amended by deleting "Georgetown, N.Y., 272°" and substituting "Georgetown, N.Y., 273°" therefor.

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

a. Jet Route No. 13 is amended by deleting "El Paso 282°" and substituting "El Paso 281°" therefor.

b. Jet Route No. 26 is amended by deleting "El Paso 089°" and substituting "El Paso 088°" therefor.

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

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

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4710; Filed, May 4, 1965; 8:47 a.m.]

[Airspace Docket No. 64-EA-46]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On February 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2157) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would change the time of designation for a portion of Restricted Area R-5002 at Warren Grove, N.J.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 73.50 (29 F.R. 17755), Restricted Area R-5002, Warren Grove, N.J., is amended by deleting "Time of designation. Sunrise to sunset." and substituting therefor:

Time of designation.
Friday through Sunday, sunrise to sunset.
Monday through Thursday, sunrise to sunset except for the portion beginning from the surface to 3,000 feet m.s.l. which lies within a 1 nautical mile radius centered at latitude 39°42'04" N., longitude 74°24'35" W. which is sunrise to 2200 e.s.t.

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

Issued in Washington, D.C., on April 30, 1965.

CHARLES W. CARMODY,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-4711; Filed, May 4, 1965; 8:47 a.m.]

[Airspace Docket No. 65-WA-32]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to extend Jet Route No. 1 from San Diego, Calif., to the Mexican border.

The Mexican Government has requested the FAA to designate Jet Route No. 1 from the intersection of the direct course between San Diego and the Tijuana, Mexico, RBN with the United States-Mexican border, to San Diego, Mexico will designate Jet Route No. 1 from this point on the border via intermediate points to Mexico City, Mexico. This route will provide a single jet route designation from Mexico City to Seattle, Wash.

This jet route extension is 19 nautical miles long and lies entirely within presently controlled airspace, therefore, notice and public procedure hereon are unnecessary because this is a minor amendment in which the public is not particularly interested.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776) Jet Route No. 1 is amended as follows:

In the caption "San Diego, Calif." is deleted and "United States/Mexican border" is substituted therefor.

In the text "From San Diego, Calif., via" is deleted and "From the INT of the United States/Mexican border with the direct course between the San Diego VORTAC and the Tijuana, Mexico, RBN, via San Diego;" is substituted therefor.

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

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

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4712; Filed, May 4, 1965; 8:47 a.m.]

[Reg. Docket No. 6618; Amdt. 99-4]

PART 99—SECURITY CONTROL OF AIR TRAFFIC

Alteration of Alaskan Distant Early Warning Identification Zone

The purpose of this amendment to Part 99 of the Federal Aviation Regulations is to alter the eastern and southeastern boundaries of the Alaskan Distant Early Warning Identification Zone (DEWIZ), thereby reducing requirements for flight-progress reporting and estimating in that area.

As presently designated, the southeastern boundary of the Alaskan DEWIZ crosses overwater Control Area Extension 1310 in the vicinity of Domestic Gustavus, a low altitude reporting point located at 56°57' N., 139°26' W. Domestic Yakutat, a low altitude and high altitude reporting point, is located on Control 1310, 91 nautical miles to the west at 57°52' N., 141°46' W.

High altitude flights proceeding in a westerly direction along Control 1310 are now required to furnish an estimated time for penetration of the DEWIZ near Domestic Gustavus, and to report passing Domestic Yakutat shortly after penetration.

Flight planning and air traffic control procedures are simplified and communications reduced where DEWIZ or ADIZ penetration points and reporting points coincide.

It is the purpose of this amendment to realign the southeastern boundary of the Alaskan DEWIZ so that it passes through Domestic Yakutat, thus effecting that simplification.

Since this action involves airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Executive Order 10854.

Inasmuch as this amendment relates to defense requirements, and in the interest of early alteration of aeronautical charts, I find it contrary to the public interest to comply with notice, public procedure, and effective date requirements of the Administrative Procedure Act, and this amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 99.47 of Part 99 is amended, effective May 27, 1965, to read as follows:

§ 99.47 Alaskan DEWIZ.

The area bounded by a line connecting 73°00' N., 141°00' W.; 69°50' N., 141°00' W.; 71°18' N., 156°44' W.; 68°53' N., 166°16' W.; 63°17' N., 168°42' W.; 58°39' N., 162°03' W.; 54°00' N., 169°00' W.; 52°00' N., 169°00' W.; 56°34' N., 154°10' W.; 59°28' N., 146°18' W.; 59°30' N., 139°30' W.; 57°52' N., 141°46' W.; 50°00' N., 157°00' W.; 50°00' N., 175°00' W.; 60°00' N., 175°00' W.; 61°45' N., 177°00' W.; 65°00' N., 169°00' W.; 73°00' N., 169°00' W.; 73°00' N., 141°00' W. (point of beginning).

(Secs. 307, 1110, and 1202, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and 1522, and Executive Order 10854 (24 F.R. 9565))

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

N. E. HALABY,
Administrator.

[F.R. Doc. 65-4713; Filed, May 4, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

On November 7, 1964, there was published in the FEDERAL REGISTER (29 F.R. 15089) as F.R. Doc. 64–11433, a notice of public hearing and notice of rule making pertaining to notice of quarantine No. 77 relating to the European chafer and the regulations supplemental to said quarantine (7 CFR 301.77, and 301.77–1 et seq.). After due consideration of all relevant matters presented at the hearing and in response to the notice of rule making, and pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the said notice of quarantine and supplementary regulations are hereby revised to read as follows:

QUARANTINE

Sec.
301.77 Notice of quarantine.

REGULATIONS

301.77–1 Definitions.
301.77–2 Designation of regulated areas.
301.77–3 Restrictions on the movement of regulated articles.
301.77–4 Issuance and use of certificates and limited permits.
301.77–5 Cancellation of certificates and limited permits.
301.77–6 Inspection and disposal.
301.77–7 Shipments for experimental or other scientific purposes.
301.77–8 Nonliability of Department.
301.77–9 Movement of live European chafers; regulations.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 19 F.R. 74, as amended.

QUARANTINE

§ 301.77 Notice of quarantine.

(a) *Quarantined States.* Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine the States of Connecticut and New York to prevent the spread of infestations of Amphimallon majalis (Razoumowsky), commonly known as the European chafer, a dangerous insect injurious to cultivated crops, lawns and pastures and not heretofore widely prevalent or distributed within and throughout the United States, and therefore said States are hereby quarantined.

(b) *Regulation of movement of regulated articles.* Hereafter, the articles designated as regulated articles in paragraph (c) of this section shall not be moved from any quarantined State into or through any other State, District, Commonwealth, or Territory of the United States in any manner or method or under any conditions other than those prescribed in the regulations set forth in this subpart, except as otherwise provided in subparagraph (2) of this paragraph.

(1) *Limiting restrictions upon movement of regulated articles to regulated area.* If less than an entire quarantined State has been designated a regulated area, the restrictions imposed by the regulations in this subpart upon the movement of regulated articles shall apply only to such designated regulated area. A portion of a quarantined State will be designated a regulated area if, and only if, the Administrator of the Agricultural Research Service is of the opinion that:

(i) The State is enforcing regulations concerning the intrastate movement of live European chafers and the articles herein designated as regulated articles, and such State regulations establish substantially the same control conditions as are imposed under the existing Federal European chafer quarantine and regulations;

(ii) The State is enforcing regulations that establish sanitation measures which are adequate to prevent the intrastate spread of European chafers, and such State regulations apply to areas to be designated as regulated area; and

(iii) The designation of less than an entire State as a regulated area will otherwise adequately prevent the interstate spread of European chafers.

(2) *Relieving of restrictions by administrative instructions.* Whenever the Director of the Plant Pest Control Division finds that facts exist as to the pest risk involved in the movement of any of the regulated articles which make it safe to relieve the restrictions with respect thereto, contained in the regulations, he shall promulgate administrative instructions relieving the restrictions in specified respects. Whenever the Director finds that such facts no longer exist, he shall revoke or modify such administrative instructions so as to reinstate the restrictions of the regulations to the extent necessary to effectuate the purposes of this subparagraph.

(c) *Regulated articles.* The following are capable of carrying European chafer infestation and therefore are regulated articles under this subpart:

(1) *Designated articles (Class "A" articles).* (i) Forest, field, nursery, and greenhouse-grown woody or herbaceous plants with roots and grass sod.

(ii) Plant crowns and roots for propagation; true bulbs, corms, tubers, and rhizomes, when freshly harvested or uncured.

(iii) Soil, whether independent of or associated with plants; and used soil-moving equipment.

(2) *Articles determined to present hazards (Class "B" articles).* Any other products and articles, or means of conveyance, of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by the inspector that they present a hazard of the spread of European chafers, and the person in possession thereof has been so notified.

REGULATIONS

§ 301.77–1 Definitions.

For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *European chafer.* The insect known as the European chafer (*Amphimallon majalis* (Razoumowsky)), in any stage of development.

(b) *Infestation.* The presence of the European chafer.

(c) *Regulated areas.* The quarantined States, counties, cities, townships, towns, districts, villages, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.77–2 as regulated areas.

(d) *Suppressive areas.* That part of the regulated areas where eradication may be undertaken as an objective, as designated in administrative instructions authorized in § 301.77–2.

(e) *Generally infested areas.* That part of the regulated areas not designated as suppressive areas in administrative instructions authorized in § 301.77–2.

(f) *Soil-moving equipment.* Equipment used to move or transport soil—e.g., draglines, bulldozers, road scrapers, dumptrucks, etc.

(g) *Regulated articles.* The articles specified in § 301.77(c) (1) and (2).

(h) *Inspector.* An employee of the U.S. Department of Agriculture or other person authorized to enforce the provisions of this subpart.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(j) *Interstate.* From one State, District, Commonwealth, or Territory of the United States into or through another.

(k) *State, District, Commonwealth, or Territory of the United States.* Any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands of the United States.

(l) *Certificate.* A document, issued or authorized by the inspector, evidencing compliance with the requirements of this subpart.

(m) *Master certificate.* A certificate indicating the quantity and nature of the articles covered thereby, issued or authorized by the inspector for use with bulk or lot shipments of regulated articles.

(n) *Limited permit.* A document issued or authorized by the inspector for the movement of regulated articles to a restricted destination for limited handling, utilization, or processing, or for treatment.

(o) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(p) *Director of the Plant Pest Control Division (or Director).* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(q) *Administrator of the Agricultural Research Service (or Administrator).*

The Administrator of the Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of that Department to whom authority to act in his stead has been or may hereafter be delegated.

(r) *Soil.* Soil shall be considered that part of the upper layer of earth in which plants can grow.

(s) *Administrative instructions.* Published rules relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director.

§ 301.77–2 Designation of regulated areas.

The Director, from time to time, in administrative instructions promulgated by him, shall list a quarantined State in its entirety or shall list the counties, cities, townships, towns, districts, villages, or other minor civil divisions, or parts thereof, in the quarantined State in which he determines infestation of European chafer exists or is likely to exist, or which he deems it necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate each listed State or civil division or part of a civil division as constituting a regulated area. Less than an entire State will be designated as a regulated area if, and only if, in the judgment of the Administrator, limiting the enforcement of the regulations to such portion of the State will be adequate to prevent the spread of European chafers from the State as provided in § 301.77(b)(1). The Director may revoke the designation of any State or civil division, or part thereof, as a regulated area by modifying the administrative instructions when he determines that adequate eradication measures have been practiced for a sufficient length of time to eradicate European chafers therein and that regulation of such area is not otherwise necessary under this section. The Director, in the administrative instructions, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.77–1.

§ 301.77–3 Restrictions on the movement of regulated articles.

(a) *Applicability of restrictions.* The movement of the regulated articles is restricted from any regulated area into or through any point outside of the regulated areas, or from any generally infested area into or through any suppressive area, or between or within the suppressive areas, as provided in this subpart. No restriction is imposed by this subpart on the movement of regulated articles from any suppressive area directly into any generally infested area.

(b) *Conditions of movement.* Except as provided in paragraph (c) of this sections, or in § 301.77–7, or in administrative instructions of the Director under § 301.77:

(1) *Certificate or limited permit.* A certificate or limited permit is required to accompany the regulated articles when moved:

(i) From any regulated area into or through any point outside of the regulated areas;

(ii) From the generally infested area into or through any suppressive area;

(iii) Between the suppressive areas; or

(iv) Within the suppressive area when it is determined by the inspector that the regulated articles present a hazard of the spread of European chafers, and the person in possession thereof has been so notified.

(2) *Inspection of regulated articles.* Persons intending to move any regulated articles required by this section to be accompanied by a certificate or limited permit shall make application to the inspector for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designte to facilitate inspection.

(3) *Safeguards against infestation.* Subsequent to certification, as provided in § 301.77–4, regulated articles may be moved under certificate under this subpart only if they are loaded, handled, and shipped under such protections and safeguards against infestation as are required by the inspector.

(c) *Articles originating outside the regulated areas.* Regulated articles which originate outside of the regulated areas and are moving through or are being reshipped from any regulated area may be moved therefrom into or through any regulated area or to points outside thereof without further restriction when their point of origin is clearly indicated, when their identity has been maintained, when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector, and when in the judgment of the inspector such movement does not present a hazard of the spread of European chafers. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

§ 301.77–4 Issuance and use of certificates and limited permits.

(a) *Certificates.* Certificates may be issued by the inspector for the movement of any regulated articles under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation;

(2) When they have been examined by the inspector and found to be free of infestation;

(3) When they have been treated to destroy infestation under the direction of the inspector and in accordance with administratively authorized procedures known to be effective under the conditions in which applied; or

(4) When they were grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will use all certificates and limited permits in accordance with the provisions of the dealer-carrier agreement and will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector to prevent the spread of infestation.

(d) *Attachment of certificates and limited permits.* Every container of regulated articles, or, if there is none, the article itself, required to have a certificate or limited permit under § 301.77–3, shall have such certificate or permit securely attached to the outside thereof when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill or other shipping document, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required. If the certificate or limited permit is attached to the waybill or other shipping document, it shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.77–5 Cancellation of certificates and limited permits.

Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of European chafers.

§ 301.77–6 Inspection and disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, District, Commonwealth, or Territory of the United States into or through any other such State, District, Commonwealth, or Territory and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to any regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to said act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or

article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act (7 U.S.C. 150dd, 164a).

§ 301.77–7 Shipments for experimental or other scientific purposes.

Regulated articles may be moved under this subpart for experimental or other scientific purposes only, on such conditions and under such safeguards as may be prescribed by the Director of the Plant Pest Control Division to carry out the purposes of this subpart. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag issued by the Director.

§ 301.77–8 Nonliability of Department.

The U.S. Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

§ 301.77–9 Movement of live European chafers; regulations.

Regulations requiring a permit for, and otherwise governing the movement of live European chafers are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, Hyattsville, Md., 20781, in accordance with said part.

This revision shall become effective May 5, 1965, when it shall supersede the quarantine and regulations effective September 1, 1955 (§§ 301.77, 301.77–1 et seq.).

Pursuant to a notice published in the FEDERAL REGISTER on November 7, 1964, consideration was given at a public hearing at New York City, on December 16, 1964, to quarantining the States of New Jersey and Pennsylvania on account of the European chafer. Such designations are now considered unnecessary because a cooperative Federal-State eradication program has eradicated or greatly suppressed all known European chafer infestations in New Jersey. In Pennsylvania, hazardous populations have been treated and further treatments are contemplated following the 1965 survey season. Both States are enforcing quarantine regulations comparable to those enforced under a Federal quarantine. Accordingly, New Jersey and Pennsylvania have not been designated quarantined States.

Under this revision, the designation of West Virginia as a quarantined State has been deleted, since no infestation of the European chafer has been found in such State for 3 years. Also, parts of forest, field, nursery, or greenhouse-grown woody or herbaceous plants for planting purposes have been deleted from the list of regulated articles, since such parts without roots are no longer deemed capable of carrying European crafer infestation. In addition, certain nonsubstantive changes have been made in the format of the notice of quarantine and supplemental regulations in the interests of clarity and simplification.

Insofar as this action relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. Insofar as the revision contains nonsubstantive changes in format, notice and other public procedure with respect to such changes would not make additional information available to the Department. Accordingly, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April 1965.

[SEAL] GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 65–4725; Filed, May 4, 1965; 8:48 a.m.]

[P.P.C. 614, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

EXEMPTION OF CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Pursuant to the authority contained in § 301.77(b)(2) of the European chafer quarantine (Notice of Quarantine No. 77, 7 CFR 301.77), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.77a are hereby amended to read as follows:

§ 301.77a Administrative instructions exempting certain articles from requirements of regulations.

The following articles are exempted from the certification and permit requirements of § 301.77–3, except as otherwise provided in this section, and under the specific conditions hereinafter set forth.

(a) The following articles when they have not been exposed to infestation or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) True bulbs, corms, tubers, and rhizomes when free from soil; except that clumps of dahlia tubers are not exempt.

(2) Plants when growing exclusively in osmunda fiber, or chipped or shredded bark.

(3) Trailing arbutus or Mayflower (Epigaea repens), moss, clubmoss, and ground-pine or running pine when free of soil.

(4) Soil-free aquatic plants.

(5) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the European chafer.

(6) Humus, peat, compost, and decomposed manure when dehydrated, ground, pulverized, or compressed.

(b) Soil samples moved from any area that is not infested with soybean cyst nematode, golden nematode, or witchweed when consigned to any State: *Provided, however,* That such samples originating in areas under regulation on account of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, and Texas: *And provided further,* That:

(1) The samples do not exceed one pound in weight: *Provided, however,* That this shall not preclude the assembly of one pound units in a single package for shipping purposes;

(2) They are so packaged that no soil will be spilled in transit; and

(3) They are consigned to laboratories approved by the Director of the Plant Pest Control Division and operating under a dealer-carrier agreement.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210; 7 CFR 301.77)

These administrative instructions shall become effective May 5, 1965, when they shall supersede P.P.C. 614, 1st Rev., 7 CFR 301.77a, effective November 25, 1964.

This revision of the administrative instructions deletes soil-free plant cuttings without roots and seeds and cones from exempted articles since they are no longer regulated under the provisions of § 301.77. It also adds soil-free rhizomes and dehydrated, ground, pulverized, or compressed humus, peat, compost and decomposed manure to the exempted articles, since the Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement thereof which make it safe to relieve the certification and permit requirements with respect thereto.

Insofar as this revision deletes certain articles that are no longer regulated under the provisions of § 301.77, it should be made effective promptly so that administrative instructions will coincide with the notice of quarantine. Insofar as this revision relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the articles which are being exempted from the certification and permit requirements of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 29th day of April 1965.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 65–4724; Filed, May 4, 1965; 8:48 a.m.]

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

PART 707—PAYMENTS DUE PERSONS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

Part 707 is revised:

Sec.
707.1 Applicability.
707.2 Definitions.
707.3 Death.
707.4 Disappearance.
707.5 Incompetency.
707.6 Death, disappearance, or incompetency of one eligible to apply for payment pursuant to the regulations in this part.
707.7 Form of application.

AUTHORITY: The provisions of this Part 707 issued under R.S. 161, sec. 7, 54 Stat. 728, as amended, sec. 121, 70 Stat. 197, sec. 375, 52 Stat. 66, as amended, sec. 124(1), 75 Stat. 300, sec. 307(h), 76 Stat. 617, sec. 318, 76 Stat. 622, sec. 324(2), 76 Stat. 630, sec. 704, 68 Stat. 911, secs. 4, 8(b), 49 Stat. 164, 1149, as amended, sec. 101(4), 76 Stat. 606, sec. 3, 77 Stat. 45, sec. 4, 62 Stat. 1070; 5 U.S.C. 22, 7 U.S.C. 1385, 7 U.S.C. 1809, 7 U.S.C. 1375, 7 U.S.C. 1334 note, 7 U.S.C. 1339(g), 7 U.S.C. 1379j, 7 U.S.C. 1783, 16 U.S.C. 590d, 590h(b), 16 U.S.C. 590p(e), 16 U.S.C. 590p(h), 15 U.S.C. 714b(d)(j)(k).

§ 707.1 Applicability.

This part is applicable to the following programs set forth in this Title 7: (1) Agricultural Conservation Program (Part 701); (2) Land Use Adjustment Programs (Part 751); (3) Conservation Reserve Program (Part 750); (4) Feed Grain Diversion Programs (Part 775); (5) Wheat Stabilization Programs (Part 776); (6) Wheat Diversion and Certificate Programs (Part 728); (7) CCC Loan and Purchase Programs for Grains and Related Commodities (Part 1421), Cotton (Part 1427), Honey (Part 1434), Oilseeds (Part 1443), Peanuts (Part 1446), Mohair (Part 1468), Wool (Part 1472), and Farm Storage Facilities (Part 1474); and (8) Naval Stores Conservation Program (Part 706).

§ 707.2 Definitions.

"Person" when relating to one who dies, disappears, or becomes incompetent, prior to receiving payment, means a person who has earned a payment in whole or in part pursuant to any of the programs to which this part is applicable. "Children" shall include legally adopted children who shall be entitled to share in any payment in the same manner and to the same extent as legitimate children of natural parents. "Brother" or "sister", when relating to one who, pursuant to the regulations in this part, is eligible to apply for the payment which is due a person who dies, disappears, or becomes incompetent prior to the receipt of such payment, shall include brothers and sisters of the half blood who shall be considered the same as brothers and sisters of the whole blood. "Payment" means a payment by draft, check or certificate pursuant to any of the Programs to which this part is applicable. Payments shall not be considered received for the purposes of this part until such draft, check or certificate has been negotiated or used.

§ 707.3 Death.

(a) Where any person who is otherwise eligible to receive a payment dies before the payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(1) To the administrator or executor of the deceased person's estate.

(2) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or executor was appointed but the administration of the estate is closed (i) prior to application by the administrator or executor for such payment or (ii) prior to the time when a check, draft, or certificate issued for such payment to the administrator or executor is negotiated or used.

(3) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendents of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the surviving sons and daughters of such deceased person and the estates of any deceased sons or daughters where there are surviving direct descendants.

(4) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(5) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the surviving brothers and sisters of such deceased person and the estates of any deceased brothers or sisters where there are surviving direct descendants.

(6) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law in accordance with the law of the State of domicile of the deceased person.

(b) If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $1,000, in which event payment shall be made only to his legal guardian.

(c) Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section or, pursuant to instructions issued by the Agricultural Stabilization and Conservation Service, a separate payment may be issued to each person entitled to share in such payment.

§ 707.4 Disappearance.

(a) In case any person otherwise eligible to receive payment disappears before receiving the payment, such payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed.

(2) The spouse.

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

(6) Such person as may be authorized under State law to receive payment for the benefit of his estate.

(b) A person shall be deemed to have disappeared if (1) he has been missing for a period of more than 3 months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Evidence of such disappearance must be presented to the county committee in the form of a statement executed by the person making the application for payment, setting forth the above facts, and must be substantiated by a statement from a disinterested person who was well acquainted with the person who has disappeared.

§ 707.5 Incompetency.

(a) Where any person who is otherwise eligible to receive a payment is adjudged incompetent by a court of competent jurisdiction before the payment is received, payment may be made, upon proper application therefor, without regard to claims of creditors other than the United States, to the guardian or committee legally appointed for such incompetent person. In case no guardian or committee has been appointed, payment, if not more than $1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned for the benefit of the incompetent person:

(1) The spouse.

(2) An adult son, daughter, or grandchild.

(3) The mother or father.

(4) An adult brother or sister.

(5) Such person as may be authorized under State law to receive payment for him (see standard procedure prescribed for the respective region).

(b) In case payment is more than $1,000, payment may be made only to such person as may be authorized under State law to receive payment for the incompetent.

§ 707.6 Death, disappearance, or incompetency of one eligible to apply for payment pursuant to the regulations in this part.

In case any person entitled to apply for a payment pursuant to the provisions of § 707.3, § 707.4, § 707.5, or this section, dies, disappears, or is adjudged incompetent, as the case may be, after he has applied for such payment but before the payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth in § 707.3, § 707.4, or § 707.5, as the case may be.

§ 707.7 Form of application.

Persons desiring to claim payment in accordance with this Part 707 may do so on Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent". If the person who died, disappeared, or was declared incompetent did not apply for payment by filing the applicable program application for payment form, such program application for payment must also be filed in accordance with applicable regulations. If the payment is made under the Naval Stores Conservation Program, Part II of the Form ASCS–325 shall be executed by the local District Supervisor of the U.S. Forest Service. In connection with applications for payment under all other programs itemized in § 707.1, Forms ASCS–325, and program applications for payments where required, shall be filed with the ASCS county office where the person who earned the payment would have been required to file his application.

Supersedure. This revision of Part 707 of Title 1, Code of Federal Regulations, supersedes all other regulations concerning application for payment of amounts due persons who have died, disappeared, or have been declared incompetent, in connection with the programs to which this part is applicable.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Signed at Washington, D.C., this 30th day of April 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation, and Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–4726; Filed, May 4, 1965; 8:48 a.m.]

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 862.5, Amdt. 1]

PART 862—WAGE RATES; SUGARBEETS

Failure To Pay in Full

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act") § 862.5 (30 F.R. 3810), effective April 5, 1965, is amended by adding a new paragraph (f) as follows:

§ 862.5 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarbeets.

* * * * *

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarbeets on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

Statement of bases and considerations. As one of the conditions for payment to producers, section 301(c)(1) of the Sugar Act of 1948, as amended, provides in effect that the producer of sugarbeets to qualify for payments authorized under the act must pay all workers in full, and at wage rates not less than those determined by the Secretary to be fair and reasonable or as agreed upon between the producer and the worker, if higher than those determined by the Secretary. This section further provides that a payment which would be payable except for the foregoing provisions may be made, as the Secretary may determine, in such manner that the worker will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work and that the producer will receive the remainder, if any, of such payment.

This amendment sets forth the conditions under which a payment under the Sugar Act will be disbursed both to workers and producers. It provides that a payment otherwise due with respect to a farm will be made if the producer discloses he has not paid his workers in full and the committee finds he has failed to pay his workers in full the wages due them because (1) he is financially unable to pay them, or (2) the committee finds that the failure to pay workers the full and correct amount of the wages due was not the fault of the producer and he was unable to locate them and pay the correct wages due after exercising reasonable diligence to do so. In all other cases where it is determined that workers have not been paid the wages earned by them, this amendment places upon the producer the burden to locate and pay to the workers the wages due them. In such latter cases the entire Sugar Act payment otherwise payable with respect to the farm will be withheld until such time as evidence satisfactory to the county committee is furnished establishing that all workers employed on the farm have been paid in full the wages earned by them.

Withholding the producer's entire Sugar Act payment, except under the conditions provided herein, and placing sole responsibility upon the producer to locate and pay the workers their wages will encourage the maintenance of ade-

quate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount of wages due them.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. May 12, 1965.

Signed at Washington, D.C., on April 30, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-4728; Filed, May 4, 1965; 8:48 a.m.]

[Sugar Determination 863.16, Amdt. 1]

PART 863—SUGARCANE; FLORIDA

Failure To Pay Wages in Full

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), § 863.16 (29 F.R. 13315), effective October 1, 1964, is amended by adding a new paragraph (f) as follows:

§ 863.16 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

* * * * *

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of surgarcane on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

Statement of bases and considerations. As one of the conditions for payment to producers, section 301(c)(1) of the Sugar Act of 1948, as amended, provides in effect that the producer of sugarcane to qualify for payments authorized under the act must pay all workers in full, and at wage rates not less than those determined by the Secretary to be fair and reasonable or as agreed upon between the producer and the worker, if higher than those determined by the Secretary. This section further provides that a payment which would be payable except for the foregoing provisions may be made, as the Secretary may determine, in such manner that the worker will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work and that the producer will receive the remainder, if any, of such payment.

This amendment sets forth the conditions under which a payment under the Sugar Act will be disbursed both to workers and producers. It provides that a payment otherwise due with respect to a farm will be made if the producer discloses he has not paid his workers in full and the committee finds he has failed to pay his workers in full the wages due them because (1) he is financially unable to pay them, or (2) the committee finds that the failure to pay workers the full and correct amount of the wages due was not the fault of the producer and he was unable to locate them and pay the correct wages due after exercising reasonable diligence to do so. In all other cases where it is determined that workers have not been paid the wages earned by them, this amendment places upon the producer the burden to locate and pay to the workers the wages due them. In such latter cases the entire Sugar Act payment otherwise payable with respect to the farm will be withheld until such time as evidence satisfactory to the county committee is furnished establishing that all workers employed on the farm have been paid in full the wages earned by them.

Withholding the producer's entire Sugar Act payment, except under the conditions provided herein, and placing sole responsibility upon the producer to locate and pay the workers their wages will encourage the maintenance of adequate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount of wages due them.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. May 12, 1965.

Signed at Washington, D.C., on April 30, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-4729; Filed, May 4, 1965; 8:48 a.m.]

[Sugar Determination 864.11, Amdt. 1]

PART 864—WAGES; SUGARCANE; LOUISIANA

Failure To Pay in Full

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act") § 864.11 (29 F.R. 13637), effective October 5, 1964, is amended by adding a new paragraph (f) as follows:

§ 864.11 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

* * * * *

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determinations as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker in-

volved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

Statement of bases and considerations. As one of the conditions for payment to producers, section 301(c)(1) of the Sugar Act of 1948, as amended, provides in effect that the producer of sugarcane to qualify for payments authorized under the act must pay all workers in full, and at wage rates not less than those determined by the Secretary to be fair and reasonable or as agreed upon between the producer and the worker, if higher than those determined by the Secretary. This section further provides that a payment which would be payable except for the foregoing provisions may be made, as the Secretary may determine, in such manner that the worker will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work and that the producer will receive the remainder, if any, of such payment.

This amendment sets forth the conditions under which a payment under the Sugar Act will be disbursed both to workers and producers. It provides that a payment otherwise due with respect to a farm will be made if the producer discloses he has not paid his workers in full and the committee finds he has failed to pay his workers in full the wages due them because (1) he is financially unable to pay them, or (2) the committee finds that the failure to pay workers the full and correct amount of the wages due was not the fault of the producer and he was unable to locate them and pay the correct wages due after exercising reasonable diligence to do so. In all other cases where it is determined that workers have not been paid the wages earned by them, this amendment places upon the producer the burden to locate and pay to the workers the wages due them. In such latter cases the entire Sugar Act payment otherwise payable with respect to the farm will be withheld until such time as evidence satisfactory to the county committee is furnished establishing that all workers employed on the farm have been paid in full the wages earned by them.

Withholding the producer's entire Sugar Act payment, except under the conditions provided herein, and placing sole responsibility upon the producer to locate and pay the workers their wages will encourage the maintenance of adequate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount of wages due them.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. May 12, 1965.

Signed at Washington, D.C., on April 30, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-4730; Filed, May 4, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 1488—SALES OF AGRICULTURAL COMMODITIES

Subpart A—Sales of Agricultural Commodities Under the CCC Export Credit Sales Program (GSM-3)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation (30 F.R. 2129) are hereby amended as follows:

§ 1488.2 Definition of terms.

* * * * *

(i) "Port Value" shall mean the sales price of the commodity f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River, for shipment from private stocks to be exported under this program. In the case of c&f and cif sales the port value shall not include the ocean freight and marine insurance.

* * * * *

§ 1488.7 Expiration of period for purchases from CCC or exports from private stocks.

Each credit approval will provide for one or both of the following periods except as determined by CCC when the exporter submits acceptable evidence of a firm contract requiring export deliveries which necessitate a longer period of time beyond those specified in paragraph (a) or (b) of this section:

* * * * *

§ 1488.13 Evidence of export of private stocks and warranty.

* * * * *

(e) In the case of commodities transshipped through Canada via Great Lakes as provided in § 1488.2(i), the exporter shall also furnish a certificate that the commodity exported was produced in the United States.

Effective date. Date of signature.

Signed at Washington, D.C., on April 30, 1965.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

[F.R. Doc. 65-4727; Filed, May 4, 1965; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS FOR UNEMPLOYED YOUTH

Standards for Project and Limitations on Federal Assistance

Pursuant to authority contained in section 602(n) of the Economic Opportunity Act of 1964 (78 Stat. 508) and Delegation No. 1-64 (29 F.R. 14764), the Secretary of Labor and the Director of the Office of Economic Opportunity hereby amend Title 29, Part 50, of the Code of Federal Regulations as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve matters that relate only to public benefits. We do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

The amendments read as follows:

1. The proviso at the end of paragraph (g) of § 50.22 is amended to read as follows:

§ 50.22 Standards for a project.

* * * * *

(g) * * * *Provided further*, That no enrollee shall be employed for more than 40 hours per week except on projects of the type described in § 50.32(c); and

* * * * *

2. Paragraph (a) of § 50.32 is amended and a new paragraph (c) is added to that section to read as follows:

§ 50.32 Limitations on Federal assistance.

(a) Except as provided in paragraphs (b) and (c) of this section, Federal assistance to any project pursuant to this part shall not exceed 90 per centum of the costs of such project, including costs of administration, for any period prior to August 20, 1966, and shall not exceed

50 per centum of such costs for periods thereafter. Non-Federal contributions may be in kind as defined in § 50.1.

* * * * *

(c) Federal assistance to a project may exceed 90 per centum of the costs of such project if the agreement for operation of the project provides that enrollees will be employed only on work which is necessary to cope with the effects of a major disaster, as defined in section 2(a) of the Federal Disaster Act, as amended (81 Stat. 875, 42 U.S.C. 1855–1855g).

(Sec. 602, 78 Stat. 528)

Signed at Washington, D.C., this 26th day of April 1965.

JOHN F. HENNING,
Acting Secretary of Labor.

R. SARGENT SHRIVER,
Director, Office of Economic Opportunity.

[F.R. Doc. 65-4679; Filed, May 4, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Order Regarding Office of Executive Director

The Commission having under consideration the functions of the Office of the Executive Director; and

It appearing that the functions as now stated in §§ 0.15 and 0.16 of the Commission's rules and regulations do not accurately reflect the division of functions between the Manpower Utilization and Survey Division and the Data Processing Division respectively; and

It further appearing, that since the function of conducting the Commission's Forms Control Program contemplated by the Federal Reports Act of 1942 is being performed by the Manpower Utilization and Survey Division, §§ 0.15 and 0.16 should be changed accordingly; and

It further appearing, that authority for this functional change is contained in sections 4 (i) and 5 of the Communications Act of 1934, as amended, and § 0.211 of the rules and regulations, and that such change is not subject to the prior notice and effective date provisions of the Administrative Procedure Act;

It is ordered, Effective May 7, 1965, that §§ 0.15 and 0.16 of the rules and regulations are amended as set forth below.

(Secs. 4, 5, 48 Stat. 1066, as amended, 1068, as amended; 47 U.S.C. 154, 155)

Adopted: April 26, 1965.

Released: April 30, 1965.

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

Section 0.15 and § 0.16 are amended to read as follows:

§ 0.15 Manpower Utilization and Survey Division.

The Manpower Utilization and Survey Division advises, assists and makes recommendations to the Executive Director, Chairman, and Commission on matters dealing with personnel management, manpower utilization, and management analysis; administers all phases of the personnel program including recruitment, placement, classification, compensation, training, employee utilization, employee services and similar programs; develops, recommends and implements policies and programs; develops, and recommends to the Executive Director, Chairman, and Commission, a program of manpower utilization and control; provides advice and assistance to the operating bureaus on personnel management and techniques for improving management and manpower utilization; develops and recommends to the Executive Director, Chairman, and Commission a program of management analysis and administers such segments thereof as organization analysis, general management studies, systems and procedures studies, and management control programs in such areas as directives, reports, forms, correspondence and communications, and organization; and provides advice and assistance to the operating bureaus on organizational and functional arrangements.

§ 0.16 Data Processing Division.

The Data Processing Division reviews and analyzes the data processing system requirements of the Commission; develops and recommends electronic or other data processing systems needed to fulfill the objectives of the Commission; operates the computer installation and associated peripheral and tabulating equipment in accordance with approved systems and manuals of procedure; measures the effectiveness of the installed systems against anticipated results; and continuously re-evaluates changing Commission responsibilities and information needs to determine the data processing systems most advantageous for the Commission's use.

[F.R. Doc. 65-4732; Filed, May 4, 1965; 8:49 a.m.]

[FCC 65-341]

PART 15—RADIO FREQUENCY DEVICES

Radiation Interference Limits

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1965;

The Commission, having under consideration § 15.63(c) which increases for television receivers the permitted level of radiation in the band 470–1000 Mc/s from 500 uv/m to 1000 uv/m temporarily until April 30, 1965, and a rule making petition RM–758 filed April 9, 1965 by the Electronic Industries Association (EIA) requesting an extension of such authority until April 30, 1968; and

It appearing, that, while EIA reports progress has been made in the matter of suppression of radiation in the UHF region, the improvement has not been sufficient to guarantee full compliance with a limit of 500 uv/m under all conditions of measurement; and

It further appearing, according to EIA that industry will be in a position to reliably project rigid adherence to the desired 500 uv/m limit, only after the correlation of measurements made at the several radiation measurement sites now in use has been significantly improved; that industry has established working committees to review present measurement techniques with a view toward improving site correlation; and that in view of the complexity of the measurement technique and the wide geographic separation of the several sites to be investigated, one year is not sufficient time to resolve these problems; and

It further appearing, that, data compiled by EIA from 381 receiver manufacturer's certification measurements show 52 percent of the current receivers with radiation above 500 uv/m; and

It further appearing, that, new devices and circuitry presently in development as reported by EIA, show promise of decreasing noise figure which could effectively improve television service in the UHF, but that this improvement would be achieved at the expense of some radiation control; and

It further appearing, that, notwithstanding the validity of the arguments presented by EIA to justify a further extension of 3 years in which to achieve the desired limit of 500 uv/m, the Commission feels there is an urgent need to reduce receiver radiation as part of the general need to reduce the level of man-made radio noise; that with greater effort on the part of the television receiver industry, the gains heretofore achieved can be extended to reach the desired goal within two years; that therefore an extension of 2 years is sufficient; and

It further appearing, that, since the amendment herein ordered imposes no new requirement but extends an existing provision which relieves a requirement, notice and public procedure are unnecessary and the amendment may be made effective less than 30 days after publication as provided in sections 4(a) and 4(c) of the Administrative Procedures Act; and

It further appearing, that, the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 301, 303(f), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, the EIA petition RM–758 is granted, in part, and effective April 30, 1965, § 15.63(c) of the Commission's rules is amended to read as follows:

§ 15.63 Radiation interference limits.

* * * * *

(c) For television broadcast receivers, the limit 500 uv/m is temporarily increased to 1000 uv/m until April 30, 1967.

(Secs. 4, 301, 303, 48 Stat. 1066, as amended, 1081, 1082, as amended; 47 U.S.C. 154, 301, 303)

Released: April 30, 1965.

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

[F.R. Doc. 65-4733; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15690; FCC 65-358]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of Section 73.202, Table of Assignments, FM Broadcast Stations (Iowa Falls, Iowa; West Terre Haute, Ind.; Larned, Kans.; Kingston, N.Y.; Pittsfield, Mass.; Elmira, N. Y.; Orleans, Mass.; Magee and Hazlehurst, Miss.; Alexandria and Wadena, Minn.; Titusville and Ocala, Fla.; Mexico, Hannibal, Moberly and Marshall, Mo.; Danville and Pulaski, Va.; and Durham and Elizabeth City, N.C.; Reno, Nev.), Docket No. 15690; RM-623, RM-647, RM-659, RM-618, RM-627, RM-621, RM-634, RM-625, RM-630, RM-619, RM-631, RM-620, RM-633, RM-628.

Second report and order. 1. The Commission has before it for consideration its notice of proposed rule making released herein on November 5, 1964 (FCC 64-1022, 29 F.R. 15183), and comments and reply comments filed in response thereto. In a first report and order herein adopted February 3, 1965 (FCC 65-89, 30 F.R. 1855), we dealt with several of the matters set forth above; the present document deals with all of the remaining matters.[1a]

2. *RM-630, Kingston, N.Y.* In response to a petition filed by Skylark Corp. (licensee of AM Station WGHQ, Kingston), the notice proposed to assign Channel 228A to Kingston, in addition to Channels 232A and 249A now assigned. Kingston has two daytime-only AM stations, WGHQ and WBAZ, and one full-time (Class IV) station, WKNY. Skylark and Kingston Broadcasters, Inc., (licensee of WKNY) are competing applicants for Channel 232A (Docket Nos. 15436-15437). There are also two competing applicants for Channel 249A: Donald P. Nelson and Wilbur E. Nelson, d/b/a Nelson Broadcasting Co. (Docket No. 15535), and Ubiquitous Frequency Modulation, Inc. (Docket No. 15536), (the latter would use the channel at Hyde Park under the "25-mile rule").[2]

3. After Skylark's application was designated for hearing and it had subsequently filed its petition herein, it entered into an agreement with Kingston Broadcasters on September 1, 1964, wherein it is stated that "* * * at such time as the Commission shall have assigned Channel 228A at Kingston * * *, Kingston Broadcasters will seek leave to amend its application to specify operation on that channel in place of 232 * * *" According to the agreement, Skylark will then seek (either through dismissal and refiling of its application, or otherwise) removal of its Channel 232A application from hearing status; the object of this arrangement is to place these parties in substantially the same posture as far as risk of competing applications being filed is concerned, and also, in the event competing applications are filed for Channel 228A, to give Kingston Broadcasters a reasonable opportunity to amend back to Channel 232A. All of the above procedure is set forth subject to Commission approval. In their "Joint Comments" in support of the notice proposal, these parties urge that the assignment of Channel 228A would make possible an earlier FM service for Kingston and environs. It appears from the various pleadings that Channel 228A cannot be used at required spacings at either the site proposed by Skylark for 232A, or the site proposed by Ubiquitous for its Hyde Park operation on Channel 249A (the same as that of the commonly owned AM station). It can be used at the sites proposed by Kingston Broadcasters and Nelson.

4. Nelson filed comments opposing both this agreement and the addition of 228A to Kingston, asserting that the arrangement is against public policy and an attempt to subvert the Commission's processes, to tie up one channel in a hearing proceeding and control another through rule making. Pointing out that it was the first of the four applicants to file, Nelson, which is not an AM operator, asserts that it will be seriously prejudiced if Skylark (and possibly also Kingston Broadcasters) are granted forthwith, while Nelson and Ubiquitous must still go through the comparative decisional process. On the other hand, it is urged, in view of the "amending back" provision of the agreement, it might work out that final decision with respect to both 232A and 228A would be impossible for many months. Charging Skylark and Kingston Broadcasters with delay, it urges that they should be required to prosecute their applications diligently. Of more immediate relevance here, Nelson asserts (substantially correctly) that these parties have not shown a need for a third FM assignment in a city of 29,000 (about which we expressed reservations in the notice), or that the city can support six aural stations. It is submitted that this question should be considered after the decisions in the hearing cases, when one of the losing applicants could again raise the issue of assigning 228A so as to bring either a second or third FM station to Kingston (depending on whether Nelson or the Hyde Park applicant prevails in the hearing for 249). If Channel 228A is assigned to Kingston, Nelson expresses willingness to amend its application to specify that channel, leaving 249A and 232A (which are more flexible as to use at different sites) for the two best-qualified of the other three applicants.

5. Ubiquitous filed reply comments opposing Nelson, asserting that Nelson is clearly seeking a better competitive position in their proceeding, wishing the "307b" issue to be decided on the basis of a choice between a first or second FM station in Kingston and a first in Hyde Park, rather than between a third in Kingston and a first in Hyde Park. It urges the speedy assignment of Channel 228A to Kingston to provide a third channel in this area.

6. In the notice herein, we stated that a city of the size of Kingston (population 29,260) would not necessarily warrant a third assignment. In the criteria used in preparing the FM table of assignments, cities of under 50,000 were generally given 1 or 2 channels. As Nelson points out, the parties supporting the proposal here have made no showing as to why Kingston needs a third FM channel. Therefore, we do not believe it is appropriate to make the proposed assignment at this time. It is true, as we pointed out, that the area where Channel 228A can be used is limited, and within it the only community of substantial size (Walton) already has an assignment. However, there are other communities within it of 1,000 or more population, and there are other communities which, while not within the area itself, are located close to it so that the channel might be used so as to serve one of them (e.g., Ellenville, population about 5,000). Therefore we believe it appropriate for the present not to make the proposed assignment, but to reserve decision as to the best use of the channel until a later time. This determination will, of course, be subject to reexamination in the future if no demand develops for the channel elsewhere and use is again sought at Kingston.[3]

7. *RM-618, Magee and Hazlehurst, Miss.; also Forest and Brookhaven, Miss.* In response to a petition filed by Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B.

---

[1] Commissioners Lee and Loevinger absent.

[1a] Except as noted herein, the notice proposals were unopposed. All channels deleted or shifted herein are unoccupied and unapplied for, except as noted. All population figures are 1960 U.S. Census figures unless otherwise indicated. All assignments adopted herein meet minimum mileage separation requirements, based on the applicable reference points of the communities involved.

[2] The Skylark-Kingston Broadcasters proceeding is set forth further hearing conference on May 4, 1965. The initial decision in Dockets 15535-15536 (FCC 65D-13, released Apr. 5, 1965) proposed to grant the Nelson (Kingston) application, and deny the application for Hyde Park. The Skylark-Kingston Broadcasters proceeding was designated for hearing slightly before the other (April and July 1964, respectively).

[3] In reaching our decision herein we, of course do not pass upon the merits of the two hearing cases, nor do we speculate or comment as to whatever procedural developments may occur.

Skelton, Jr., d/b as Southeastern Broadcasting Co. (Southeastern), the notice proposed to assign Class C Channel 298 instead of Class A Channel 252A at Magee, and (in order to make this change possible) to substitute Channel 221A for 296A at Hazlehurst. The only party filing comments, other than petitioner, was Scott County Broadcasting Co., Inc., which in its initial comments proposed two alternative plans for providing a Class C assignment for Forest, to replace the present Class A channel (228A). One of these alternatives would have precluded the proposed Magee assignment; the other would have involved short separations. In reply comments Scott County Broadcasting advanced a third proposal, by which both Magee and Forest could receive Class C assignments in lieu of their present Class A channels. Southeastern in reply comments agreed to this plan and urged its adoption. The present assignments, the notice proposal and the third Scott County proposal are as follows:

City	Channel Nos.		
	Present	Notice proposal	Scott Co. proposal
Magee, Miss.	252A	298	298
Forest, Miss.	228A	(No change)	223
Hazlehurst, Miss.	296A	221A	265A
Brookhaven, Miss.	224A	(No change)	221A

8. Both Southeastern and Scott County Broadcasting are licensees of AM daytime-only stations, at Magee and Forest, respectively. Scott County is also the permittee of Station WMAG–FM on Channel 228A at Forest. In both cases, the AM stations and the FM assignments mentioned are the only facilities or assignments in the county. Forest (population 3,917) is the county seat and largest community of Scott County (population 21,187); Magee (population 2,039) is the largest community in, though not the county seat of, Simpson County (population 20,454). Both parties urge the importance of their communities to the surrounding areas, which are predominately rural in character and not close to large population centers (the nearest city over 50,000 is Jackson, about 40 miles from Magee and Forest). Both urge the fact that operating with Class C facilities they will bring nighttime radio service to between 40,000 and 45,000 persons (within the 1 mv/m contour), many of whom now receive no nighttime primary aural service (Southeastern asserts that this is true of 90 percent of the 1 mv/m coverage area it would have).

9. In general, the Commission has assigned wide-area Class B and C channels to larger communities and Class A channels, providing more limited coverage, to smaller places. However, we have in the past made an exception where the small community is important in its area and the area is relatively far from large population centers. We believe such an exception is warranted here in both cases. Accordingly, we are amending the table of assignments as set forth above (Scott County proposal). We are modifying the construction permit of WMAG–FM at Forest to specify Channel 223, subject to the conditions set forth later herein.

10. *RM–621. Alexandria and Wadena, Minn.* In substance, the notice proposal in this matter involved the question of whether Alexandria should be provided a Class C assignment in place of its present Class A assignment, at the expense of reducing Wadena from two Class C assignments to one Class C and one Class A channel. The proposal was as follows:

City	Channel Nos.	
	Present	Proposed
Alexandria, Minn.	224A	264
Wadena, Minn.	264, 290	224A, 290

No comments or replies opposing the proposal were filed; however, on January 28, 1965, the licensee of AM Station KXRA, Alexandria, filed a letter asking the Commission not to replace Channel 224A at Alexandria with Channel 264, since it was in the process of preparing an application for the former channel. No such application has as yet been tendered.

11. Both Alexandria and Wadena are county seats, and both have one fulltime AM station (that at Alexandria is a Class IV). In both cases, the AM facility and FM assignments mentioned are the only ones in the county. Both cities are relatively far removed from large centers of population. The nearest cities over 25,000 to either are St. Cloud, Minn., some 60 miles from Alexandria and 75 miles from Wadena. The populations of Alexandria and its county are somewhat larger than those of Wadena and its county (6,713 and 21,313, compared to 4,381 and 12,199). The petitioner at whose request the notice proposal was issued is Central Minnesota Television Co., licensee of TV Station KCMT, Alexandria, which proposes to use the Class C channel to provide wide-area coverage from its 1,100-foot TV tower. In its petition and comments, petitioner urges the value of such coverage in a sparsely settled area which has no FM service closer than St. Cloud, the somewhat greater population of Alexandria, and the absence of any demand for either Wadena assignment.

12. Upon consideration of this matter, we believe that Channel 264 should be reassigned to Alexandria. While Alexandria is a relatively small community, its importance in its area and the remoteness of that area from large communities and FM service make provision for wide FM coverage desirable, especially where it appears that such service will be promptly provided. We are also of the view that, in view of the interest expressed in retaining Channel 224A in Alexandria, that channel should be retained there, at least for the time being in the absence of demand for its use elsewhere. The resulting "mixture" of Class A and Class C channels in the same community—which we have tried to avoid in the absence of good reason therefor, because it may lead to competitive inequality between facilities—we believe is not a significant consideration under the circumstances, in view of the need and demand for a wide-coverage Class C channel at Alexandria. We also recognize that this course of action results in assignment of only one channel to Wadena, compared to two for Alexandria. In view of the relative populations of the two places, the absence of demand for even one channel at Wadena, and the existence of demand at Alexandria, we believe this disposition is appropriate.

13. *RM–625. Titusville and Ocala, Fla.* The notice proposal involved providing Titusville with a Class A channel, 252A, as its first FM assignment, at the expense of reducing Ocala, Fla., from two Class C assignments to one Class C and one Class A, as follows:

City	Channel Nos.	
	Present	Proposed
Titusville, Fla.		252A
Ocala, Fla.	229, 253	229, 292A

The petitioner was WRMF, Inc., licensee of daytime-only AM Station WRMF, Titusville. Titusville, population 6,416, is the county seat of Brevard County (population 111,435) and WRMF is the only station in the community; but there are a number of other FM assignments and stations, and AM stations, in the county (including two Class C FM assignments at Cocoa Beach, some 20 miles from Titusville). Ocala is the county seat of Marion County (populations 13,598 and 51,616 respectively), and has one fulltime and one daytime-only AM station in addition to a Class C FM station on Channel 229. In its petition and comments, WRMF urges the population growth of Titusville (the Titusville division of Brevard County is said to have a 1964 population of 26,205 compared to 18,735 in 1960, and substantial future growth is expected). It also urges the need for FM to provide a fulltime Titusville broadcast service, since it cannot operate fulltime on its present frequency (1050 kc/s, a Mexican I–A clear channel) and does not expect to be able to change frequency. The petition and proposal were unopposed, and there has been no expressed interest in the second of the two Ocala Class C assignments.

14. As mentioned earlier, unless there is good reason therefor we are reluctant to "mix" Class C and Class A assignments in the same community. Nevertheless, we are of the view that in this case the proposed shifts are warranted. There appears to be substantial need for a Class A assignment at Titusville, and in our view this outweighs here the more general consideration mentioned. Therefore, we are amending the table as proposed and set forth above.

15. *RM–619. Mexico and Hannibal, Mo.—RM–620. Moberly and Marshall, Mo.* In response to petitions filed by Class IV AM licensees at Mexico and Moberly, the notice proposed the following alternative changes in the FM table:

ALTERNATIVE 1

City	Channel Nos.	
	Present	Proposed
Mexico, Mo.	296A	239, 296A
Hannibal, Mo.	236, 254	254, 281

ALTERNATIVE 2

Marshall, Mo.	284	275
Moberly, Mo.	272A	284

ALTERNATIVE 3

Hannibal, Mo.	236, 254	254
Marshall, Mo.	284	275
Mexico, Mo.	296A	239, 296A
Moberly, Mo.	272A	284

16. The first proposal, that of Audrain Broadcasting Co., the Mexico licensee, provides a Class C channel at Mexico by substituting Channel 281 for 236 as one of two Class C assignments at Hannibal. The second, that of Moberly Broadcasting Company (Moberly), would provide a Class C channel at Moberly by substituting one Class C assignment for another at Marshall. These two proposals conflict in that the new assignments at Hannibal and Moberly (Channels 281 and 284 respectively) would be at less than the separation required between third adjacent channels (60 miles compared to 65 miles required). Therefore Moberly advanced the third proposal, which would permit both desired assignments but limit Hannibal to one Class C channel.

17. Mexico, Moberly, and Hannibal have populations of 12,889, 13,170, and 20,028 respectively, and all are the largest communities in their counties (which have populations of about 26,000, 22,000, and 30,000 respectively). Mexico and Hannibal, though not Moberly, are county seats. The Mexico and Moberly Class IV stations, and the Class A FM channels now assigned to these cities, are the only AM facilities and FM assignments in the respective counties. Hannibal and its county have the two Class C FM assignments mentioned, and one full-time regional AM station (KHMO).

18. In its comments, the Moberly petitioner (Moberly Broadcasting Co.) urges that Hannibal does not need two Class C assignments, in view of the lack of demand for either of them, the existence of a full-time regional station there and the presence of signals from two full-time AM and two FM stations at Quincy, Ill., some 15 miles away. It points to the fairly comparable population of the three communities of Mexico, Moberly, and Hannibal, sets forth statistics purporting to show a roughly comparable level of economic activity, and urges that the most equitable distribution of channels would be served by having one Class C facility in each place. The Mexico petitioner does not oppose our alternative 3, but urges that if we are not prepared to adopt this because of impact on Hannibal, it insists on the Mexico proposal. It cites a desire to reach a large agricultural population with its service. There was no other filing in the proceeding.

19. We are of the view that alternative 3 should be adopted, as urged by Moberly. It appears that Mexico and Moberly warrant Class C assignments. While this proposal would limit Hannibal to one Class C assignment for the present,[4] in view of the absence of demand for such an assignment and the amount of aural service available we believe the limitation is warranted in view of the advantages which would accrue. The plan proposed by Moberly would work toward a more equitable and efficient distribution of channels and would therefore serve the public interest. Accordingly, we are adopting alternative 3, above, for the Class C assignments. There appears no reason to retain the present Class A assignments at Mexico and Moberly, and they will be deleted.

20. *RM-628. Danville and Pulaski, Va., and Durham and Elizabeth City, N.C.* In response to the petition of Piedmont Broadcasting Corp., licensee of fulltime regional AM station WBTM, Danville, the notice proposed to assign Class C Channel 295 a first FM assignment at Danville, an assignment requiring the following:[5]

(a) Deletion of Channel 296A as the only FM assignment at Pulaski, with no replacement;

(b) Deletion of Channel 296A at Durham, again with no replacement (the city also has Class C Channel 286 assigned and in use);

(c) Substitution of Class C Channel 297 for 295 as one of two Class C assignments at Elizabeth City (neither is occupied or in use).

Danville, population 46,577, has 2 fulltime regional and 2 daytime-only AM stations; the city is surrounded by, although not part of, Pittsylvania County (population 58,296), which contains AM stations at Altavista and Gretna and an FM station (operating on a Class C channel) at Gretna some 25 miles from Danville. (This station, operating with small facilities of 3 kw E.R.P. and effective antenna height of 105 feet, does not serve Danville with a 1 mv/m signal.) It appears that much of the county is without primary AM service at night. Petitioner asserts that this is true of portions of Danville itself, because of the directionalized nighttime operations of WBTM and WDVA, but there is no engineering showing in support of this assertion.[6]

21. In its petition and reply comments (it filed no initial comments), Piedmont advances facts and arguments concerning the importance of Danville—its position as a large regional trade center with 1963 retail sales of more than $86 million, its status as the home of 101 industrial establishments including the world's largest textile mill, and as the world's first or second largest tobacco market, and data concerning the city's educational and cultural activities. It is stated—not entirely correctly—that the city is the largest in the Nation without an FM assignment,[7] and it is urged that an FM assignment here would enable WBTM to provide a service (entirely separate from its AM service except for newscasts, it is proposed) to the entire area of Danville and Pittsylvania County, which needs such service especially at night. In the petition, it is asserted that WBTM has been designated by the Commission and the U.S. Army Corps of Engineers as the key civil defense station in the area, and a wide-coverage FM assignment would play an important part in developing a Virginia FM defense network. In replying to its Pulaski and Durham opponents, Piedmont asserts that a Class C assignment at Danville would be much more efficient than a Class A channel at Pulaski in terms of area and population served;[8] and that Danville is obviously more in need of a first FM assignment than is Durham in need of a second, particularly since that city has three fulltime AM stations and also receives service from the three powerful FM stations (and three fulltime AM stations) in Raleigh, only some 20 miles away. It is asserted that interest in the second Durham FM channel developed only after the present proceeding was begun.

22. The proposal was vigorously opposed by the licensees of daytime-only Stations WPUV, Pulaski, and WRSC, Durham (the latter tendered an application for Channel 296A at Durham in December 1964). The Pulaski licensee, Pulaski Broadcasting Corp., urges us to adhere to the concept, expressed in the decisions in Docket 14185 (the overall FM proceeding) that AM and FM should be viewed as complementary parts of a total aural service; and that accordingly we should attach great weight to retaining the potential for a fulltime FM service which would represent the only fulltime broadcast facility in the city and Pulaski County, of which it is the county

[4] Later assignment of Channel 281 at Hannibal is probably not impossible, if need for such an assignment arises, since it could probably be used some 5 miles east of the city.

[5] On Channel 295, a station would have to be located some 12 miles northeast of Danville, to meet mileage separations to stations not involved in the proposal. However, petitioner recognizes this, and such use would be feasible with respect to providing the required principal-city signal over Danville.

[6] If this statement is true, it is only because, like many other communities, Danville has annexed territory since 1947, when the two fulltime AM stations were authorized substantially their present facilities. At that time, both operations easily met the requirements of the rules concerning signal intensity and interference-free service to the city of assignment. Most of Pittsylvania County is north of Danville, and does not receive nighttime primary service from these stations, which are directionalized so as to serve chiefly to the south and east.

[7] There are a number of cities larger than Danville without FM assignments, but in general they are close to large metropolitan centers. Danville may be the largest city situated so far from large urban centers and without an assignment.

[8] Originally, Piedmont called attention to the lack of demand for the Pulaski channel and expressed doubt that the community either needs or can support a second aural station. However, as mentioned below, a demand therefor now appears to exist, and Piedmont did not urge this matter in its reply comments.

seat (there are no AM facilities other than WPUV, nor FM assignments other than 296A, in the county). The population of the city and county respectively are 10,469 and 27,258. The petition and comments, and several letters attached to the latter from the town manager and town attorney of Pulaski, the County Chamber of Commerce, and others, assert a need for a fulltime service, to present local news and events during evening hours. It is asserted that the county is experiencing substantial population and industrial growth. While there is no engineering showing on the point, it appears that Pulaski and much of its county do not have primary AM service available nighttime.[9] One of the letters attached to Pulaski's comments, from its president and general manager, states that an application for Channel 296A will be filed by June 1, 1965 (and that the engineering therefor has been completed). As to the defense argument made by Piedmont, one letter supporting Pulaski's pleading suggests that this consideration should weigh in favor of Pulaski, which has no nighttime coverage at all.

23. Carolina Radio of Durham, Inc., licensee of daytime-only Station WRSC at Durham, asserts that Durham has greater need for a sixth aural medium than does Danville for a fifth (there are three fulltime AM, one daytime-only AM, and one FM stations at Durham). In fact, it asserts, since the existing FM station duplicates the programing of its fulltime AM affiliate, the question is really a fifth such service in one city as opposed to a fifth in the other, and it is urged that Durham, with a larger population (78,302) and larger retail sales ($106 million compared to $67,419,000 in 1958), deserves the additional service. It is pointed out that WRSC, which has now applied for Channel 296A, would provide such a service since it would duplicate its AM facility only during the day and necessarily program separately at night.

24. An opposing reply comment was also filed by Virginia-Carolina Broadcasting Corp., licensee of WDVA, the other Danville fulltime station. This party urges that, while Danville has great need for an FM assignment, this proposal is not the answer, because it would give Danville only one FM assignment, resulting in: (1) A monopoly of nighttime aural service with respect to the considerable area and population it would serve outside of the two fulltime AM stations' nighttime contours; and (2) assuming the grantee of the station would be one of the Danville AM licensees (Piedmont obviously envisages WBTM) that licensee would have a monopoly on FM service in the area and undue economic leverage with respect to the other Danville stations. Instead, Virginia-Carolina proposes that the matter be resolved in another way, which, it is said, would give Danville more than one FM assignment and also provide channels for other communities in the area now in need of them, rather than depriving cities of needed channels as the Piedmont proposal would require. The alternative proposed is to change the line between FM Zone I and FM Zone II, which now runs north of Danville, to the Virginia-North Carolina boundary. This would permit assignments in this area to be made at shorter separations, and, it is said, would provide more assignments at Danville. It is urged that the Commission should study a broader approach to the Danville problem than that proposed by Piedmont, and that Virginia-Carolina would shortly file a petition looking toward such a solution. However, no such petition has been filed.

25. Upon consideration of the matters urged in the foregoing pleadings, we are of the view that the proposal advanced by Piedmont and set out in the notice must be denied. We recognize the desirability of providing an FM assignment for a city of the size and importance of Danville. But the cost involved appears simply too great. The proposal would deprive Pulaski, a county seat of some size, as well as much of its county, of an opportunity for a first, and locally oriented, nighttime service. By contrast, Danville has two fulltime AM stations, which serve all but a small portion, if not all, of that city and its environs. This factor alone would probably require denial of the proposal; but when there is added the fact that the larger city of Durham would be reduced to one FM service, the answer to the question becomes clear. We shall continue to explore possible solutions to this problem, for example one set forth in a notice of proposed rule making adopted today, which if made final would provide Class C Channel 277 for Danville. But, irrespective of this possibility, we believe the proposal now before us is too costly and must be denied.

26. *Reno, Nev.* On its own motion, the Commission proposed to delete three channels at Reno, Nev., which were inadvertently assigned in the FM table of assignments at short separations, and replace them with three channels meeting separation requirements. No opposition to this proposal was filed, and it will be adopted. Channels 283, 289 and 295 will be assigned to this community in place of Channels 222, 226 and 230.

27. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act, as amended: *It is ordered*, That effective June 7, 1965, § 73.202 of the rules, the table of FM assignments, is amended, with respect to the communities listed, to read as follows:

City	*Channel No.*
Florida:	
Ocala	229, 252A
Titusville	252A
Minnesota:	
Alexandria	224A, 264
Wadena	290
Mississippi:	
Brookhaven	221A
Forest	223
Hazlehurst	265A
Magee	288
Missouri:	
Hannibal	254
Marshall	275
Mexico	239
Moberly	284
Nevada: Reno	238, 283, 289, 295

28. *It is further ordered*, That, effective June 7, 1965, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by Scott County Broadcasting Co., Inc., for radio Station WMAG–FM is modified to specify operation on Channel 223 in lieu of 228A, subject to the following conditions:

(a) The permittee shall inform the Commission in writing by May 28, 1965, of its acceptance of this modification.

(b) The permittee shall submit to the Commission by May 28, 1965, the technical information normally required for the issuance of a modified construction permit for the operation on Channel 223, including any changes in the antenna and transmission line.

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

(Secs. 4, 303, 307, 48 Stat. 1066, as amended, 1082, as amended, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 28, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[10]

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

[F.R. Doc. 65-4734; Filed, May 4, 1965; 8:49 a.m.]

[9] Some of the letters supporting the petition refer to the lack of nighttime AM service in the area. Primary service at night is received in part of the county from Station WRAD, Radford (500 watts DA); but, with that station limited to a higher contour than 9 mv/m, its nighttime primary service area does not extend to the city of Pulaski or to a large portion of the county.

[10] Commissioner Lee absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 28]

AMERICAN UPLAND COTTON

Proposed New Standards

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Consumer and Marketing Service is considering the addition of a new descriptive standard for Strict Good Ordinary Light Spotted cotton and a new physical standard for Strict Good Ordinary Spotted cotton to the current Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR Part 28, Subpart C), pursuant to authority contained in sections 6 and 10 of the United States Cotton Standards Act, as amended (42 Stat. 1518, 1519; 7 U.S.C. §§ 56, 61) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. § 4854).

Statement of considerations leading to the proposed new standards. Studies and surveys conducted by the Department of recent cotton crops show that the production of cotton which cannot be adequately described by present Official Cotton Standards for the Grade of American Upland Cotton has increased in the United States. Changes in harvesting practices have contributed materially to this increase. The proposed new standards for Strict Good Ordinary Light Spotted and Strict Good Ordinary Spotted cotton would provide a more meaningful classification of a large percentage of cotton now falling into this category.

Fiber and spinning tests conducted by the Department show that cotton which is within the range of the proposed new standards for Strict Good Ordinary Light Spotted and Strict Good Ordinary Spotted cotton has a spinning utility comparable to cotton now described by the lowest grades in the present standards for White and Tinged cotton. These new standards would promote orderly and efficient marketing of cotton of these qualities.

1. The proposed new standard for Strict Good Ordinary Light Spotted cotton would be a descriptive standard which would read as follows:

§ 28.425 Strict Good Ordinary Light Spotted.

Strict Good Ordinary Light Spotted is American upland cotton which in leaf and preparation is Strict Good Ordinary, but which in spot or color, or both, is between Strict Good Ordinary and Strict Good Ordinary Spotted.

2. The proposed new standard for Strict Good Ordinary Spotted cotton would be a physical standard represented by a box of samples and described as follows:

§ 28.435 Strict Good Ordinary Spotted.

Strict Good Ordinary Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary Spotted, effective July 1, 1966."

3. Also, in § 28.475 the first sentence would be amended by deleting the words "Low Middling Light Spotted" and substituting therefor the words "Strict Good Ordinary Light Spotted" and by deleting the words "Low Middling Spotted" and substituting therefor the words "Strict Good Ordinary Spotted". The third sentence in § 28.475 would be amended by deleting the words "Below Low Middling Light Spotted" and substituting therefor the words "Below Strict Good Ordinary Light Spotted" and by deleting the words "Below Low Middling Spotted" and substituting therefor the words "Below Strict Good Ordinary Spotted".

The proposed new physical standard for Strict Good Ordinary Spotted cotton is being displayed for public inspection at the following cotton classing offices of the Consumer and Marketing Service between 10 a.m. and 4 p.m. on regular business days during the dates shown for each office:

Classing office	*Date*
Columbia, S.C., 2628 Millwood Ave	May 3–14
Raleigh, N.C., 407 Park Ave. Extension	May 3–14
Memphis, Tenn., 4841 Summer Ave	April 26–May 21
Lubbock, Tex., 610 23d St	May 3–14
Houston, Tex., 2808 Caroline Ave	May 3–7
Fresno, Calif., 3533 East Tulare St	May 3–14

The proposed new standards will also be considered at the 1965 Universal Cotton Standards Conference to be held in Memphis, Tenn., June 3–4, 1965. All overseas signatories to the Universal Cotton Standards Agreement and all segments of the domestic cotton industry interested in standards have been invited to send representatives to this conference.

The Department proposes to make the new standards and the amendment of § 28.475 effective on July 1, 1966.

All persons who desire to submit written data, views, or arguments in connection with these proposed new standards should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than June 7, 1965. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours (7 CFR 1.27 (b)).

Dated: April 29, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-4685; Filed, May 4, 1965; 8:46 a.m.]

[7 CFR Part 930]

[Docket No. AO-348]

HANDLING OF CHERRIES GROWN IN CERTAIN STATES

Decision and Referendum Order With Respect To Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Grand Rapids, Mich., March 10–12, 1965, and continued at Sturgeon Bay, Wis., on March 15, 1965, at Rochester, N.Y., on March 18, 1965, and at Gettysburg, Pa., on March 22, 1965, after notice thereof published in the FEDERAL REGISTER (30 F.R. 1984) on a proposed marketing agreement and order for regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on April 14, 1965, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 65-4028; 30 F.R. 5514).

Rulings on exceptions. Exceptions and other communications with respect to the recommended decision were filed, within the prescribed time, by Winifred Arent, by Wilbur Van Dorn, by Edward Dunkelberger on behalf of the National Canners Association, and by John F. Watson on behalf of the Virginia State Horticultural Society. Each of such exceptions was carefully and fully considered, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein.

Exception was taken to the findings and conclusions of the recommended decision that the proposed marketing agreement and order would tend to effectuate the declared policy of the act. It was asserted that the record of the hearing does not support the conclusion that (1) restrictions on the supplies of

red tart cherries would result in increased total returns to growers or (2) that total earnings of growers could be increased by establishing a reserve pool. At the hearing, economists from Michigan State University testified at considerable length concerning the supply-demand relationship for red tart cherries. Detailed examples were presented showing the effect on grower returns of given changes in the level of available supplies of cherries. Such evidence shows that the demand for cherries is inelastic and that, in years of large cherry production, a greater total return will result if less than the total supply is available for handling than if the entire crop is marketed. With respect to the proposed reserve pool, the presumptive evidence is that such a reserve would increase grower returns. The evidence of record shows that, in some years, the reserve pool may not be disposed of at a profit and the recommended decision recognizes this fact. However, it would be specultative to assume that the past pattern of alternating long and short crops may not continue in future years. Such a premise should not be used as the basis for denying growers the opportunity to increase their returns through the establishment of the reserve pool. The exception is, therefore, denied.

Exception was taken to the ruling in the recommended decision rejecting a contention that the set-aside provisions of the proposed order was not in accordance with the act. It was asserted that there is a total lack of statutory authority for the set-aside provisions of the order. As pointed out in the recommended decision, the free and restricted percentage established under the order would be applied to red tart cherries for canning or freezing and there would be no restrictions applicable to the canned or frozen products produced from the free percentage cherries. The restricted percentage cherries would be set aside and held for the account of the committee in the form of storable cherry products. The set-aside products may, under proper circumstances, be disposed of by the committee to supplement the commercial pack. Apparently, it is these features that prompt the exceptor to contend that the order regulates canned or frozen cherries. However, the fact that the set-aside cherries must be in processed form does not constitute any regulation of canned or frozen cherry products. Nor does the fact that the set-aside cherry products may be disposed of by offering them to handlers impose any regulation on canned or frozen cherries. The handlers are not required to purchase any portion of the set-aside offered to them. They may acquire these canned or frozen products or not as they see fit. Also there is no restriction whatsoever on a handler's sale or other disposition of any of the supplemental supply of cherry products released by the committee and which he may acquire. Thus, it is readily apparent that the proposed order applies to cherries for canning or freezing and not to canned or frozen cherries, per se. The exception is, therefore, denied.

To the extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

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

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

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

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

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

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the administrative agency for assisting the Secretary in administration of the order;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish marketing research and development projects;

(e) The method for regulating the handling of cherries grown in the production area, including the establishment of a reserve pool of cherry products and providing for its disposition;

(f) The granting of exemptions from regulation of cherries used for such purposes, as the committee, with the approval of the Secretary, may specify;

(g) The establishment of reporting and related recordkeeping requirements upon handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in §§ 70 through 80 and published in the FEDERAL REGISTER (30 F.R. 1984) on February 12, 1965, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in sections 81 through 83, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

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

(1) Red tart cherries, also called red sour cherries, are grown commercially in Michigan and in portions of the States of Wisconsin, Ohio, Pennsylvania, and New York bordering the Great Lakes. Such cherries are also grown commercially in the southern part of Pennsylvania and in the northern Appalachian regions of Virginia, West Virginia, and Maryland. In addition, there is commercial production of red tart cherries in several Western and Northwestern States but such production represents, on the average, less than 10 percent of that for the entire United States, is marketed almost entirely in the Western States, and presently does not materially affect the prices that the producers of red tart cherries in the other commercial areas receive for their cherries.

Practically all of the red tart cherry production in the Great Lake States (Michigan, New York, Ohio, Pennsylvania, and Wisconsin) is processed into canned or frozen products. Minor market outlets are fresh sales and brining which comprise less than five percent and one percent, respectively, of total sales. Such cherries are received by handlers and processed into canned and frozen products without regard to whether such products are to be sold within or without the state of production. In addition, the individual products of cherries, as they move to market, tend to be similar in that they are sold under standardized packs, grades, and names or brands. Generally, no handler supplies any single segment of the market to the exclusion of every other handler. The market for red tart cherry products is broad and not limited to any sectional part of the United States. Handlers sell a large portion of their production to other than the ultimate consumer of the cherries—such as commercial bakers and institutional users—which can substitute canned red tart cherries for frozen or vice versa if price differentials are such that it is profitable to do so. Therefore, all canned and frozen products of red tart cherries are in competition in the market and handlers generally sell such cherry products at comparable f.o.b. prices both with respect to sales within the state of production and sales in interstate commerce.

The proposed order contemplates, if it is made effective, the imposing of certain restrictions which are to be applicable to red tart cherries received by handlers from growers. Such regulation would require each handler receiving cherries for handling to set aside and hold for disposition by the administrative committee, established under the order, that portion of such receipts as may be fixed by the Secretary. In this manner, the total quantity of cherries which handlers may freely handle for their own respective accounts is to be limited to the volume which reasonably conforms to commercial requirements. If an attempt was made artificially to separate, under marketing order requirements, the production, processing, and sale of red tart cherries for intrastate commerce from that for interstate and foreign commerce, the result would be to burden unduly handler operations in that, as each lot of such cherries was received from growers, handlers would have to make such determinations as the market in which the cherries, after processing, would be disposed of, and the type of pack and product to be made therefrom. Separate records and reporting with respect to the red tart cherries processed for intrastate sale and for interstate and foreign commerce would have to be required under the order. The facility would also be established whereby the red tart cherries processed for

intrastate sale and in the hands of persons one or more steps removed from the handlers being regulated could advantageously be shipped and sold in interstate or foreign commerce.

In these circumstances, it is found and determined that the intrastate handling of red tart cherries, grown in the proposed production area, directly burdens, obstructs, and affects the handling of such cherries in interstate and foreign commerce, and that it is necessary for all such cherries to be subject to the order so as to regulate effectively the interstate and foreign commerce thereof.

(2) The hearing evidence shows that the production of red tart cherries in the Great Lake States is trending upward. Numbers of red tart cherry trees, as shown by the census for 1940, 1950, 1954, 1959, for the Great Lake States as a whole, have steadily increased. Prior to 1961, the largest production of red tart cherries, in such States, was 147,360 tons. Such production has been exceeded during three of the past four years, with the 1964 crop estimated to total 242,900 tons. Production of red tart cherries in the Great Lake States has fluctuated widely from year to year. With few exceptions, large crops have been followed by short crops. For example, annual production, in tons, of red tart cherries grown in these States during the 10 years beginning with the 1955 crop were as follows: 138,550; 89,700; 134,450; 92,600; 129,800; 107,000; 153,300; 162,200; 73,050; and 242,900 (preliminary). Also, since the price that processors pay to growers is based primarily on the available supply, grower returns have fluctuated inversely from year to year to the change in production.

The U.S. parity price for sour cherries, all uses, based upon data for February 1965, was $188 per ton.[1] The equivalent parity price of red tart cherries for processing, produced in the Great Lake States, as of February 1965, was $187 per ton. Grower returns for such cherries have exceeded such equivalent parity price only once during the past 10 years. The average price received by growers for the short 1963 crop slightly exceeded such parity price. For the large crops of 1962 and 1964, grower returns averaged approximately 50 percent of the February 1965 parity price.

The hearing evidence is that the demand for red tart cherries for canning and freezing, the major market outlet, is inelastic when total available supplies exceed 300 million pounds. This means that by restriction of the supplies of red tart cherries available to handlers during years when there are large crops, the total returns to growers can be increased. Also, the alternate production characteristics of the red tart cherry industry in the Great Lake States provides an opportunity to increase total earnings of growers by converting, at the expense of the growers, the excess production of large crop years into storable products, which would constitute a reserve pool to be liquidated in a year when the available supplies are short. Returns from the pool, after deduction of the expense of processing and storage, would be distributed to the growers.

In view of the foregoing, it is concluded that a marketing order providing for (1) restrictions on the volume of red tart cherries, grown in the production area as hereinafter defined, which may be received and freely used by handlers, and (2) establishing a reserve pool of red tart cherry products, would tend to establish more orderly marketing conditions for such cherries and to effectuate the declared policy of the act.

(3) The term "cherries" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, should include all cherries of the type commonly called red tart cherries or red sour cherries grown in the production area inasmuch as it is not intended, nor is it necessary, to regulate "sweet cherries" under the order. Sweet cherries are considered a separate commodity from red tart (or sour) cherries as they are marketed differently and have different uses. The principal market outlet for sweet cherries is fresh sales and brining whereas red tart cherries usually are canned or frozen. The sweet cherries that are canned generally retail at considerably higher prices than the prices for canned red tart cherries. Most canned and frozen red tart cherries are used in pies while sweet cherries are seldom used for this purpose. Red tart cherries are readily identifiable from sweet cherries. The term cherries should be limited to the red tart (or sour) cherries grown in the production area as the order would apply only to such cherries.

A definition of the term "production area" should be incorporated into the order to designate the specific area in which the red tart cherries (hereinafter called "cherries") to be regulated are grown. Such area should include all of the commercial cherry production areas in the eight States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. These States have accounted for over 90 percent of the commercial cherry production, and approximately 95 percent of canned and frozen cherry products produced, during the past 5 years. The remaining commercial cherry production is in the Western States of Montana, Idaho, Colorado, Utah, Oregon, and Washington. These States do not produce sufficient canned and frozen cherries to supply the west coast markets. Consequently, such cherries generally have not been shipped to eastern markets, which are the largest markets for cherries produced in the Eastern States, and have not competed with the eastern cherries except when the latter are shipped to west coast markets. Thus western cherry production has had only a minor effect on the prices that the eastern cherry growers have received for their cherries. Moreover, if the western cherry producing states were included in the production area it would greatly increase the costs of administration of the order.

The eight-State eastern production area is the smallest practicable area for application of the order because of the similarity of producer prices and marketing. There is a large cooperative marketing association of growers which has members in all of such eight-State area. For a number of years this cooperative has bargained with handlers and has established annually a uniform minimum price which such handlers have agreed to pay the grower members of the cooperative for their cherries. While growers in a restricted area having an abnormally short crop may, because of handler competition for nearby supplies, at times receive a price for their cherries above the minimum price so established, prices paid to growers tend to be fairly uniform throughout the eight-State area. Also, some handlers have plants for processing cherries in more than one of the states in this eight-State area and brokers often represent the handlers in several of the states of the eight-State area. Applying the order to any lesser production area than the eight eastern States which have commercial cherry production could materially decrease the effectiveness of the order. If Wisconsin and Virginia were excluded from the production area, as requested at the hearing, approximately 10 percent of the tonnage of the eight-State area would be excluded from coverage by the order. This tonnage has a comparable demand-price relationship to that prevailing in the other States in the area. Some cherries produced in Virginia are processed in Pennsylvania and are commingled with Pennsylvania cherries and it would not be feasible to attempt to apply the order to handlers who would be commingling cherries from regulated and non-regulated areas. Exemption of Wisconsin, simply because the average production per tree is lower and costs of production are higher, does not seem warranted because the evidence of record shows that, during years of surplus production, the lesser quantity that would be available for sale as the result of regulation would provide a greater gross return than would be obtained if there were no marketing order in effect. Moreover, if any portion of the eight-State area were excluded from the order, the producers in that area would benefit from the operation of the order without making any contribution to its operation.

(4) The term "handler" should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handle," as hereinafter defined. In other words, any person who pits, cans, freezes, dehydrates, presses, or brines cherries, or in any other way converts cherries into a processed product, should be a handler under the order and be required to comply with all requirements of the order and the regulations issued thereunder. The term "handler" should also include any person who causes cherries to be handled. There are persons who do not have any processing facilities, i.e., they do not have facilities for personally performing the activities of the pitting, canning, freezing, etc. of cherries, who nevertheless should be handlers under the order. For example, a grower or some other person may own

[1] As published in the February 1965 issue of Agricultural Prices, SRS, USDA.

cherries and may have a handler can or freeze such cherries for a fee. In such instances, the handler who cans or freezes the cherries is known as a custom packer. While the custom packer performed the "handling activity" it is the person who hires the cherries custom packed who should be the handler as (1) the custom packer merely provides a service for a fee and (2) the person owning the cherries makes all of the decisions concerning the type of pack, container size, and disposition of the canned or frozen product the same as if he processed the cherries in his own plant.

There also are persons who purchase cherries that have been pitted and placed in large containers by a handler and then have such cherries frozen for later use. In such instances, both parties have performed a handling activity. So that the regulations under the order apply only once to a particular lot of cherries, it should be provided that a handler is the first person who performs a handling activity. The person who first handles cherries should be the handler as he is the one who decided that the cherries will be handled.

"Handle" should be defined to include the acquisition or receiving (as hereinafter discussed) of cherries and the pitting, canning, freezing, dehydrating, pressing, or brining of such cherries since these specific processes are the common means of preparing cherries for sale in the channels of trade. This term should also include the conversion of cherries into a processed product by any other method so that any new methods of processing cherries that may be developed would be covered. The act does not authorize the regulation of any canned or frozen cherry product so, in order for the program to be effective, it is necessary to provide that cherries are handled at the time they are processed into products.

"Handle" should be defined to cover such processing of cherries both within and outside the production area. The record does not show that there presently is any handling of cherries, grown in the production area, outside such area. However, there are processing plants, in northern Indiana for example, which may be capable of handling cherries or with minor changes could be made capable of handling cherries. Such plants are sufficiently near the cherry producing area of southwest Michigan that cherries could be transported to such plants for processing if it were advantageous to do so. Regulations under the order would tend to provide such advantage if only handlers within the area were regulated as other handlers could use all of the cherries received without any limitation.

Under the order, authority is provided for growers to divert cherries to uses to be specified if they choose to do so rather than to participate in the reserve pool. Some such diversion outlets may include uses, such as converting the diverted cherries to juice. It is necessary, therefore, to exclude from the definition of handle, cherries which are diverted to specified uses. Otherwise the specification of certain outlets for diverted cherries could not accomplish its intended purpose because all cherries received for handling would be subject to application of any free and restricted percentage that are established.

The term "acquire" or "receive" should be defined in the order to include any acquisition of cherries for the purpose of handling such cherries. A definition of such terms is necessary because regulation under the order is applied to all cherries a handler acquires for handling. "Acquire" and "receive" should be synonymous so that a handler will know that as soon as he obtains possession of cherries, by any means whatsoever, he may handle such cherries only in accordance with the provisions of the order.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as it has in the act.

The term "fiscal period" or "fiscal year" should be defined to set forth the period with respect to which financial records of the Cherry Marketing Committee—the administrative committee established by the order—are to be maintained. The most desirable period for such purpose, at the present time, is the 12-month period ending the last day of April of each year. Such a period would fix the beginning of each fiscal period reasonably close to the time harvesting and handling of cherries normally begins. This would facilitate fixing the term of office of members and alternates to coincide with such period and it would allow sufficient time prior to the time of harvest for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still ensure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged, in the production area, in the production of cherries that are to be marketed in canned, frozen, or other processed forms, and who has a proprietary interest therein. A definition of the term "grower" is necessary to determine eligibility to vote for nominees for, and serve as, grower members or alternate members of the Cherry Marketing Committee. The term should be restricted to those who produce cherries that are to be processed because the order does not apply to cherries sold in fresh market outlets for distribution or retail to consumers as fresh fruit. It should also include, in limited instances, persons who purchase cherries from the grower and resells them to a processor. Such a person is not a producer, as the term generally is used in the order, since he did not grow the cherries—neither is he a handler. However, should he purchase cherries on the tree, for example, he should have the same privileges as the grower of the cherries with respect to diversion, as hereinafter discussed, prior to delivery of the cherries to the processor. The term grower should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for nomination and selection of the members of the committee. The districts (i.e., the geographical divisions of the production area) as established and set forth in the notice of hearing represent a reasonable basis for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

(b) It is desirable to establish an agency to administer the order under and pursuant to the act, as an aid to the Secretary in carrying out the purpose of the order and the declared policy of the act. The term "Cherry Marketing Committee" is a proper identification of the agency and reflects the character thereof. A committee of eighteen members, with a like number of alternates, should provide adequate industry representation on the committee to recommend marketing regulations and to perform other administrative functions. A smaller committee would be less expensive and would be less likely to be unwieldy. However, record evidence shows that because of the size of the production area and the nature of the area involved, a committee of eighteen was the least number which would allow good representation from all areas. In order to insure a committee that will represent the cherry industry within the production area, 12 of the members should be growers and 6 should be handlers. Although, it is primarily a grower's program, the restrictions are placed at the handler level so it is only right that the handlers have representation on the committee. The division of 12 grower and 6 handler members provide a majority of the membership to the

producers. Handlers are usually closer to the marketing situation, and 6 members on the committee should provide advice and counsel to the committee. Alternate members should have the same qualifications as the member for whom he is an alternate. Some growers of cherries are corporations and a corporation, as such, could not serve as a member or alternate member on the committee. However, each such company may have one or more employees who are well versed in the growing and handling of cherries, and it is desirable, as evidenced by record testimony, that such persons be eligible to serve as grower member or grower alternate member on the committee. There are growers who are members of a cooperative and all such grower members' cherries are handled by the cooperative as one lot of cherries. Record evidence shows that each such grower should be entitled to cast his ballot for, and be eligible to serve as, grower member and grower alternate member on the committee.

Some handlers of cherries are companies, either incorporated or otherwise, and a company, as such, could not serve as a member or alternate handler member on the committee. These companies have employees who are in charge of the packing, marketing, and handling operations, and such employees would be qualified from the standpoint of knowledge and experience for service on the committee, and it would not be in the best interest of the industry to deny them the opportunity to be nominated for and serve as handler member on the committee.

There are growers throughout the production area who do not have any processing facilities but may handle all or a portion of the cherries they produce. In other words, he pays a processor a fee for performing certain processing operations while retaining control of the cherries. A modification to the proposed order was offered at the hearing, and strongly supported without opposition, which would not permit such a grower-handler to serve as, to be nominated for, or to participate in the selection of nominees for, the handler member or alternate positions on the committee. This modification would, in fact, limit handler membership to those handlers who own or lease processing equipment. Record evidence shows that, often, several years may elapse between one such custom pack operation by a grower and the next. Also, a grower who pays a fee for having all or a portion of his cherries custom packed may not, by reason of such action, obtain information concerning the problems encountered in the pitting, canning, freezing, or other handling operation. If such a grower-handler were permitted to serve on the committee as handler member or alternate member, it could result in the committee membership lacking the handler experience so vital to the successful operation of the program. It was also testified that the processors who own or lease processing equipment are a relatively stable group, knowledgeable of industry problems, and able to provide advice and counsel to the committee with respect to handler problems. Therefore, it is concluded that the handler membership on the committee should be restricted to handlers who own or lease and operate processing equipment.

For representation on the committee, the production area should be divided into districts as specified in the order. District 1 should include the State of Wisconsin and be represented by one grower member and one handler member with an alternate for each such member. District 2 should include the State of New York and be represented by two grower members and one handler member and their respective alternates. District 3 should include the States of Maryland, Pennsylvania, Virginia, and West Virginia. Representation on the committee from this district should be two grower members and one handler member and their respective alternates. District 4 should include that portion of the State of Michigan which is north of a line drawn along the boundary of Mason and Manistee Counties and extending easterly to Lake Huron. Representation on the committee from this district should be three grower members and one handler member and their respective alternates. District 5 should include that portion of the State of Michigan which is south of District 4 and north of a line drawn along the boundary of Allegan and Ottawa Counties and extending easterly to the St. Clair River. Representation on the committee from this district should be two grower members and one handler member and their respective alternates. District 6 should include the State of Ohio and that portion of the State of Michigan not included within Districts 4 and 5. Representation on the committee from this district should be two grower members and one handler member and their respective alternates. Such representation recognizes to the extent practicable the relative volume of production in the various districts, the geographic boundaries normally recognized within the industry, and the large geographic area represented in District 3. Provision to redefine the districts and to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, or other reasons, such district boundaries or such representation is inappropriate, the Secretary may, upon recommendation of the committee, redefine the districts into which the production area is divided, and make such reapportionment as he finds warranted. Record evidence shows that this authority should be limited to redefining the boundaries and not to include changing the number of districts. Thus, there will continue to be six districts.

Each member of the committee and his alternate should be a grower, or an officer, or employee of a corporate grower, or a handler, or officer, or employee of a handler of cherries in the district from which selected. Persons with such qualifications should be intimately acquainted with the problems of producing and handling of cherries grown in such district and may be expected to present accurately the problems incident to the production and handling of cherries in that district.

The term of office of committee members and alternates under the proposed program should be for 3 years beginning May 1 and ending on the last day of April. However, the term of office for four of the initial grower members and two of the initial handler members and their respective alternates should end April 30, 1966, and the term of office for four of the initial grower members and two of the initial handler members and their respective alternates should end April 30, 1967. This procedure would set up a necessary and desirable rotation process whereby one-third of the committee would be elected each year. This rotation procedure will also provide a committee, two-thirds of which will be familiar with the workings of the order and will be able to acquaint the new members of the committee with the operations of the program. The term of office, starting May 1, will begin sufficiently in advance of the time when cherries are harvested each season to allow adequate time for the committee to organize and start operating. Since it is possible that the new committee members may not be appointed immediately upon the expiration of the term of existing members, or that some may fail to qualify immediately, provision should be made for members to continue to serve on the committee until their successors are selected and have qualified. This is necessary to insure continuity of committee operations. Evidence presented at the hearing indicated that it would be desirable to assure that the same committee members would not serve continuously. Accordingly, provision should be made so that a member would be precluded from serving continuously on the committee for longer than three consecutive terms of office. This provision should not apply to alternate members as alternates actually serve on the committee only when the member for whom he is an alternate is unable to serve. Record evidence shows that this provision should also not apply to all those initial members who are appointed for less than the full 3-year term of office.

It is expected that the Secretary will determine from the first nominations which members will serve for 1 year, which members will serve for 2 years, and which members for 3 years. To aid the Secretary in this respect, the proponents Steering Committee conducted a random drawing in order to make recommendations to the Secretary. Accordingly, the record evidence indicates that a fair and equitable method of appointments with respect to staggered terms would be that the handler nominees appointed from Districts 6 and 5 serve for 1 year; the handler nominees appointed from Districts 3 and 2 serve for 2 years; and the handler nominees appointed from Districts 4 and 1 serve a regular 3-year term. The drawings also suggest that grower nominees appointed should serve terms according to the following schedule: For a 1-year term, one member from District 3, two members

from District 4, and one member from District 1.

For a 2-year term, one member from District 2, two members from District 5, and one member from District 4.

For a 3-year term, one member from District 3, one member from District 2, and two members from District 6.

In those districts where more than one member is to be appointed and the initial appointments are for different length of term of office, for example, one member from District 3 is to be appointed for a 1-year term of office, and one member is to be appointed for a 3-year term, it is expected that, unless otherwise indicated in the nomination report, the nominee receiving the highest number of votes will be appointed to the longer term of office. In cases where each nominee receives the same number of votes, unless a preference is stated in the nomination report, the Secretary shall fit the nominees to the appropriate term of office.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members is a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the committee.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. Record evidence shows that the industry desires that names of the nominees for appointment to the initial committee be obtained from nominations made at meetings of growers and handlers and that the Secretary should hold such meetings. Such meetings should be held as soon as practicable after the order becomes effective. These meetings shall be conducted in manner hereinafter discussed for meetings of successor members.

Nomination meetings for the purpose of electing nominees should, insofar as possible, be scheduled by the committee at such times and places as will result in maximum grower and handler participation. At each such nomination meeting, the industry shall elect at least two nominees for each position to be filled on the committee. The committee should be authorized to adopt procedural rules for the conduct of nomination meetings so that such meetings will be held in an orderly and uniform manner.

Elections for the purpose of designating nominees for successor members of the committee and their alternates whose term of office expire on the last day of April of such year should be held during such year by the committee. Such meetings should be held prior to April 1 and at such places that may be designated by the committee so that the names and addresses of the nominees should be submitted to the Secretary not later than April 15, so that the committee can be appointed and functioning by the beginning of the fiscal year, May 1.

The order should provide that only growers, including duly authorized officers or employees of corporate growers who are present at nomination meetings may participate in the nomination and election of grower members and their alternates because it is proper that growers nominate the persons who are to represent them. Each grower should be permitted only one vote for each nominee to be elected in the district in which he produces cherries as this is a democratic method of voting. To prevent growers who produce cherries in more than one district from having a bigger voice in nominating representatives than do growers who produce cherries in only one district, no grower should be permitted to participate in the election of grower nominees in more than one district in any one fiscal year.

Only eligible handlers, including duly authorized employees of such handlers, who are present at nomination meetings should be permitted to participate in the nomination and election of handler members and their alternates since the handlers should be the ones to indicate the persons they desire to represent them on the committee. Also, handlers should be eligible to cast only one vote for each nominee to be elected in the district in which he handles cherries and no handler should be permitted to participate in the election of handler nominees in more than one district in any one fiscal year. Such provisions are necessary and desirable in order to assure that each handler is given an equal voice in the selection of the nominees for handler membership.

A modification was proposed to the order to limit handler participation at nomination meetings and limit eligibility to serve as handler members to those handlers who own or lease and operate processing equipment. This modification, hereinbefore discussed, should be adopted. An alternate modification was offered which would have had the handler votes cast at the nomination meetings weighted by the volume of cherries handled by such handler. As this was offered for consideration only in the event that the proposed limitations with respect to the handlers who would be eligible for committee membership was not adopted, the alternate modification does not warrant further consideration.

In order that there will be an administrative committee in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternate members without regard to nominations if, for some reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after notification of such selection. It was testified that 10 days is a reasonable and desirable requirement since each nominee will know soon after the nomination meeting that he has been nominated and if he is at all interested in serving, 10 days give ample time for him to forward his acceptance. By limiting the time for accepting, there would remain sufficient time for selection of another person and the organization of the committee would not be unduly delayed.

Provision should be set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district will generally have representation at meetings. Each alternate who is selected should have the same qualifications for membership as the member for whom he is an alternate so that, should the member die, resign, be removed from office, or be disqualified, the representation on the committee will remain unchanged. The alternate should serve until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that, in the event neither member nor his alternate is able to attend a meeting, an alternate member who is not acting as member may be designated, as hereinafter provided, to serve in such member's place and stead.

The language in the proposed order as set forth in the notice of hearing was often interpreted as allowing grower alternate members to serve in the place and stead of absent handler members and handler alternate members to serve in the place and stead of absent grower members. A modification was offered which sets forth the basis and limits wherein alternate members may be designated to serve in the place and stead of absent committee members. This modification which was extensively testified to and without opposition, would provide that only the handler members present at the meeting may participate in the designation of an alternate handler member to serve in the place and stead of an absent handler member, and that only the grower members present at the meeting may participate in the designation of an alternate grower member to serve in the place and stead of the absent grower member. This seems logical as the handler members would likely have knowledge of handler problems in the district of the absent handler member, and would know and recommend the alternate handler member that would be most familiar with those problems. The same situation prevails with respect to grower members. Accordingly, it is concluded that only handler members who are present at the

meeting may participate in the designation of an alternate handler member to serve in the place and stead of an absent handler member, and only grower members who are present at the meeting may participate in the designation of an alternate grower member to serve in the place and stead of an absent grower member. Of course, the designation of an alternate member to serve for an absent member, grower or handler, will be only for the said meeting.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all-inclusive, and that it may develop that there are other duties the committee may need to perform.

At least 12 members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make decisions; and any committee action should require a minimum of 12 concurring votes. Also an affirmative vote of at least one-half of the grower members and at least one-half of the handler members present should be required to approve any action of the committee. It is very desirable that a high percentage of the committee agree to any action so as to obtain the necessary support of the industry. The requirement of at least 12 concurring votes will assure that all actions of the committee will be considered and approved by at least two-thirds of its membership. Also, as the committee is composed of both growers and handlers, the requirement that at least one-half of the grower members and one-half of the handler members present must vote favorably to approve any committee action is desirable so as to obtain agreement of both groups with respect to each and every action of the committee.

The committee should be authorized to hold simultaneous meetings of groups of its members assembled in two or more places or by means of a conference call on the telephone. Such meetings would expedite the transaction of committee business during rush seasons. Such meetings should be subject to the establishment of proper communications, that is, all persons should be able to hear and all should be able to participate in the discussion and other action the same as at an assembled meeting at one place. Any such meeting should be considered an assembled meeting.

In addition to meetings held where the committee is assembled in one place, or when simultaneous meetings are held at two or more designated places, or a meeting takes the form of a telephone conference call, the committee should be authorized to vote by telephone, telegraph, or other means of communications when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or participate in a conference call meeting. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes cast. It was testified that the use of the conference call meeting should be when an emergency situation exists and there is not sufficient time to hold an assembled meeting. In the case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that members and alternates of the committee be reimbursed for actual out-of-pocket reasonable expenses incurred when performing committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all cherry growers and handlers in the production area.

In order for an alternate adequately to represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussion leading up to action that may be taken at the meeting. Likewise, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although, only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practicable of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective member, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are requested and attend such meetings as alternates.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each person who first handles cherries during a fiscal period should pay assessments to the committee at a rate fixed by the Secretary, on all free percentage cherries he acquires for handling. In this way, each handler's total payments of assessment during a fiscal period would be proportional to the quantity of cherries such handler may freely handle, and assessments would be levied on the same cherries only once.

It was proposed at the hearing to limit the maximum rate of assessment for any one fiscal year to a fixed amount. An indefinite maximum rate, such as 50 cents or $1.00 per ton, was suggested but there is no evidence in the record to show how the committee would be able to continue to perform and pay for required functions if assessment income at a fixed rate was insufficient to defray expenses. Therefore, the order provisions should not establish an assessment rate which could not be exceeded in any fiscal year.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. While expenses and income cannot be anticipated with exact mathematical certainty the committee, because of its knowledge of conditions within the industry, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a ton, the common unit of measurement used throughout the industry.

The budget and rate of assessment submitted by the committee should not contain any expenses with respect to the set-aside cherries as expenses in connection with the set-aside should be borne proportionately by the persons having a beneficial interest in the set-aside or from the proceeds from disposition of the set-aside.

In most years handling of cherries from the production area begin about the first of July. The period just prior to the shipping season will be the period of greatest activity, as the committee will be surveying the crop and marketing situation, developing a marketing policy, and holding meetings to develop recommendations for regulations. This means that in all probability a large percentage of the committee's expenses will ordinarily be incurred before income for the current fiscal period is collected in amounts equal to outgoing expenses.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal period, the committee should be authorized to accept ad-

vance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. During years of normal growing conditions, revenue available to the committee from assessments would provide the means of repaying any loans.

Should it develop that assessment income, during a fiscal period, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all free percentage cherries acquired for handling during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportional to the total volume of cherries he may freely handle during that period.

Should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will continue to have duties to perform and incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods, it would be necessary to eliminate the payment of any salaries, rent, or utilities. Since such expenses will not always cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The production area is susceptible to frosts immediately prior to harvest and to wind and hail damage during harvest. The assessment rates under the program would be set at the beginning of the season based on a crop of an estimated volume. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster had materially reduced the crop.

Evidence was presented at the hearing to the effect that it would be equitable, and far less burdensome, for handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. The reserve fund should be built up to the desirable amount slowly, over a period of years, as funds in excess of expenses may be available. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately one fiscal period's expenses should be provided. A reserve of that amount should be adequate to meet any foreseeable need. In view of the foregoing, it is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess assessments that remain at the end of a fiscal period.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries.

The proponents testimony attests that there are no specific projects which the proponents recommend to pursue at this time. However, record evidence shows there are many areas where research on an industry basis is needed, and it is desirable to have authority in the order for research and development projects so that, should the committee feel that specific research projects should be undertaken, it would be possible to submit such projects to the Secretary for approval without first amending the order. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

Many people testifying at the hearing interpreted the language of section 45 as it appeared in the notice of hearing to permit the committee to engage in promotion activities including paid advertising. While promotional activities including paid advertising with respect to cherries are permitted by the act, such activities are not included within the order. The proponents specifically excluded these activities in their testimony and the language in the notice of hearing specifically limits activities in these areas to research in connection therewith.

There was considerable evidence presented which was designed to show that there should be placed a ceiling with respect to committee expenditures in the field of research. It was advanced that the amount likely to be fixed would be more than handlers could bear. This conclusion seems unlikely since handlers will be members of the committee and provision is made within the order whereby at least one-half of the handler members of the committee attending the meeting concerned must approve any research project, including its cost, before it is submitted to the Secretary. Also, there was no specific limit suggested in such testimony.

(e) The declared policy of the act is, inter alia, to establish and maintain such orderly marketing conditions for cherries, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of cherries, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to cherries produced that year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of cherries. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the bases therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In order to plan a comprehensive and effective policy for regulating the handling of cherries in any crop year, it is necessary that all of the important economic factors having a bearing on the marketing of the crop be considered by the committee. Hence, the committee, in preparing its marketing policy, should give consideration to the supply and de-

mand factors, set forth in the order, affecting marketing conditions for cherries.

The marketing policy report should contain information regarding estimated total production of cherries in the United States during the approaching harvesting and marketing season. Information should be included in the report regarding crop estimates of cherry production in the States covered by the marketing order and in Western States. Total production of cherries is a key factor in the determination of annual prices. Thus, information regarding total cherry production is crucial for wise decisions regarding the extent of regulation, if any, because of the effects it has upon prices and grower incomes.

The marketing policy report should also include the expected quality of cherry production during the coming marketing season. Estimates of the general quality of the crop provide useful information regarding the amounts of the crop that: (1) Will go to juice, (2) be sorted out as defects in the plant, or (3) left unharvested because of inferior quality. In these ways the general quality of the crop may affect total supply available for sale in major commercial channels. Thus, this type of information should be taken into account by the committee in making its decision regarding regulations.

The expected carryover as of July 1 of canned and frozen cherries and other cherry products will need to be taken into account by the committee. The carryover of cherry products from the previous marketing season influences the available supply and hence prices for that crop. Information regarding expected carryover is thus an important factor which the committee should consider in arriving at policy decisions.

Expected demand conditions for cherries in different market outlets should be included in the marketing policy report. Demand conditions should be considered in the different market outlets such as frozen or canned, and within either of these two categories, the consumer or institutional pack. Demand conditions should also be evaluated for cherries for juice purposes and for the relatively new products such as dried cherries, jellied cherry sauce, and individually quick frozen (IQF) cherries. Conditions in the markets for the new products would be influenced by consumer acceptance of these new products and would thus need to be taken into account. Demand conditions in the different market outlets would also be influenced by general changes in consumer tastes. The committee would also need to obtain information and estimates of the amount of the crop which can be expected to be used for juice, fresh sales, and farm use. The amount of the crop which will be used in these various market outlets will influence the amount of the crop left for major commercial processed items and thus have a bearing upon the committee's decision regarding the level of the regulation, if any.

Supplies of competing commodities such as apples, blueberries, and other fruits having similar uses to that for cherries will need to be taken into account by the committee because supplies of these commodities will influence the demand for cherries and cherry products.

Information regarding the trend and level of consumer income should also be included in the marketing policy report. Changes in consumer income, particularly disposable income, influence the demand and prices for cherry products, and will, therefore, need to be taken into account by the committee.

The marketing policy report should also contain information regarding any other factors which have a bearing upon the marketing of cherries and upon the economic and price-making situation for cherries. These other factors would include U.S. population and export demand conditions, as well as any other relevant factors.

The order should provide for regulations under which the volume of cherries handled during any year could be limited to such quantity as may be expected to meet market demands at fair returns to growers. The evidence of record indicates the proposed order for cherries, set forth in the notice of hearing, would provide an effective method of so regulating the handling of cherries.

The order should provide that the Cherry Marketing Committee, as the local administrative agency, should recommend to the Secretary whether regulation of a particular crop of cherries is needed. The members of the committee would be representative cherry growers and handlers from each section of the production area. Consequently, it is only fitting that the committee should be given the responsibility for determining whether, and the extent that, the available supplies of cherries are excessive and whether, in the judgment of the committee, restriction of the quantity of cherries which handlers may freely handle is needed to improve grower returns.

The committee should be required to make its recommendation for regulation for any crop year to the Secretary not later than July 1. This is the latest date that such a recommendation should be made as the record indicates that, in the earliest districts, the harvesting of cherries never begins much later than July 1. This does not mean that the committee should, or could, wait until July 1 to make its recommendations for regulation in most years. The evidence of record also indicates that in most years the cherry harvest begins in the earliest areas somewhat earlier than July 1 and the committee would have to make its recommendation for regulation prior to the time that such cherries would be handled. The committee must, of course, delay making its recommendation as long as possible inasmuch as the official crop estimate of the cherry production is not released until June 20 or a few days later in the event June 20 falls on a weekend. The committee should have this information, if possible, when it decides whether to recommend regulation for the particular year but may, in some years, have to proceed on the basis of the other information its members have concerning the bloom and subsequent growing conditions in the various parts of the production area.

All assembled meetings of the committee should be open to growers and handlers because growers and handlers have a vital interest in the actions of the committee and should be afforded opportunity to express their views at committee meetings. In order to assure that growers and handlers are aware of when committee meetings are being held, the order should provide that notice of assembled meetings shall be published in such newspapers as the committee deems appropriate for this purpose and also that it shall mail notices of such meeting to each grower and handler who files his name and address with the committee and requests such notice. By this means growers and handlers who are most likely to attend meetings will have direct notice when meetings are to be held.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue regulations establishing such free and restricted percentages as will tend to improve growers' returns and to establish more orderly marketing conditions for cherries. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations as may be necessary to effectuate the declared policy of the act. Also, the Secretary has certain responsibilities under the act which make it necessary that he not bind his actions to those recommended by the committee and the order provisions should recognize this fact.

Several witnesses at the hearing proposed that provisions be included in the order to permit the regulations to be applied differently to districts, or to restricted areas, or individual growers in some instances, so as to provide relief to those who may have short crops during years when the overall production is too large and regulation is needed. It was asserted that the cherries of those having short crops should not be subject to the same percentage restriction as that applying to others when they had already suffered substantial losses in production from natural disasters. The evidence of record does not contain any information to show how such a provision could be applied equitably or be made administratively feasible. In most districts nearly every year there are some growers or restricted areas having crop loss because of adverse weather conditions. Such losses may occur at any time up to harvest by reason of hail or windstorm which may affect larger areas or only a few growers. Even where a considerable area is affected, there will be growers within the area whose crops are not damaged. Consequently, any "hardship" provision which could be devised probably would give advantages to certain growers while denying them to others similarly situated. It is concluded, therefore, that the same free and restricted percentage should apply under the order to all cherries produced in the production area. However, as pointed out hereto-

fore, the evidence of record shows that all growers should benefit from the order since returns from the portion of their crops that would be available for unrestricted use should exceed the amount that would be obtained if the order were not in effect.

Since the committee is responsible for assisting the Secretary in the Administration of the program, it follows that it should be notified immediately of any and all regulations issued. Similarly, it should be the responsibility of the committee to notify handlers promptly of each regulation issued by the Secretary.

The free percentage specified in a regulation issued by the Secretary would represent the percentage of the oncoming crop which would fulfill the expected demand for processed cherries. Thus, this portion of the crop should be available for handling without restriction and all handlers should be afforded the opportunity to compete for the free percentage cherries and to use such cherries in any manner they choose. The restricted percentage would represent the excess cherry production which should be withheld from the market in order to prevent the disorganized marketing conditions which result when the entire crop, in years of excess production, is available for sale. This situation could be relieved, and grower returns improved, merely by destroying the excess. However, production statistics show that, except in two instances over the past 20 years, large crops have been followed by short crops. This alternating production characteristic provides another means, assuming that this condition will continue in the future, of increasing producer returns. That is, the restricted percentage cherries could be set aside in a reserve pool and disposed of during the following short crop year at prices which could result in sizable returns to those having an equity in these cherries. However, fresh cherries cannot be stored for the period that would be necessary. Consequently, it would be impracticable to set aside the excess cherries in fresh form. The order should provide, therefore, that whenever free and restricted percentages have been fixed by the Secretary, each handler set aside cherries, in the form of storable cherry products specified by the committee, in an amount equivalent to the restricted percentage cherries he receives. The set-aside should be held for the account of the committee and be free and clear of all liens. As restricted percentage cherries may be processed only for the purposes of set-aside, and growers or others delivering cherries will be the equity holders in the set-aside, as hereinafter discussed, it is necessary, of course, that the set-aside be vested in the committee and that it be free and clear of any liens. The precise products to be set aside should not be designated in the order. While most handlers pack frozen cherries, not all of them do so. Also, not all cherry canners have facilities for packing all can sizes. Consequently, the committee should be permitted to work out with individual handlers the precise form, including container size, in which each will pack his set-aside. The product and container designated for the set-aside should, to the extent practicable, be the one that is most convenient for the handler. However, the committee should be given the final determination in this regard because it should not be forced to accept special packs which it would have difficulty disposing of. Generally, the set-aside should be the institutional packs of frozen cherries in 30-pound tins or canned cherries in No. 10 cans as these packs constitute the bulk of the cherries processed.

When cherries are processed there are certain losses, such as those resulting from the removal of defective cherries and the pits. Also, sugar is usually added to the frozen packs and sometimes is added to canned packs. Consequently, the net weight of the processed cherries varies from that of the raw fruit used in such packs. In addition, the quality of the cherries produced from year to year varies sufficiently to affect the yield of finished product. For example, it was testified that the amount of raw fruit required for a case of six No. 10 cans has ranged, during recent years, from 42 to 45 pounds. Therefore, the committee should be authorized to establish uniform conversion factors to be used in converting a handler's set-aside obligation, which first would be computed on the basis of the restricted percentage cherries he receives, to the processed form in which his set-aside is to be packed. The committee, composed of growers and handlers from all parts of the production area and having knowledge of the quality of the crop in all areas and past yields of processed products from raw fruit, should be able to recommend and the Secretary to establish the necessary uniform conversion factors which would be fair and equitable to all handlers.

All set-aside cherries should be required to meet such standards of grade, quality, and condition as the committee, with the approval of the Secretary, may prescribe. This provision is necessary to assure that the handlers do not use the set-aside to dispose of any low-grade or poor quality cherries that they may pack. There was some controversy at the hearing concerning this requirement. It was contended that the standards could be set at levels above the ability of some handlers to pack considering the quality of the cherries available to such handlers and that the committee should accept set-aside cherry products of all grades from a handler in proportion to the quantities of the various grades packed by that handler. On the other hand, the handler is the one who decides whether to accept from growers deliveries of cherries which will pack a poor quality product so he should be primarily responsible for disposing of his poor quality packs rather than shifting this burden to the committee. Moreover, the handler can take steps to dispose of his poor quality packs immediately while the set-aside will have to be held for a considerable period before it could be disposed of. The order should, therefore, contain provisions in this regard as heretofore stated. Of course, the quality of the cherry crop will have to be considered when establishing the standards applicable to the set-aside of any particular year since handlers should not be expected to meet standards higher than it is possible for them to pack.

All set-aside cherries should be required to be inspected and certified, by the Processed Products Standardization and Inspection Branch, United States Department of Agriculture, as meeting the standards prescribed for set-aside. Only by such inspection and certification can it be determined that the required standards have been met. The Processed Products Standardization and Inspection Branch is the agency that is used by the industry for inspection and certification of the grade of cherry products and all handlers are familiar with such service. The record indicates this is the only public agency making inspections of this nature. The certificate of inspection should show, among other things, the name and address of the handler, number and type of containers in the lot, its location, and identification marks such as can codes or lot stamp. Such information will be needed by the committee to determine whether the set-aside obligations of handlers have been met and for later checks to see that the set-aside is being held and stored properly. Each handler should be responsible for submitting proof of inspection to the committee as he is the only one who will know when his set-aside is ready for inspection and he should deal directly with the inspection agency. Similarly he should pay the costs of the inspection and certification but should be reimbursed for such costs as explained hereinafter.

The order should provide that each handler hold, and store in accordance with good commercial practice, the set-aside that he processes until such time as the committee disposes of such set-aside or otherwise releases such handler of this responsibility. It would be unreasonable to require handlers to process for set-aside the restricted percentage cherries in each lot of cherries he receives. Consequently, during the processing season, a handler should be considered in compliance with set-aside requirements so long as he has on hand, free and clear of all liens, sufficient cherries of the product and container size, as specified by the committee, to meet his set-aside obligation. Immediately following completion of his processing operations, however, the handler should not be considered as having met his set-aside obligation unless he has on hand and properly stored, separate and apart from other cherries in his possession, the requisite quantity and pack of cherries which have been inspected and certified as meeting the prescribed standards. By this it is meant that the set-aside must be stored so as to maintain it in good condition and the storage conditions should be at least comparable to the storage conditions under which his own cherries are being held. Also, while the set-aside need not be in a separate storage room, it should be stacked separately from the handler's own cherries in such a manner that the identity of the set-aside to the related inspection certificate is maintained at all times. Only by this means could the committee

check and determine with any assurance that the handler has complied with his set-aside obligation and that the set-aside is being stored so as to avoid deterioration and loss.

Generally, it is expected that a handler will hold his set-aside on his own premises. However, he should be permitted to arrange to hold his set-aside on the premises of another handler or in a commercial storage. In some instances it would place an undue burden on the handler to require him to hold the set-aside in his own storage because he may have only limited storage facilities. Consequently, he should be permitted to make such other arrangements for storage as may be agreeable to the committee. The committee should be aware of the storage location so it can check to see that the cherries are being properly stored and meet all other requirements of the order.

As there may be instances when it would be to the advantage of a handler to purchase from others the cherries needed to meet his set-aside obligation, he should be permitted to do so. It is possible, of course, for cherry production to be light in one area even though the overall production may be large. In such instances, handlers in one area often purchase from handlers in other areas the cherries needed to supply their customers. Generally, the handler would rather ship to his customers cherries of his own pack. Also, it may be easier to arrange for shipping from his own plant. So the handler, under such conditions, may prefer to use purchased cherries to meet his set-aside obligation and there seems to be no reason not to permit him to do so. Of course, the handler should continue to have full responsibility for his set-aside. The handler's set-aside obligation arises from the act of receiving cherries and is not transferable.

There may be other conditions where it would constitute an undue hardship on a handler to require him to continue to hold set-aside; and the handler should be able to obtain relief when the circumstances justify. Handlers should be permitted, therefore, to request the committee to remove set-aside from his premises and, if the committee finds that relief is warranted, it should comply with the request as soon as it is possible to do so considering the availability to the committee of suitable storage for the product. In order to discourage unwarranted requests, however, the handler should be required to share with the committee, on a 50-50 basis, the costs of removing the set-aside from the handler's premises, including transportation and any other costs incidental to such removal. The handler should also forfeit, to the extent of the removed volume, any share in an offer by the committee to sell set-aside to handlers. It is expected that the committee, in looking for suitable storage for the set-aside to be removed, will first see whether other handlers in the vicinity would be willing to store it since this would probably be the most economical way to handle the matter. In the event the removed set-aside is placed in another handler's storage, the latter should be given the opportunity to purchase any set-aside that otherwise would have been offered to the initial handler. This could serve as an inducement to handlers to accept storage of set-aside removed from another handler's storage and assist the committee in finding suitable storage space. Of course, a handler having set-aside removed from his storage should refund any of the prepaid storage charges he had collected from growers and which had not been earned.

Under the order the set-aside would constitute a reserve pool held for the account of the committee for the benefit of persons, primarily growers, delivering cherries to handlers. Therefore, in the basic sense of the program, handlers receiving cherries for handling will be setting aside the excess supplies for the benefit of cherry producers. Hence, it is but right and proper that the costs of receiving, processing, storing, and other expenses, such as inspection costs, relating to the set-aside be paid by the producers. Handlers should not be required to wait until the set-aside is disposed of before recovering their costs. However, the committee will not have any funds to advance to handlers for payment of costs relating to the set-aside, so it would be unable to do so. The practical solution, therefore, is to authorize handlers to deduct such costs from the amounts due producers, or others, for their free percentage cherries. In order that all producers be charged the same rate to pay such costs, the deductions should be made in accordance with charges established by the committee with the approval of the Secretary. The committee will be composed of 12 growers and 6 handlers and should be able to agree on a uniform charge for such services which would be reasonable and equitable to both growers and handlers. This charge should be uniform as to all growers since they will receive benefits from the reserve pool, after its disposition, in direct proportion to the quantity and grade of restricted percentage cherries each delivers to handlers regardless of the form in which the receiving handler packs his set-aside. However, as the costs of processing cherries into the designated products for set-aside may differ and the costs of storing canned cherries and frozen cherries differ substantially, there also should be uniform processing and storage allowances similarly established for each set-aside product. When the charge collected from growers is in excess of allowances established for the particular product that a handler sets aside, then any excess should be paid to the committee. It should be clear that handlers are not to retain unearned funds, if any, which have been withheld from grower accounts to pay for costs of set-aside. Any such unearned funds should be paid to the committee rather than to the grower, so that the costs to each grower for establishment and maintenance of the reserve pool will be in direct proportion to the quantity and grade of the restricted percentage cherries he delivers to handlers. The committee should place any unearned charges that handlers pay to the committee with the funds it receives from disposition of set-aside so that it can be distributed to all persons who have an equity in the set-aside.

The record of the hearing shows that growers may not always benefit by having an equity in the reserve pool (set-aside). Should there be large crops two years in a row, growers probably will have to take a loss on those cherries placed in the pool during the first of these two years because canned cherries can not be maintained in good condition for much beyond 18 months. Also, the set-aside cherries should not be held indefinitely and continue to incur costs for storage without any assurance that it would be profitable to do so. Consequently, the reserve pool may have to be liquidated at a time when the available supplies of cherries are large. Based on past history this situation should not be experienced too often however since in four times out of five a long crop has been followed by a short crop. Thus there should be an 80 percent chance that the value of the restricted precentage cherries in the reserve pool would be greater than the costs of processing and holding the cherries.

In recognition of the possible loss on the set-aside cherries, the order should provide growers with a choice as to whether any of their cherries are to be placed in the reserve pool. Therefore, the order should contain provisions permitting a grower to voluntarily divert, subject to necessary safeguards to assure that the cherries are diverted, those cherries which upon delivery to a handler would become set-aside. The outlets which would be available for this purpose would be limited, of course, since the primary outlet for cherries is the markets for canned and frozen cherries. However, a limited quantity of cherries can, at times, be sold in fresh fruit channels or for juice. Also, some of these cherries might be made available for experimental purposes or other uses that may be exempted under other provisions of the order. In addition, there may be other uses which may be found that could be designated for this purpose and not interfere with the primary objective of the order. One such other type of diversion, set forth in the notice of hearing, was to permit growers to divert by leaving cherries unharvested on the trees. While there undoubtedly would be problems in connection with this type of diversion, the evidence of record shows that there are cost advantages which justify including, in the order provisions, authorization for such on-tree diversion. The costs of harvesting cherries is approximately three cents per pound and a grower electing to divert cherries rather than to participate in the reserve pool should be permitted to make this saving if it is at all possible to do so.

The order should establish a general procedure to be followed in connection with any authorized grower diversion of the portion of his crop which would, otherwise, be restricted percentage cherries. An application for permission to divert cherries would, of course, be necessary. Such application should contain information showing, in detail, the manner in which the applicant proposed to divert cherries, including, if the cherries

were to be diverted on the tree, a description of the orchard, its location, and the number and ages of the trees therein. This information would be necessary so that the committee could determine whether the proposed diversion was in accordance with the program and arrange for supervision of the actual diversion as described by the applicant. Supervision of the diversion is necessary to assure that the diverted cherries are, in fact, diverted. Only after the committee is satisfied that diversion has been effected should it give the applicant a certificate showing the quantity of cherries diverted. This certificate should also show the related quantity of free percentage cherries the applicant may deliver to handlers without the latter being required to consider a portion of such cherries as restricted percentage cherries. The certificate should be designed to provide such information to the handler receiving cherries from the diverting grower so that he will have evidence that no set-aside obligation attaches to such grower's deliveries of cherries. Growers electing to divert cherries should pay to the committee its costs of supervising the diversion. Any such diversion would be at the election of the growers and, while it is not expected that the costs of supervision would be large, it would not be reasonable to require others to pay such costs.

There are some persons in the industry, generally referred to as brokers, who purchase cherries from growers and resell such cherries to handlers. Such brokers would, of course, have their purchased cherries subject to the same requirements, when delivered to handlers, as would apply to a grower delivering cherries directly to a handler. Consequently, brokers should be given the same privileges of diverting cherries as those afforded growers. Similarly, handlers should be authorized to deduct the costs relating to set-aside from brokers deliveries of cherries. The order should provide, therefore, that the term "grower," when used in connection with these provisions of the order, should include those persons who purchase cherries from growers and resell them to handlers.

Growers electing to divert cherries rather than to participate in the reserve pool should, of course, not be eligible to receive any of the proceeds from the disposition of the pool. However, should a grower's diversion of cherries not be equal to the quantity required to make all of his deliveries to handlers free percentage cherries, then the handler receiving such grower's cherries should set-aside the requisite portion of the grower's excess deliveries and, to that extent, the grower would have an equity in the reserve pool.

Handlers should be required to determine and report to the committee the weight and grade of each lot of cherries received and the name and address of the grower, or other person, delivering such cherries. Such determinations should be made in accordance with uniform rules adopted by the committee and approved by the Secretary. This information is essential to the determination of each person's equity in the set-aside. Weight and grade determinations must be made on a uniform basis so that each handler and grower will be treated equally with respect to set-aside and equity in the set-aside.

The order should contain specific provisions for the disposition of set-aside. This is proper and necessary so that handlers and the trade will know the manner in which the committee may make disposition of the set-aside. The committee should, at all times, strive to sell the set-aside at the best prices obtainable. However, the committee should be restricted in making sales of set-aside in the normal trade channels in which canned and frozen cherries usually are sold by handlers. Such sales should be made only when the supplies available for sale by handlers are less than the quantity estimated by the committee as needed to meet the demand in normal outlets. This would occur in two circumstances. First, the production of cherries may turn out to be less than anticipated when the free and restricted percentages were established. This could occur by reason of an overestimate of the crop or a portion of the crop may be lost by wind or hail storms or other causes. In this circumstance, the committee, when it meets on or about September 15, should take steps to feed back into the market sufficient set-aside cherries to bring the quantity available for sale up to the quantity it has earlier determined would be needed in normal outlets. Second, in a short crop year, the committee should use the set-aside cherries to supplement the supplies that would be available from the current production. In each of these instances, the committee should be required to offer the quantity of set-aside to be released in normal trade outlets to handlers. If the entire amount in the set-aside is to be released, then each handler should be offered the opportunity to purchase the set-aside which he holds for the committee. If less than the entire amount is to be released, then the committee should offer to sell to each handler holding set-aside the same percentage of the set-aside he holds as the percentage of the total set-aside being released. In this manner each handler would be given the same opportunity to increase his salable supplies of cherries. Of course, there may be some handlers who would not want to purchase the share of the set-aside offered to them. In such case, the refused portion should be offered to the other handlers who had purchased the set-aside offered to them. Such provisions are necessary to assure that the available supplies are brought as nearly in balance as is possible with the quantity estimated by the committee as needed to meet the demand in normal outlets. Similarly, if handlers should refuse to purchase all or a portion of the offered set-aside, the committee should then sell directly into normal outlets that portion of the offered set-aside that was not purchased. Without such authority, handlers could prevent the committee from making the best use of the set-aside and tend to defeat the objectives of the program in establishing this reserve pool.

As shown heretofore, it is not likely that, in all instances, the set-aside can be disposed of in the manner just described. The committee should, therefore, be authorized to sell set-aside directly for use in the distillation of alcoholic products such as wine or brandy, for conversion into animal feed or any other manufactured product other than for normal outlets. It should also be authorized to use excess set-aside for experimental purposes, for any new use that it may develop, and for new geographical outlets. For example, there are many foreign countries to which no canned or frozen cherry products are exported and the excess set-aside might be used to develop a demand for cherries in these countries. It is recognized that these outlets would offer only a limited opportunity for the disposition of excess set-aside at this time and the return for any sales in these outlets may be very low. It would not be proper, however, to authorize the sale of the excess set-aside in normal outlets, except as indicated, even though a greater return might be realized, after handlers and the trade had purchased cherries on the basis of the limited supply resulting from establishment of free and restricted percentages. Moreover, if this should be done, no further benefit could be expected from operation of the order as it would be known that any excess set-aside would later be dumped on the market.

Because of the limited time that the set-aside can be maintained in good condition, the committee should make every effort to dispose of the set-aside of any year not later than September 1 of the following year. By this time, it will be known whether any of such set-aside will be needed to supplement the current pack. And if none, or only part, of the set-aside is needed for this purpose, the committee should make immediate plans for disposing of the excess set-aside to avoid further loss. Such plan should be required to be developed within 60 days of the September 1 date, and should be submitted to the Secretary for his approval to assure that complete consideration will be given to the problem before action is taken and that the planned disposition is in accordance with program objectives.

Any proceeds from the disposition of set-aside should be distributed, after deducting the expenses incurred by the committee in carrying out its functions in connection therewith, to the persons having an equity in the set-aside. Such persons would be those delivering restricted percentage cherries to handlers, unless they had assigned their respective equities to others, in which case the assignee would be the equity holder. The method for determining each equity holder's share in the proceeds from the set-aside, should be to weight the quantity of restricted cherries delivered by the grade of such cherries. It is appropriate to weight such quantity by the grade thereof since it would be unfair to give a person delivering low-grade cherries the same return from the set-aside as is given to one who delivers only the best quality fruit. In distributing the proceeds to members of cooperative associations who are handlers, the proceeds should be paid to the appropriate association. This would be

consistent with the fact that such associations are formed for the purpose of disposing of the cherries delivered to, and handled by, the association and the distribution of the proceeds from such cherries to its members. It would also tend to reduce the costs to the committee of distributing the proceeds from set-aside.

(f) The committee should be authorized, with the approval of the Secretary, to establish certain exemptions under the order. These exemptions might include the cherries handlers use for experimental purposes or for minor products which have used less than 5 percent of the preceding 5-year average production of cherries. Such exemptions may tend to encourage handlers to step-up their search for new or better products and to place additional emphasis on expanding the market for products which have not, as yet, resulted in any substantial outlet for cherries. To the extent that this could be accomplished, the need for controlling the excess production would be lessened. However, such exemptions should be provided only if adequate safeguards can be established by the committee, with the approval of the Secretary, to assure that the exemptions do not result in cherries being handled in other channels contrary to the intent and purpose of the exception.

(g) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed for the performance of its functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information compiled from handlers' reports may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information should not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information that may affect detrimentally the trade or financial position or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of cherries. Such records should be retained for not less than three years after the termination of the crop year in which the transaction occurred, so that, if needed in connection with enforcement, the requisite records will be available for that purpose.

The successful operation of a program of this type depends upon the degree of compliance with its provisions. In this connection, it is necessary that the committee be given the authority to examine and verify the records, check inventories of cherries and determine the quantity of cherries received, handled, stored, and set-aside. The verification of records and reports and inspection needed in connection therewith should be performed by the committee during reasonable working hours and in such manner that normal operations would not be interrupted.

(h) Except as provided in the order, no handler should be permitted to handle cherries, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle cherries except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(i) The provisions of §§ 930.71 through 930.80, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 930.81 through 930.83, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 930.71 *Right of the Secretary;* § 930.72 *Effective time;* § 930.73 *Termination;* § 930.74 *Proceedings after termination;* § 930.75 *Effect of termination or amendment;* § 930.76 *Duration of immunities;* § 930.77 *Agents;* § 930.78 *Derogation;* § 930.79 *Personal liability;* and § 930.80 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 930.81 *Counterparts;* § 930.82 *Additional parties;* and § 930.83 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. April 5, 1965, was set by the presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom.

Briefs were filed by the following growers: Charles D. Mantel; William W. Teichman; Mr. and Mrs. Alan Schmaltz; Roy Dukesherer; Don Ertman; Reinhart Ertman; Silver Creek Orchards by Bert Heinlen, Manager; George F. Kappelt; Roland R. Orbaker; and E. Earl Harding. Briefs were also filed on behalf of (1) The Virginia State Horticultural Society by John F. Watson, Secretary-Treasurer; (2) The National Canners Association by Edward Dunkelberger of Covington and Burling, Attorneys; (3) The American Farm Bureau Federation by John C. Datt, Assistant Director, Washington office, and (4) National Fruit Product Co., Inc., by W. W. Hunt; and (5) The National Cherry Growers Council by Jon F. DeWitt of Varnum Riddering, Wierengo & Christenson, Attorneys.

Certain of the briefs merely stated the belief of those filing them in "free enterprise" and their opposition to the proposed order. Others contended that, as was testified at the hearing, increasing the price of cherries by means of the regulations under the order would only result in increased plantings of cherry trees and that, without controls on tree plantings, surpluses would mount to unmanageable proportions. Control of tree plantings could, of course, restrict the supply, and possibly lessen marketing problems, in the future. The act does not authorize controls on production but the lack of such controls is not vital as an industry can effect benefits by controlling, and marketing in an orderly manner, whatever supply is produced. It was also advanced that (1) the excess production of cherries has resulted, primarily, from plantings in response to the high prices prevailing following World War II on "marginal" land not suitable for growing cherries on a commercial basis; and (2) the order would delay the elimination of the "marginal grower" at the expense of producers who, because of location or otherwise, would be expected to grow cherries on a continuing basis and of consumers who would be paying higher prices with the order in effect than would be the case if the forces of supply and demand were allowed to operate freely. Such contentions overlook the fact that (1) prices to all growers would be equally affected during such an "elimination" period; (2) it is the large commercial grower whose primary business is growing cherries who suffers the greatest losses rather than the so-called marginal grower who has had to depend on other income; and (3) marketing orders have for their purpose, among others, the alleviating of such conditions. The act prescribes the protection that is to be afforded to consumers under marketing order operations.

One of the briefs also argued that the proposed order, by authorizing the Secretary to control the storage and disposition of set-aside cherries in the form of canned and frozen products, was not in accordance with the act since its provisions are not applicaole to the canned and frozen products of cherries.

The proposed order would limit the total quantity of cherries handled by fixing the percentage of a particular cherry crop which handlers may freely handle and the percentage thereof which would be restricted from such use. The free percentage, representing the normal needs of the market for cherry products, including canned and frozen cherries, would be wholly free of regulation. Handlers could use the free percentage cherries they receive in any manner they choose. Thus, there would be no regulation of the commercial pack of canned and frozen cherry products. Handlers would be restricted only with respect to what they may do with the excess production, i.e. the restricted percentage, of cherries.

The act contains broad regulatory authority, particularly with respect to surplus production. Section 608c(6)(A) authorizes provisions for limiting the total quantity of a commodity, or any grade, size, or quality thereof, which may be marketed. Section 608c(6)(D) authorizes provisions for determining the surplus of any commodity, or any grade, size, or quality thereof, and for controlling and disposing of such surplus. Section 608c(6)(E) provides for establishing reserve pools of any commodity, or any grade, size, or quality thereof, and for equitably distributing the net proceeds derived from its sale among persons beneficially interested therein. Section 608c(7)(D) authorizes terms and provisions incidental to and not inconsistent with those specified in 608c (6) which are necessary to effectuate the other provisions of an order. The authority thus provided obviously vests broad discretionary powers in the Secretary with respect to the precise means of controlling the marketing of a commodity and of disposing of any excess of production over normal needs of the market.

The proposed order would require the portion of a cherry crop represented by the restricted percentage to be processed into storable cherry products, primarily canned and frozen cherries, for the account of the committee. Such provision is necessary to effectuate the other provisions of the order. The need to thus control this specific portion of the cherry crop is explained heretofore and is supported by the evidence of record. To construe the provisions of the act as prohibiting the processing of the excess portion of the cherry crop into canned and frozen products would, in effect, nullify the provisions of section 608c(6)(E) of the act insofar as cherries are concerned.

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

At the session of the hearing at Gettysburg, Pennsylvania, objection was taken to the ruling of the Hearing Examiner that evidence being offered by a witness was not relevant to the proposal on which the hearing was being held. The witness had made a general statement concerning alleged conditions relating to the marketing of apples in Australia, New Zealand, and Tasmania and presumably had started to make similar remarks concerning South Africa when the Hearing Examiner ruled that any further statement in this regard would not be permitted. The purpose of the hearing was to obtain evidence concerning the economic and marketing conditions which relate to the provisions of the proposed marketing order for cherries. Since the evidence in question did not relate to conditions within the cherry industry nor to the provisions of the proposed marketing order, the objection is overruled and the ruling of the Hearing Examiner is approved.

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

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

(2) The said marketing agreement and order regulate the handling of cherries grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cherries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cherries grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Cherries Grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland" and "Order Regulating the Handling of Cherries Grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreement and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period May 1, 1964, through April 30, 1965 (which period is hereby determined to be a representative period for the purpose of such referenda), were engaged in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland in the production of red tart cherries for processing, and

(2) Among processors who, during the aforesaid representative period, were engaged within said production area in the canning or freezing of red tart cherries to ascertain whether such producers and processors favor the issuance of the said annexed order regulating the handling of cherries.

George B. Dever, Jr., Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby designated agent of the Secretary of Agriculture to conduct said referenda.

The procedure applicable to the referenda shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

The ballots used in each such referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referenda, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order which will be published with this decision.

Dated: April 30, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Regulating the Handling of Cherries Grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland

AUTHORITY: The provisions of this Part 930 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

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

§ 930.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Grand Rapids, Mich., March 10–12, 1965, and continued at Sturgeon Bay, Wis., on March 15, 1965, at Rochester, N.Y., on March 18, 1965, and at Gettysburg, Pa., on March 22, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of cherries grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) This order regulates the handling of cherries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which hearings have been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cherries grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of cherries grown in the production area, as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of cherries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 930.1 Secretary.

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

§ 930.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 930.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.4 Production area.

"Production area" means the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland.

§ 930.5 Cherries.

"Cherries" means all varieties of the fruit commonly called Red Sour Cherries or Red Tart Cherries grown in the production area.

§ 930.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on May 1 of one year and ending on the last day of April of the following year.

§ 930.7 Committee.

"Committee" means the Cherry Marketing Committee established pursuant to § 930.20.

§ 930.8 Grower.

"Grower" is synonymous with producer and means any person who produces cherries to be marketed in canned, frozen, or other processed form and who has a proprietary interest therein. As used in §§ 930.56 through 930.58 and in § 930.60, such term also includes any person who purchases cherries from the person growing such cherries and who delivers them to a handler.

§ 930.9 Handler.

"Handler" means any person who first handles cherries or causes cherries to be handled.

§ 930.10 Handle.

"Handle" means to pit, can, freeze, dehydrate, press, or brine cherries, or in any other way to convert cherries into a processed product: *Provided,* That the term "handle" shall not include the pitting, canning, freezing, dehydrating, pressing, or brining of cherries diverted pursuant to § 930.56, or the converting, in any other way, of such cherries into a processed product.

§ 930.11 Acquire.

"Acquire" is synonymous with receive and means to obtain cherries by any means whatsoever for the purpose of handling such cherries.

§ 930.12 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 930.31(1):

District 1—The State of Wisconsin.
District 2—The State of New York.
District 3—The States of Maryland, Pennsylvania, Virginia, and West Virginia.
District 4—That portion of the State of Michigan which is north of a line drawn along the boundary of Mason and Manistee Counties and extended easterly to Lake Huron.
District 5—That portion of the State of Michigan which is south of District 4 and north of a line drawn along the boundary of Allegan and Ottawa Counties and extended easterly to the St. Clair River.
District 6—The State of Ohio and that portion of the State of Michigan not included in Districts 4 and 5.

ADMINISTRATIVE BODY

§ 930.20 Establishment and membership.

(a) There is hereby established a Cherry Marketing Committee consisting of eighteen members, each of whom shall have an alternate having the same qualifications as the member for whom he is an alternate. Twelve of the members and their alternates shall be growers or officers or employees of corporate growers. Six of the members and their alternates shall be handlers or officers or employees of handlers.

(b) District representation on the committee shall be as follows:

District	Grower members	Handler members
1	1	1
2	2	1
3	2	1
4	3	1
5	2	1
6	2	1

§ 930.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 3 years beginning May 1 and ending on the last day of April: *Provided*, That one-third of the initial members and alternates shall serve only until April 30, 1966 and one-third of such members and alternates shall serve only until April 30, 1967. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three 3-year terms.

§ 930.22 Nomination.

(a) *Initial members.* The Secretary shall hold, or cause to be held, meetings of growers and of handlers to nominate the initial members and alternate members of the committee. Such meetings shall be held as soon as practicable after the effective date of this part, and shall be conducted in the manner provided in paragraph (b) of this section.

(b) *Successor members.* (1) Nominations for successor members of the committee, and their respective alternates, shall be made at separate meetings of growers and handlers. Such meetings shall be held at such times (on or before April 1 of each year) and places as the committee shall designate. The names and addresses of such nominee shall be submitted to the Secretary not later than April 15 of each year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(2) Only the persons who are eligible to serve as grower members of the committee, as provided in § 930.28, and who are present at such nomination meetings shall participate in the nomination of grower members and alternate members to represent the district in which they produce cherries.

(3) Only the persons who are eligible to serve as handler members of the committee, as provided in § 930.28, and who are present at nomination meetings shall participate in the nomination of handler members and alternate members to represent the district in which they handle cherries.

(4) Voting for nominees shall be by ballot and, each person entitled to cast a ballot shall have only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

(c) At least two nominees shall be elected at nomination meetings for each member and alternate member position to be filled.

§ 930.23 Selection.

From the nominations made pursuant to § 930.22, the Secretary shall select the members of the committee and an alternate for each such member on the basis of the representation provided for in § 930.20.

§ 930.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 930.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of representation provided for in § 930.20.

§ 930.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 930.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 930.22 (b) and 930.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 930.20.

§ 930.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event that a grower member and his alternate are unable to attend a committee meeting, the grower members present at such meeting may designate any other grower alternate member to serve in such absent grower member's place and stead at that meeting. In the event that a handler member and his alternate are unable to attend a committee meeting, the handler members present at such meeting may designate any other handler alternate member to serve in such absent handler member's place and stead at that meeting.

§ 930.28 Eligibility for membership on Cherry Marketing Committee.

(a) Each grower member and each grower alternate member of the committee shall be an individual grower, or an officer or employee of a corporate grower, of cherries in the respective district for which nominated or selected.

(b) Each handler member and each handler alternate member of the committee shall be an individual handler, or an officer or employee of a handler, of cherries who owns or leases and operates a cherry processing facility in the respective district for which nominated or selected.

§ 930.30 Powers.

The committee shall have the following powers:

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

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

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

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

§ 930.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the offices of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cherries;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

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

(k) To investigate compliance with the provisions of this part; and

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in cherry production within the districts and the production area.

§ 930.32 Procedure.

(a) Twelve members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least twelve concurring votes: *Provided*, That an affirmative vote of at least one-half the grower members and at least one-half of the handler members present shall be required to approve any action of the committee.

(b) The committee may provide for simultaneous meetings of groups of its members at two or more designated places or may use a telephone conference call meeting: *Provided*, That such meetings shall be subject to the establishment of communications so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

(c) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 930.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. The committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 930.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses (other than expenses incurred in receiving, handling, holdings, and disposing of set-aside) shall be paid to the committee by handlers in the manner prescribed in § 930.41.

§ 930.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all free percentage cherries acquired by him, including cherries of his own production, during such period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all free percentage cherries acquired during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first of a fiscal period before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 930.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over all or any portion of such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses, other than expenses incurred in receiving, handling, holding, and disposing of set-aside, authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 930.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment, through existing agencies when available, of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries: *Provided*, That such projects shall not provide for paid advertising or sales promotion. The expense of such projects shall be paid from funds collected pursuant to § 930.41.

REGULATIONS

§ 930.50 Marketing policy.

Each season prior to making any recommendations pursuant to § 930.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cherries;

(b) The expected general quality of such cherry production;

(c) The expected carryover, as of July 1, of canned or frozen cherries and other cherry products;

(d) The expected demand conditions for cherries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cherries; and

(h) The regulation expected to be recommended during the marketing season.

§ 930.51 Recommendations for volume regulation.

(a) Not later than July 1 of each year, the committee, if it deems it advisable to regulate the handling of cherries in the manner provided in § 930.52, shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply of and demand for cherries during the then current fiscal period. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

(c) All assembled meetings of the committee shall be open to growers and handlers. The committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler who has filed his name and address with the committee for such purpose.

§ 930.52 Issuance of volume regulations.

(a) The Secretary shall limit, in the manner specified in this section, the quantity of cherries which handlers may acquire and freely handle during the then current fiscal period, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall fix the free and restricted percentages, totaling 100 percent, which shall be applied in accordance with § 930.54, to cherries acquired by handlers during such fiscal period.

(b) The committee shall be informed immediately of any such regulation is-

sued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 930.53 Modification, suspension, or termination of volume regulations.

(a) On or about September 15 of each year when cherries are regulated pursuant to § 930.52, the committee shall determine the total quantity of free percentage cherries handled from the current crop. If it determines that such quantity is less than the quantity determined earlier by the committee as the quantity of cherries which should be available for handling, it shall recommend to the Secretary that a portion of the set-aside be released to handlers for use in normal commercial outlets. The amount of the set-aside so recommended to be released shall be the amount required to make the total available supplies for handling in normal commercial outlets equal, but not exceed the quantity, as estimated by the committee, needed to meet the demand in such outlets.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee pursuant to paragraph (a) of this section, or from other available information, that a regulation should be modified by releasing a portion of the set-aside in order to effectuate the declared policy of the act, he shall so modify such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation.

§ 930.54 Set-aside.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 930.52(a), each handler shall set-aside, at such time and in such manner and form as the committee may prescribe, a portion of the cherries he acquires during such period. Except as otherwise permitted pursuant to §§ 930.56 and 930.61, such set-aside portion shall be equal to the sum of the products obtained by multiplying the weight of the cherries in each lot of cherries acquired during the fiscal period by the restricted percentage fixed by the Secretary: *Provided*, That in converting cherries in each lot to the form prescribed by the committee, the set-aside obligations shall be adjusted, in accordance with uniform rules adopted by the committee, to recognize normal shrinkage and loss resulting in processing.

(b) Set-aside cherries shall meet such standards of grade, quality, or condition as the committee, with the approval of the Secretary, may prescribe. All such cherries shall be inspected by the Processed Products Standardization and Inspection Branch, USDA. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the location where the lot is stored, identification marks (can codes or lot stamp), and a certification that the cherries meet the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee, at the place designated by the committee, a copy of the certificate of inspection issued with respect to such cherries.

(c) Each handler shall hold his set-aside for the account of the committee, free and clear of all liens, until relieved of such responsibility by the committee. Such set-aside cherries shall be stored in accordance with good commercial practice and shall be separate and apart from any other cherries in possession of the handler. Each handler so holding set-aside shall deliver to the committee, upon demand, such portion of the set-aside held by him as the committee may specify.

§ 930.55 Off-premise set-aside.

No handler may transfer a set-aside obligation but any handler may, upon notification to the committee, arrange to hold set-aside, of his own production or which he has purchased, on the premises of another handler or in an approved commercial storage in the same manner as though the set-aside were on his own premises.

§ 930.56 Diversion privilege.

Any producer may voluntarily elect to divert, in accordance with provisions of this section, all or a portion of his cherries which otherwise, upon delivery to a handler, would become set-aside. Upon such diversion and compliance with the provisions of this section, the committee shall issue to the diverting producer a diversion certificate which shall entitle such producer to deliver to a handler, and such handler to receive, the specified weight of cherries free from all set-aside requirements.

(a) *Eligible diversion.* Diversion certificates shall be issued to producers only if the cherries are diverted in accordance with the following terms and conditions to such of the following outlets as the committee with the approval of the Secretary may designate: Juice or fresh market outlets; uses exempt under § 930.61; non-human food uses; or other uses, including diversion by leaving such cherries unharvested.

(1) *Application.* The producer electing so to divert cherries shall first make application to the committee for permission to do so. Such application shall describe in detail the manner in which the applicant proposes to divert cherries including, if the diversion is to be by means of leaving the cherries unharvested, a detailed description of the location of the orchard and the ages of the trees therein. It shall also contain an agreement that the proposed diversion is to be carried out under the supervision of the committee and that the cost of such supervision is to be paid by the applicant.

(2) *Diversion certificate.* If the committee approves the application, it shall so notify the applicant and conduct such supervision of the applicant's diversion of cherries as may be necessary to assure that the cherries are diverted. After the diversion has been accomplished, the committee shall issue to the diverting producer a diversion certificate stating the weight of cherries diverted and the weight of cherries which may be delivered to a handler free from all set-aside requirements; the latter of which shall be in an amount having the same relationship to the weight of cherries diverted as that existing between the free and restricted percentages fixed pursuant to § 930.52. Where diversion is carried out by leaving the cherries unharvested, the committee shall estimate the weight of cherries diverted on the basis of such uniform rule as the committee, with the approval of the Secretary, may prescribe.

(b) Any producer who diverts cherries pursuant to the provisions of this section shall be entitled to participate in proceeds from the disposition of set-aside cherries only if he delivers cherries to handlers in excess of the quantity shown on his diversion certificate and then only to the extent of such excess delivery of cherries.

§ 930.57 Equity holders.

So that the committee may determine each producer's, or his successor's in interest, equity in the total set-aside, each handler who receives cherries shall determine and certify to the committee the weight and grade of each lot of cherries received, the name and address of the producer or successor in interest and place of production. Each weight and grade determination shall be made in accordance with uniform rules adopted by the committee and approved by the Secretary.

§ 930.58 Handler compensation.

Each handler shall be compensated as set forth in this section for receiving, processing, storing and such other costs relating to the set-aside as the committee may deem to be appropriate, in accordance with a schedule of charges established at the beginning of the crop year by the committee with the approval of the Secretary. Such costs shall be met initially by the handlers but shall be borne by the producers having an equity in the set-aside, or their successors in interest, at a uniform rate prescribed by the committee with the approval of the Secretary, which may be deducted by handlers from any moneys due or to become due by them to such persons for cherries. In the event the established compensation to a handler is less than the uniform rate applicable to persons having an equity in the set-aside, such handler shall pay such difference to the committee, upon demand. The committee shall treat such payments as proceeds from set-aside for purposes of § 930.60. A handler may request the committee to remove set-aside from his premises upon expiration of prepaid storage charges or the payment to the committee of unearned charges. If the committee finds that continued storage of the set-aside would constitute an undue hardship on such handler, it shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall also pay one-half of the cost of such removal and shall forfeit, to the extent of the removed volume, his pro rata share in any offer to sell set-aside

items and such share shall be allocated to the successor storing handler.

§ 930.59 Disposition of set-aside.

(a) The committee shall sell or otherwise dispose of all set-aside cherries upon the best terms and at the highest price obtainable consistent with the provisions of this part. Insofar as practicable, disposal of set-aside of a particular year shall be completed not later than September 1 of the following year. If any such set-aside is on hand subsequent to such date, the committee shall, within 60 days from such date, submit to the Secretary for his approval a plan for disposing of such set-aside.

(b) The committee may sell set-aside: (1) For distillation, animal feed, or any manufacturing use other than normal commercial outlets; (2) for new uses or new geographical outlets; and (3) for handling in normal commercial outlets, but any such sale pursuant to this subparagraph (3) shall be made only if, and to the extent, that the total available supplies for handling in normal commercial outlets is less than the quantity, as estimated by the committee, needed to meet the demand in such outlets.

(c) Each offer by the committee to sell set-aside for sale in established export markets or for handling in normal commercial outlets shall be made only to handlers, except as otherwise provided in this paragraph, and each handler shall be given the first opportunity to purchase his share of the offer. Such share shall be determined by applying to the total quantity offered the percentage that the set-aside held by such handler is of the total set-aside held by all handlers. If any handler declines, or fails, to purchase all or any part of his share, the remainder shall be offered to all handlers who have purchased all of their respective shares. If handlers do not purchase all the set-aside cherries offered by the committee within a reasonable time, the committee may proceed with the sale of such cherries in normal commercial outlets.

(d) The committee may sell set-aside for development of new uses or geographical outlets, or for distillation, animal feed, or manufacturing uses other than normal processing outlets without regard to pro rata participation by handlers.

§ 930.60 Disposition of proceeds from sale of set-aside.

The proceeds from the disposition of any set-aside shall be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage and grade of their respective contributions to the set-aside. The distribution of proceeds to producer members of cooperative associations, which are handlers and have set-aside cherries pursuant to § 930.54, shall be made to the appropriate association.

§ 930.61 Exemptions.

The committee, with the approval of the Secretary, may exempt from any or all provisions of paragraphs §§ 930.52 through 930.60 cherries used for experimental purposes or processed into products which use less than 5 percent of the preceding 5-year average production of cherries. The committee, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to ensure that cherries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 930.62 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing such information as the committee shall specify with respect to any cherries or cherry products which were held by him on such date as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to the weight of each lot of cherries acquired, the equity holder's name and address, and the place of production.

(c) *Set-aside.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing, separately for each product and container size, the set-aside held for the account of the committee and showing place where stored.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information with respect to the cherries acquired and disposed of by such handler as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 930.63 Records.

Each handler shall maintain such records of all cherries acquired, set-aside, handled, and otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than 3 years after the termination of the crop year in which the transactions occurred or for such lesser period as the committee may direct.

§ 930.64 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and the reports filed by handlers, the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cherries are received, stored, handled, or otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 930.65 Confidential information.

All reports and records furnished or submitted by handlers to the committee and its authorized agents which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 930.70 Compliance.

Except as provided in this part, no person shall acquire or handle cherries except in conformity with the provisions of this part and the regulations issued hereunder.

§ 930.71 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 930.72 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 930.73.

§ 930.73 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cherries which were produced within the production area. Such termination shall become effective on the last day of April subsequent to the announcement thereof by the Secretary.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 930.74 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

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

§ 930.75 Effect of termination or amendment.

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

§ 930.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 930.77 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 930.78 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 930.79 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 930.80 Separability.

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

[F.R. Doc. 65-4731; Filed, May 4, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6619]

AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring replacement of the thrust reverser lockout actuator piston on Boeing Model 727 Series aircraft. The Agency has determined that the locking pin on the existing lockout actuator piston is not strong enough to prevent the thrust reverser from going to the reverse thrust position under certain conditions in the event that pneumatic pressure is lost. To prevent inadvertent reversing, the proposed AD would require replacement of the actuator piston with one having a stronger locking pin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 7, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 (14 CFR, Part 39), by adding the following airworthiness directive:

BOEING. Applies to Model 727 Series aircraft.

Compliance required within the next 600 hours' time in service after the effective date of this AD unless already accomplished.

To prevent inadvertent thrust reversing from failure of the locking pin, replace the thrust reverser lockout actuator piston, P/N 65-37853-2, on each engine, with actuator piston, P/N 65-37853-3, in accordance with Boeing Alert Service Bulletin No. 78-18, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Washington, D.C., on April 28, 1965.

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

[F.R. Doc. 65-4716; Filed, May 4, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15987; FCC 65-359]

GRETNA AND DANVILLE, VA.

Proposed Table of Assignments; FM Broadcast Stations

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

2. In a Second Report and Order in Docket No. 15690 adopted today, the Commission denied a proposal (RM-628) to assign Channel 295 to Danville, Va., with concomitant deletion of Channel 296A at Pulaski, Va., and Durham, N.C. The proposed assignment appeared too costly in view of the deletions required and the impossibility of finding replacement channels.

3. However, we also recognized the great desirability of providing a first FM channel to the large and important city of Danville (population 46,577) if it is feasible. There appears one way by which this might be accomplished. Class C Channel 277 is now used at Gretna, Va. (population 900, 1960 U.S. Census), by Station WMNA-FM. This station operates with less than the minimum facilities now required for new Class C stations (25 kw E.R.P.), and, indeed, with less than the maximum permitted for limited-coverage Class A stations; it employs 3 kw E.R.P. and an antenna with a height of 105 feet above average terrain. On April 16, 1965, an application (BPH-4899) was filed to increase WMNA-FM's facilities to 30 kw E.R.P. and antenna height of 262 feet.

4. Since Gretna is a small community, it appears that one solution to the Danville problem may be to assign a Class A channel to Gretna and Station WMNA-FM, freeing Class C Channel 277 for use at Danville, a much larger community and an important regional center and thus more appropriate for a Class C assignment. In terms of areas and populations served, use at Danville as a Class C assignment would of course be much more efficient than the present use of the channel at Gretna, and, with reasonably large facilities, such use would likely be substantially more efficient than that proposed in the pending WMNA-FM application.[1] It appears that Channel 277 can be used at Danville consistent with all present mileage separation re-

[1] Danville and Gretna are about 25 miles apart. The WMNA-FM application states that the proposed operation would put a 1 mv/m signal (required for adequate service in cities) over a portion of Danville.

quirements,[2] and that Channels 288A, 292A, and 296A are available for use at Gretna.

5. We have mentioned before our reluctance to disturb existing service. However, under the circumstances here, with a Class C channel employed in a small community and the great need of Danville for an FM outlet, we believe a shift may be warranted. As in other cases where shift of an existing station is proposed, a factor in our decision will be the willingness of parties standing to gain by the change (here, those interested in a Danville FM assignment) to reimburse the existing station for reasonable costs of the shift.

6. In view of the foregoing, it is proposed on the Commission's own motion to amend § 73.202, the table of AM assignments, to read as set forth below. Authority for the proposed change is contained in sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended.

City	Channel No.	
	Present	Proposed
Danville, Va		277
Gretna, Va	277	288A, 292A, or 296A

7. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before May 28, 1965, and reply comments on or before June 11, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. 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. Attention is directed to the provisions of Paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: April 28, 1965.

Released: April 30, 1965.

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

[F.R. Doc. 65-4735; Filed, May 4, 1965; 8:49 a.m.]

[2] A pending rule making petition (RM-747) would put Channel 276A at Dunn, N.C. If this proposal is ultimately adopted, a station on Channel 277 at Danville would have to be some 10 miles north of the city in order to meet separations with respect to the Dunn reference point. However, this restriction is less than that involved in the earlier Danville proposal, and does not appear to be a substantial problem.

[3] Commissioner Lee absent.

[47 CFR Part 73]

[Docket No. 15937]

WASHINGTON AND OREGON

Proposed Table of Assignments; FM Broadcast Stations; Notice Extending Time To File Comments

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Prosser, Quincy, Richland, Wenatchee and Yakima, Wash., and Pendleton, Oreg.); Docket No. 15937, RM-573, RM-600, RM-646.

1. On April 2, 1965, the Commission issued a notice of proposed rule making (FCC 65-278) in the above-entitled matter which specified that comments were to be filed on or before April 30, 1965, and reply comments on or before May 10, 1965. KIT, Inc., one of the petitioners in this matter, has requested an extension of time for the filing of comments to and including May 28, 1965. KIT states that, because of the engineering problems involved, its consulting engineer has been unable to complete the necessary studies. It also submits that it needs additional time in order to consult with the other parties on the question of the costs of moving Station KACA-FM from Channel 272A to 269A, as proposed in the notice.

2. The Commission is of the view that the requested extension is warranted in this case and would serve the public interest. Accordingly, notice is hereby given that the time for filing comments in this proceeding is extended to May 28, 1965, and that the time for filing reply comments is extended to June 7, 1965.

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

Adopted: April 30, 1965.

Released: April 30, 1965.

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

[F.R. Doc. 65-4736; Filed, May 4, 1965; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 261, 262]

RULES REGARDING INFORMATION, SUBMITTALS, AND REQUESTS; RULES OF PROCEDURE

Notice of Proposed Rule Making

The Board of Governors is considering amending § 261.2(d)(2)(v) relating to certain unpublished information under Part 261 and § 262.2(f)(7) concerning bank holding company and bank merger applications under Part 262. The purpose of these amendments is to make available for public inspection bank holding company and bank merger applications, subject to certain limitations, whether or not the Board has ordered a public hearing or a public oral presentation of views with respect to the applications.

1. The proposed amendment to § 261.2(d)(2)(v) is as follows: Substitute a comma for the period at the end thereof and add: "and except as provided in § 262.2(f)(7) of this chapter concerning bank holding company and bank merger applications".

2. The proposed amendment to § 262.2(f)(7) is as follows: Rewrite said § 262.2(f)(7) to read:

(7) Unless the Board shall otherwise direct for good cause found, each application shall be made available for inspection by the public except for portions thereof as to which the Board finds that disclosure would not be in the public interest.

To aid in the consideration of the foregoing matter, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than May 20, 1965.

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

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-4662; Filed, May 4, 1965; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

TEXTILE FIBER PRODUCTS IDENTIFICATION

Proposed Generic Names and Definitions for Manufactured Fibers; Further Opportunity To Present Views

On February 1, 1965, the Commission issued a notice of proposed rule making. Such notice was published in the FEDERAL REGISTER on February 2, 1965, and provided that pursuant to previous notice issued on February 12, 1964, and published in the FEDERAL REGISTER on February 13, 1964, the Commission had tentatively determined to amend § 303.7 (Rule 7) of the rules and regulations under the Textile Fiber Products Identification Act by adding three new paragraphs thereto designated as paragraphs (q), (r) and (s) of § 303.7 (Rule 7) and by amending paragraphs (b) and (m) of present § 303.7 (Rule 7) so as to distinguish between certain fibers falling within the definitions contained in paragraphs (b) and (m) of § 303.7 (Rule 7) and fibers falling within certain designated categories in the proposed additional paragraphs.

Such notice proposed (a) to establish the generic name "lastocarb" for manu-

factured fibers falling within the "hydrocarbon" category as set out in the original February 12, 1964 notice of proposed rule making and as modified in the second notice, (b) to establish the generic name "lastrile" for manufactured fibers falling with the "nitrile" category as set out in the original notice of proposed rule making, (c) to establish the generic name "lastochlor" for manufactured fibers falling within the "chloroprene" category as set out in the original notice of proposed rule making, (d) to amend the delnition "modacrylic" as contained in present paragraph (b) of § 303.7 (Rule 7) so as to distinguish between fibers entitled to the generic name "modacrylic" and fibers entitled to the generic name "lastrile" as defined in proposed paragraph (r) of § 303.7 (Rule 7); and (e) to amend the definition "olefin" as contained in present paragraph (m) of § 303.7 (Rule 7) so as to distinguish between fibers entitled to the generic name "olefin" and fibers entitled to the generic name "lastocarb" as defined in proposed paragraph (q) of § 303.7 (Rule 7).

The notice of proposed rule making provided that interested parties could submit their views, arguments, or other pertinent data to the Federal Trade Commission on or before 45 days after issuance of the notice and that written rebuttal could be submitted within 30 days thereafter.

Upon request of certain interested parties to orally present views, arguments and data pertaining to the proposed amendments, the Federal Trade Commission will on May 21, 1965, at 10 a.m., e.d.t., at Room 7312, 1101 Building, 1101 Pennsylvania Avenue NW., in the city of Washington, District of Columbia, afford all interested parties an opportunity to orally present their views, arguments and data on the proposed amendments to § 303.7 (Rule 7) of the rules and regulations under the Textile Fiber Products Identification Act as contained in the notice of proposed rule making issued by the Commission on February 1, 1965, and published in the FEDERAL REGISTER on February 2, 1965. Further written views, arguments and data may be submitted to the Federal Trade Commission, Washington, D.C., 20580, on or before the date of such oral hearing.

Such action is taken pursuant to the provisions of section 7(c) of the Textile Fiber Products Identification Act whereby "The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement."

(Sec. 7(c), Textile Fiber Products Identification Act; 72 Stat. 1721, 15 U.S.C. 70e)

Issued: April 30, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-4688; Filed, May 4, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-22]

JAMES RIVER CLOSED TO NAVIGATION DURING FIRING OF CATAPULTS ABOARD AIRCRAFT CARRIER U.S.S. "ENTERPRISE" (CVA(N)65)

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, I declare that from Thursday the 29th of April 1965 to Tuesday the 25th day of May 1965 the following area is a prohibited area and I order it be closed to any person or vessel from 7 a.m., e.s.t., to 7 p.m., e.s.t., Monday through Saturday, during the test firings of catapults aboard U.S.S. *Enterprise* (CVA(N)65).

The water of the James River, Norfolk-Newport News Harbor, Va., within the coordinates of latitude 36°59'07" N., longitude 76°26'25" W., thence westerly to latitude 36°58'56" N., longitude 76°26'51" W., thence southeasterly to latitude 36°58'30" N., longitude 76°26'35" W., thence easterly to latitude 36°58'42" N., longitude 76°26'07" W.

The northwest and southeast corners of the prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Va. shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than 2 years, or both."

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Date: April 30, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-4659; Filed, May 4, 1965; 8:45 a.m.]

Office of the Secretary

[Dept. Circ. Public Debt Series—No. 2-65]

4 PERCENT TREASURY NOTES OF SERIES A–1966

Notice of Offering

APRIL 29, 1965.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 4 percent Treasury Notes of Series A–1966, at 99.85 percent of their face value and accrued interest, in exchange for the following notes maturing May 15, 1965:

4¾ percent Treasury Notes of Series A–1965; or 3⅞ percent Treasury Notes of Series C–1965.

A cash payment will be due from subscribers as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on May 3 through May 5, 1965, for the receipt of subscriptions.

2. In addition, holders of the notes enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such notes for 4¼ percent Treasury Bonds of 1974, which offering is set forth in Department Circular, Public Debt Series—No. 3–65, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be identical in all respects with the 4 percent Treasury Notes of Series A–1966 issued pursuant to Department Circulars, Public Debt Series—Nos. 3–62 and 4–64, dated February 5, 1962, and January 31, 1964, respectively, except that interest will accrue from May 15, 1965. With this exception the notes are described in the following quotation from Department Circular No. 3–62:

1. The notes will be dated February 15, 1962, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder together with a cash payment of $8.33425 per $1,000 (the difference between $9,-83425 per $1,000 payable by the subscriber for accrued interest from February 15 to May 15, 1965, and $1.50 per $1,000 payable to the subscriber on account of the issue price, of the notes allotted) must be made on or before May 17, 1965, or on later allotment. Payment for the face amount of the notes allotted may be made only in a like face amount of notes of the two issues enumerated in paragraph 1 of section I hereof, which together with the cash payment referred to in the preceding sentence should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive,

pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. When payment is made with notes in bearer form, coupons dated May 15, 1965, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1965, will be paid by issue of interest checks in regular course to holders of record on April 15, 1965, the date the transfer books closed.

V. *Assignment of Registered Notes.* 1. Treasury Notes of Series A–1965 and Series C–1965 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in coupon form to be delivered to _____".

VI. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65–4701; Filed, May 4, 1965; 8:47 a.m.]

[Dept. Circ. Public Debt Series—No. 3–65]

4¼ PERCENT TREASURY BONDS OF 1974

Notice of Offering

APRIL 29, 1965.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers bonds of the United States, designated 4¼ percent Treasury Bonds of 1974, at 100.25 percent of their face value, in exchange for the following notes maturing May 15, 1965:

4⅛ percent Treasury Notes of Series A–1965; or 3⅞ percent Treasury Notes of Series C–1965.

The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on May 3 through May 5, 1965, for the receipt of subscriptions.

2. In addition, holders of the notes enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such notes for 4 percent Treasury Notes of Series A–1966, which offering is set forth in Department Circular, Public Debt Series—No. 2–65, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be identical in all respects with the 4¼ percent Treasury Bonds of 1974 issued pursuant to Department Circular, Public Debt Series—No. 7–64, dated April 30, 1964, except that interest will accrue from May 15, 1965. With this exception the bonds are described in the following quotation from Department Circular No. 7–64:

1. The bonds will be dated May 15, 1964, and will bear interest from that date at the rate of 4¼ percent per annum, payable semi-annually on November 15, 1964, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which are owned by a decedent at the time of his death and thereupon constitute a part of his estate will be redeemed at par and accrued interest prior to maturity, provided the Secretary of the Treasury is authorized by the representative of the estate to apply the entire proceeds of redemption to payment of the decedent's Federal estate taxes.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of bonds applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before May 17, 1965, or on later allotment, and may be made only in a like face amount of notes of the two issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. A cash payment of $2.50 per $1,000 on account of the issue price of the new bonds must be paid by subscribers and should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. When payment is made with notes in bearer form, coupons dated May 15, 1965, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1965, will be paid by issue of interest checks in regular course to holders of record on April 15, 1965, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury Notes of Series A–1965 and Series C–1965 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The notes must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974 in the name of _____"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974 in coupon

form to be delivered to _____
_____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65-4702; Filed, May 4, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 28, 1965.

The Bureau of Indian Affairs has filed an application Serial Number Anchorage 062310 for the withdrawal of the lands described below, from all forms of appropriation. The applicant desires the land for the establishment of a school reserve.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant's agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes other than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will prepare a report for the consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs.

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

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

The lands involved in the application are:

NEW KOLIGANEK, ALASKA

U.S. Survey 3509

The area described aggregates 5.55 acres.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 65-4703; Filed, May 4, 1965; 8:47 a.m.]

[Oregon 016183]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

APRIL 26, 1965.

The Bureau of Land Management, U.S. Department of Interior, has filed an application, Serial No. Oregon 016183, for the withdrawal of certain Revested Oregon and California Railroad Grant lands and public lands in the sections and townships described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a), subject to valid existing rights.

The applicant desires the land for use as public recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

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

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

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

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Salem District

Alder Glenn Recreation Site

T. 3 S., R. 7 W.,
In sec. 32.

Alsea Falls Recreation Site

T. 14 S., R. 7 W.,
In sec. 25;
In sec. 26.

Canyon Creek Recreation Site

T. 9 S., R. 3 E.,
In sec. 7.

Dogwood Recreation Site

T. 12 S., R. 3 E.,
In sec. 3.

Elkhorn Valley Recreation Site

T. 9 S., R. 3 E.,
In sec. 9.

Fishermen's Bend Recreation Site

T. 9 S., R. 2 E.,
In sec. 25.

Little Bend Recreation Site

T. 3 N., R. 3 W.,
In sec. 21.

Mill Creek Recreation Site

T. 7 S., R. 6 W.,
A tract of land located in secs. 4 and 9 and described by metes and bounds.

Missouri Bend Recreation Site

T. 14 S., R. 9 W.,
In sec. 13.

North Fork Eagle Creek Recreation Site

T. 3 S., R. 4 E.,
In sec. 11.

Scaponia Recreation Site

T. 4 N., R. 3 W.,
In sec. 7.

Yellowbottom Recreation Site

T. 11 S., R. 4 E.,
In sec. 19.

Total, Salem District, 975 acres O&C; 35 acres public domain.

Eugene District

Clay Creek Recreation Site

T. 19 S., R. 7 W.,
In sec. 19.

Haight Creek Recreation Site

T. 19 S., R. 7 W.,
In sec. 35.

Sharps Creek Recreation Area

T. 22 S., R. 1 W.,
In sec. 15.

Turner Creek Recreation Site

T. 18 S., R. 9 W.,
In sec. 14.

Whittaker Creek Recreation Site

T. 18 S., R. 8 W.,
In sec. 21.

Lake Creek Recreation Site

T. 16 S., R. 7 W.,
In sec. 19.

Total, Eugene District, 400.12 acres O&C; 40 acres public domain.

Roseburg District

Cavitt Creek Falls Recreation Site

T. 27 S., R. 3 W.,
In sec. 23.

Darby Creek Recreation Site

T. 31 S., R. 8 W.,
In sec. 35.

Gunter Recreation Site

T. 21 S., R. 6 W.,
In sec. 1.

Lone Rock Recreation Site

T. 26 S., R. 3 W.,
In sec. 9.

Millpond Recreation Site

T. 25 S., R. 2 W.,
In sec. 21.

Rock Creek Recreation Site

T. 25 S., R. 2 W.,
In sec. 15.

Scaredman Creek Recreation Site

T. 25 S., R. 1 W.,
In sec. 23;
In sec. 24;
In sec. 25.

Susan Creek Falls Recreation Site

T. 26 S., R. 2 W.,
In sec. 14;
In sec. 23.

Tyee Recreation Site

T. 24 S., R. 7 W.,
In sec. 13.

Wolf Creek Trail

T. 27 S., R. 2 W.,
In sec. 16.

Total, Roseburg District, 1,153.90 acres O&C.

Coos Bay District

Bear Creek Recreation Site

T. 30 S., R. 9 W.,
In sec. 9.

Cherry Creek Recreation Site

T. 27 S., R. 10 W.,
In sec. 18.

Loon Lake Recreation Site

T. 23 S., R. 10 W.,
In sec. 2.

Middle Creek Recreation Site

T. 27 S., R. 11 W.,
In sec. 14.

Park Creek Recreation Site

T. 27 S., R. 10 W.,
In sec. 4.

Sixes River Recreation Site

T. 32 S., R. 14 W.,
In sec. 12.

Smith River Falls Recreation Site

T. 20 S., R. 9 W.,
In sec. 31.

Vincent Creek Recreation Site

T. 20 S., R. 9 W.,
A tract of land lying in sec. 33 described by metes and bounds.

Total, Coos Bay District, 439.23 acres O&C; 120 acres public domain.

Medford District

Cold Springs Recreation Site

T. 32 S., R. 9 W.,
In sec. 16.

Deer Creek Recreation Site

T. 38 S., R. 7 W.,
In sec. 15.

Elderberry Flat Recreation Site

T. 33 S., R. 3 W.,
In sec. 31.

Hyatt Lake Recreation Site

T. 39 S., R. 3 E.,
In sec. 21;
In sec. 22.

Little Applegate Recreation Site

T. 39 S., R. 2 W.,
In sec. 25.

Shady Branch Recreation Site

T. 35 S., R. 9 W.,
In sec. 11.

Surveyor Recreation Site

T. 38 S., R. 5 E.,
In sec. 21.

Topsy Recreation Site

T. 40 S., R. 7 E.,
In sec. 6.

Total, Medford District, 430 acres O&C; 14.35 acres public domain.

Lakeview District

Gerber Reservoir Recreation Site

T. 39 S., R. 13 E.,
In sec. 2;
In sec. 11.

Total, Lakeview District, 160 acres public domain.

The total of the areas described aggregates 3,398.25 acres of O&C lands and 369.35 acres of public domain lands; grand total, 3,767.60 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-4681; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FOOD STAMP PROGRAM

Notice of Effective Date

APRIL 29, 1965.

Notice is hereby given that effective May 1, 1965, the Food Stamp Program (7 CFR Ch. XVI) shall supersede the Pilot Food Stamp Program (6 CFR 540) in the following geographical area: Independence County, Ark.

ROY W. LENNARTSON,
Associate Administrator.

Approved: April 30, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-4686; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 189; Organization and Function Supp.]

OFFICE OF ADMINISTRATION FOR DOMESTIC AND INTERNATIONAL BUSINESS

Manual of Orders; Organization and Functions

The following Organization and Function Supplement to Department Order No. 189 of December 20, 1963, supersedes the Organization and Function Supplement of April 2, 1964, appearing at 29 F.R. 5414 of April 22, 1964.

SECTION 1. *Purpose.* .01 The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Office of Administration for Domestic and International Business.

SEC. 2. *Organization.* .01 The Office of Administration for Domestic and International Business (DIB) provides administrative management services (except those provided by the staff service offices under the Assistant Secretary for Administration) to the Business and Defense Services Administration, Bureau of International Commerce, Office of Field Services, Office of Foreign Commercial Services, and Office of Publications and Information (DIB) hereafter in this order referred to as "the operating units."

.02 The Office of Administration (DIB) shall consist of the following organization units:

a. Office of the Director:
1. Director.
2. Deputy Director.
3. Assistant Director.
4. Internal Audit Staff.

b. Budget and Finance Division.

c. Management and Organization Division.

d. Personnel Division.

e. Administrative Services Division.

f. Automatic Data Processing Division.

SEC. 3. *Functions of the Office of the Director.* .01 The Director determines the policy, directs the programs, and is responsible for the conduct of all activities of the Office of Administration (DIB).

.02 The Deputy Director assists the Director in all matters affecting the Office of Administration (DIB), and performs the duties of the Director during the latter's absence.

.03 The Assistant Director is specifically responsible for contracting and administrative services activities.

.04 The Internal Audit Staff is responsible for conducting independent, objective, and constructive appraisals of financial, administrative, and program activities to determine compliance with laws, regulations, and policies, adequacy of management controls and procedures, and progress in accomplishing program objectives; reporting the results of such audits to the Director, Office of Administration and appropriate bureau heads; and liaison with the Department's Office of Audits.

SEC. 4. *Functions of the Budget and Finance Division.* .01 The Budget and Finance Division is responsible for development and administration of fiscal programs for domestic and overseas activities; formulation, presentation, and execution of budgets for the operating units; administration and control of trust funds, allocations, and working funds; financial and budgetary controls; fiscal reports; fiscal planning for emergency readiness; and liaison with the Department's Office of Budget and Finance.

SEC. 5. *Functions of the Management and Organization Division.* .01 The Management and Organization Division is responsible for organization planning; management surveys and analysis; procedures and directives; management improvement; program reporting and evaluation; committtee management; workload projections; work measurement; organization and management planning

for emergency readiness; and liaison with the Department's Office of Management and Organization.

SEC. 6. *Functions of the Personnel Division.* .01 The Personnel Division is responsible for development and administration of personnel management programs which include recruitment, placement, employee development and career planning, position classification, performance evaluation, employee relations and services, personnel planning for emergency readiness, and liaison with the Department's Office of Personnel.

SEC. 7. *Functions of the Administrative Services Division.* .01 The Administrative Services Division is responsible for property and supply management, including that used in overseas trade fair exhibits under the cognizance of the Bureau of International Commerce; procurement; space management; safety; physical and documentary security; correspondence management and control; records management; forms management and control; communications; foreign and domestic travel services; administrative services activities for emergency readiness; liaison with the Department's Office of Administrative Services; and other services as assigned by the Director, Office of Administration (DIB).

SEC. 8. *Functions of the Automatic Data Processing Division.* .01 The Automatic Data Processing Division is responsible for planning and implementing electronic digital computer and mechanical tabulating systems for the operating units including review and coordination of machine processing proposals, systems design, programming, production scheduling and control, operation of ADP equipment, and periodic reevaluation of machine processing activities.

Effective date: April 22, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65-4682; Filed, May 4, 1965; 8:46 a.m.]

[Dept. Order 195]

NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES

Manual of Orders

APRIL 21, 1965.

SECTION 1. *Purpose.* .01 The purpose of this order is (a) to provide for the implementation of the requirements of the Department of Commerce regulations (15 CFR Part 8; 30 F.R. 305, as corrected 30 F.R. 616; hereinafter called the "regulations"), issued pursuant to Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d–2000d–4; hereinafter called the "Act"), as such Act or regulations may hereafter be amended; and (b) to require nondiscrimination by Department of Commerce officials and employees with regard to race, color, creed, or national origin in the administration of the Department's programs and activities under any laws.

SEC. 2. *Delegation of authority.* .01 Pursuant to authority vested in the Secretary of Commerce by law, and subject to such policies and directives as he may prescribe, and in accord with § 8.3(e) of the regulations, the head of each primary organization unit of the Department, who by law or delegation has the principal responsibility within the Department for the administration of any law extending Federal financial assistance, is hereby designated and authorized to act as the responsible Department official under the regulations with respect to those programs which receive financial assistance or require an application to receive financial assistance under such laws. For the purposes of this order only, the Maritime Subsidy Board shall be considered to be the head of a primary organization unit for financial assistance programs which it administers, and in such capacity it shall act in accord with this order and the regulations.

.02 The aforesaid delegations of authority shall not, however, be deemed to include the authority of the Secretary to approve actions as specified in §§ 8.11(d) and 8.13(e) of the regulations.

.03 Subject to the provisions of this order and to such conditions and limitations in the exercise of such authority as each of them may prescribe, the head of each primary organization unit may redelegate the aforesaid authority except that the following functions of the responsible Department official set forth in the regulations shall not be redelegable:

a. Section 8.5(a)—specifying the form and contents of the nondiscrimination clause for each program;

b. Section 8.10(b)(2)—deciding that the results of an investigation do not warrant further action to effect compliance;

c. Section 8.11(c)—advising an applicant or a recipient of his failure to comply with the regulations, including the nondiscrimination clause, and determining that compliance cannot be secured by voluntary means before commencing an administrative compliance proceeding under § 8.12;

d. Section 8.11(d)—determining that compliance by an applicant, recipient, contractor, or other party cannot be secured by voluntary means and initiating action to effect compliance by other means authorized by law;

e. Section 8.12(b)—presiding at an administrative compliance hearing or designating a hearing officer to preside at such hearing;

f. Section 8.12(e)—as delegated by the Secretary, providing for the conduct of consolidated or joint administrative compliance hearings by agreement with other departments and agencies where applicable;

g. Section 8.13—making initial and final decisions on the record in administrative compliance hearings, and submitting orders to the Secretary and otherwise being satisfied with the compliance of respondents thereunder in such administrative compliance proceeding cases; and

h. Section 8.15(b)—determining the contents of and issuing forms and detailed instructions and procedures to carry out the regulations for the programs for which he is responsible.

.04 The Deputy Assistant Secretary for Administration is hereby designated and authorized to act for the Secretary in supervising and coordinating the Department's responsibilities and activities in connection with accomplishing the purposes of the regulations and Title VI of the Act. The Deputy Assistant Secretary may utilize staff and resources necessary to assist him in performing these duties.

SEC. 3. *Assignment of responsibilities.* .01 The Deputy Assistant Secretary for Administration, acting for the Secretary, shall:

a. Supervise and coordinate the Title VI activities of the primary organization units of the Department;

b. In cooperation with the Office of the General Counsel, review and, if satisfactory, authorize the form and content of nondiscrimination clauses, instructions, procedures, interpretations, and other materials of general applicability proposed for use or issuance by the head of a primary organization unit to implement the regulations;

c. Work, in cooperation with the Office of the General Counsel, with the head of each primary organization unit to develop compliance systems and supervise and evaluate the status of the activities of the primary organization unit directed at implementing the law and the regulations, including such activities as compliance reports, reviews, and investigations, processing of complaints, review and approval of State plans where applicable, and the methods utilized to attempt to secure compliance by voluntary means;

d. Assist the head of each primary organization unit to obtain qualified personnel for effective implementation of Title VI of the Act and the regulations;

e. Represent the Department in the development of Government-wide systems required to coordinate and administer Title VI of the Act and the respective department and agency regulations issued thereunder; assign responsibilities, with their consent, to officials of other departments or agencies of the Government in connection with accomplishing the purposes of said Act and regulations; and act otherwise to achieve effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of said Act and regulations to similar programs in similar situations; and

f. Prepare reports, and gather information therefor, as desired, with respect to the nondiscrimination responsibilities of the Department under Title VI of the Act and this order.

.02 The head of each primary organization unit, with respect to programs for which he is responsible, shall:

a. Prepare and issue materials relating to the programs (e.g., statements of assurance, nondiscrimination clauses, other forms and instructions, complaint, and compliance procedures);

b. Provide applicants and recipients, as may be required, with copies of the

regulations and appropriate forms and instructions, including statements of assurance, compliance reports, etc.;

c. Develop methods for processing assurances, evaluating statements of compliance, making compliance checks and investigations, and for obtaining compliance reports in order to determine effectiveness in carrying out the purposes of Title VI of the Act and the regulations;

d. Develop methods of obtaining compliance by use of voluntary means for instances where noncompliance is indicated or threatened;

e. Develop methods to inform applicants and recipients, State agencies, and other interested individuals and organizations, which are beneficiaries or participants, of the provisions of Title VI of the Act and the regulations, forms, instructions, and procedures issued thereunder, and their rights and responsibilities pursuant thereto; and work with governmental agencies and nongovernmental groups to develop methods directed toward encouraging and assisting in bringing about compliance with Title VI of the Act;

f. Develop methods to inform his staff members of their responsibilities under the regulations, and to see that they are fulfilling the duties assigned to them;

g. Provide a system for processing complaints, including procedures for investigations thereof, to be cleared through and coordinated with the Deputy Assistant Secretary for Administration in the interest of uniformity of procedure and to avoid duplication in processing such complaints;

h. Designate an official within the primary organization unit who will exercise general surveillance for the head of the primary organization unit in the effective implementation of the regulations, and will coordinate the activities of the primary organization unit with the Deputy Assistant Secretary for Administration and other Government agencies as applicable; and

i. Make the determinations, arrange for administrative compliance proceedings, and otherwise act to fulfill the responsibilities set forth in the regulations, or delegated in this order, or as may be assigned by the Deputy Assistant Secretary for Administration.

SEC. 4. *Prohibition against discrimination by officers and employees.* .01 No officer or employee of the Department acting in his official capacity shall directly or indirectly participate in any act or course of conduct which, on the ground of race, color, creed, or national origin, excludes from participation, denies any benefit to, or otherwise subjects to discrimination, any person under any program or activity administered or conducted by the Department, or one of its units, or such officer or employee. Such programs and activities include, for example, financial assistance loans, grants, or contracts; procurement or other contracts or agreements; employment by the Department; dissemination of information and publications; law enforcement; and property management.

Effective date: April 21, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65-4683; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PHOSPHAMIDON

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that at the request of the California Chemical Co., Richmond, Calif., a temporary tolerance is established for residues of the insecticide prosphamidon in or on the citrus fruits: Grapefruit, lemons, and oranges at 1 part per million.

While this temporary tolerance is in effect, phosphamidon is considered to be a member of the class of cholinesterase-inhibiting pesticides under § 120.3(e)(5).

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the insecticide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 10,000 pounds. Distribution will be under the California Chemical Co. name.

2. The insecticide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The California Chemical Co. will immediately inform the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

This temporary tolerance expires April 28, 1966.

Dated: April 28, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-4704; Filed, May 4, 1965; 8:47 a.m.]

TOLUENE - ALPHA,ALPHA - DITHIOL BIS (O,O-DIMETHYL PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that at the request of The Shell Chemical Co., 1700 K Street NW., Washington, D.C., 20006, a temporary tolerance is established for residues of the insecticide toluene - alpha,alpha - dithiol bis(*O,O*-dimethyl phosphorodithioate) on alfalfa at 40 parts per million.

While this temporary tolerance is in effect, toluene-alpha,alpha-dithiol bis (*O,O*-dimethyl phosphorodithioate) is considered to be a member of the class of cholinesterase-inhibiting pesticides under § 120.3(e)(5).

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the technical insecticide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 2,500 pounds. Distribution will be under the Shell Chemical Co. name.

2. The insecticide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The Shell Chemical Co. will immediately inform the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

This temporary tolerance expires April 28, 1966.

Dated: April 28, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-4705; Filed, May 4, 1965; 8:47 a.m.]

BIOFERM DIVISION, INTERNATIONAL MINERALS & CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Condensed, Extracted Glutamic Acid Fermentation Product

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 5C1721) has been filed by Bioferm Division, International Minerals & Chemical Corp., Post Office Bin B, Wasco, Calif., proposing an amendment to § 121.206 *Condensed, extracted glutamic acid fermentation product* to provide for the safe use of condensed extracted glutamic acid fermentation product as a source of protein in cattle feed.

Dated: April 27, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-4706; Filed, May 4, 1965; 8:47 a.m.]

DR. SALSBURY'S LABORATORIES

Notice of Filing of Petition for Food Additive 4-Nitrophenylarsonic Acid

Published in the FEDERAL REGISTER of February 25, 1965 (30 F.R. 2478), was a notice of filing of a food additive petition (FAP 5C1672) filed by Dr. Salsbury's Laboratories, Charles City, Iowa, 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)). The tabular material in that petition is changed to read as follows:

4-NITROPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. 4-Nitrophenylarsonic acid.	170 (0.01875%)			For chickens; feed for not more than 3 weeks during period of stress; withdraw 5 days before slaughter; as sole source of the organic arsenical.	Prevention of blackhead.
a. 1.	170	Penicillin	2.4–50	For chickens; as procaine penicillin.	Growth promotion and feed efficiency.
b. 1.	170	Penicillin plus bacitracin.	3.6–50	For chickens; § 121.225(a)(3)(iii); as procaine penicillin and bacitracin, zinc bacitracin, bacitracin methylene disalicylate, or manganese bacitracin.	Do.
c. 1.	170	Penicillin plus streptomycin.	14.4–50	For chickens; § 121.225(a)(3)(iv); as procaine penicillin and streptomycin sulfate.	Do.
d. 1.	170	Bacitracin	4–50	For chickens; as bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin.	Do.
e. 1.	170	Streptomycin	30–50	For chickens; as streptomycin sulfate.	Do.
f. 1.	170	Chlortetracycline	10–50	For chickens; as chlortetracycline hydrochloride.	Do.
2. 4-Nitrophenylarsonic acid.	170–227 (0.01875%–0.025%)			For turkeys; withdraw 5 days before slaughter; as sole source of the organic arsenical.	Prevention of blackhead.
a. 2.	170–227	Penicillin	2.4–50	For turkeys; as procaine penicillin.	Growth promotion and feed efficiency.
b. 2.	170–227	Penicillin plus bacitracin.	3.6–50	For turkeys; § 121.225(a)(3)(iii); as procaine penicillin and bacitracin, zinc bacitracin, bacitracin methylene disalicylate, or manganese bacitracin.	Do.
c. 2.	170–227	Penicillin plus streptomycin.	14.4–50	For turkeys; § 121.225(a)(3)(iv); as procaine penicillin and streptomycin sulfate.	Do.
d. 2.	170–227	Bacitracin	4–50	For turkeys; as bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin.	Do.
e. 2.	170–227	Streptomycin	30–50	For turkeys; as streptomycin sulfate.	Do.
f. 2.	170–227	Chlortetracycline	10–50	For turkeys; as chlortetracycline hydrochloride.	Do.

Dated: April 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-4707; Filed, May 4, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6 to Facility License No. R-37. The license authorizes Massachusetts Institute of Technology ("the licensee") to operate its research reactor ("the facility") located on its campus in Cambridge, Mass. The amendment, in accordance with the application for license amendment dated April 6, 1965, increases the amount of contained uranium 235 which the licensee is authorized to receive, possess and use in connection with operation of the facility from 14.0 kilograms to 17.5 kilograms. This amendment will permit the licensee to receive for storage and ultimate use in the facility 36 new fuel elements containing approximately 5.4 kilograms of uranium 235. No additional allocation of material is involved.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendments does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated April 6, 1965, and (2) a related safety evaluation prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, attention: Director, Division of Reactor Licensing.

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

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-37; Amdt. 6]

1. License No. R-37 issued to Massachusetts Institute of Technology is hereby amended as follows:

A. Paragraph 1.b. is amended in its entirety to read:

b. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use 17.5 kilograms of contained uranium-235 in connection with operation of the facility. These activities shall be conducted in accordance with the applicable procedures and conditions in License No. R-37, as amended, "the application" as defined in Amendments No. 4 and No. 5 to License No. R-37, and the application for amendment dated April 6, 1965.

2. This amendment is effective as of the date of issuance.

Date of issuance: April 28, 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-4689; Filed, May 4, 1965; 8:46 a.m.]

[Docket No. 50-238]

FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Hearing on Application for Operating License

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at 10 a.m., local time, on June 7, 1965, in the Auditorium of the Atomic Energy Commission at Germantown, Md., to consider the ap-

plication filed under section 104b. of the Act by First Atomic Ship Transport Inc., for a license to operate, at 80 megawatts (thermal), the pressurized water reactor located aboard the NS Savannah.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. Samuel W. Jensch, Washington, D.C., Chairman; Dr. Lawrence R. Quarles, Charlottesville, Va., and Mr. Hugh Paxton, Los Alamos, N. Mex.

The following issues will be considered at the hearing:

1. Whether the proposed operation of the reactor and related equipment, under the conditions and limitations proposed, provides reasonable assurance that the health and safety of the public will not be endangered;

2. Whether the applicant is technically qualified to operate the facility;

3. Whether the applicant is financially qualified to operate the facility;

4. Whether the issuance of a license for the operation of the facility will be inimical to the common defense and security or to the health and safety of the public; and

5. Whether an operating license, to expire 3 years from the date of issuance, should be issued to First Atomic Ship Transport, Inc.

The application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. The report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) will be available for inspection in the Public Document Room when received. Copies of the ACRS report may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than May 24, 1965, or in the event of a postponement of the hearing date specified, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, by May 24, 1965.

The answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before May 24, 1965.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 4th day of May 1965.

UNITED STATES ATOMIC ENERGY COMMISSION,

F. T. HOBBS,
Acting Secretary to the Commission.

[F.R. Doc. 65-4791; Filed, May 4, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 16065]

VISUAL IN-FLIGHT ENTERTAINMENT

Notice of Oral Argument

At the direction of the Board notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on May 18, 1965, at 10 a.m., e.d.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Trans World Airlines, Inc., and Pan American World Airways, Inc., will be allotted 2 hours for their argument; and the Sony Corp. of America and Inflight Motion Pictures, Inc., 2 hours. The air carriers will be allowed to reserve not to exceed one-quarter of their allotted time for rebuttal. Please advise the Chief Examiner on or before May 14, 1965, the name of the person who will represent you at the argument.

Dated at Washington, D.C., April 29, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-4699; Filed, May 4, 1965; 8:47 a.m.]

[Docket 15923]

WESTBOUND SPECIFIC COMMODITY RATES

Notice of Postponement of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held May 26 is postponed to June 21, 1965, at 10 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., April 29, 1965.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 65-4700; Filed, May 4, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-9]

CHICAGO SKY TOWER CORP.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6396) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Chicago Sky Tower Corp., Chicago, Ill., proposes to construct a sky tower building containing facilities for indoor and outdoor observation, restaurants, cafeterias, bars and cocktail lounges, gift shops, service-type businesses, product display and exhibit space at latitude 41°52'05" N., longitude 87°37'29" W., in Chicago, Ill. The overall height of the structure would be 1,849 feet above mean sea level (AMSL) (1,255.52 feet above ground level (AGL)).

The structure would be located approximately 5,000 feet west/northwest of the Meigs Airport reference point, and within the boundaries of VOR Federal airways Nos. (V) 10N and 7. It would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by approximately 756 feet since it would be more than 500 feet aboveground at the site of construction; § 77.23(a)(2) by approximately 1,056 feet as applied to the airways, and § 77.25(a)(2) by approximately 1,107 feet as applied to the inner horizontal surface of the Meigs Airport.

The structure would require an increase in procedure turn altitude on the Kedzie ILS and ADF procedures to the Chicago Midway Airport from 2,000 feet to 2,300 feet AMSL. This will not have a substantial adverse effect since procedure turns on these approach procedures are rarely used with radar vectors. Descent rates are not excessive and landing minimums are unchanged when radar is not available.

The minimum en route altitudes (MEA's) on V10N between the Beacon Intersection and the Naperville Omni, and for the segment of V7 between the Evanston and Beacon Intersections would require an increase from 2,500 feet to 2,800 feet AMSL.

The structure would not have a substantial adverse effect upon operations at the Meigs Airport since approaches and departures are generally conducted over Lake Michigan in accordance with existing traffic patterns. It has been determined by the Agency that an ILS or partial ILS is the only acceptable IFR approach aid for this airport. A partial ILS to serve Meigs Airport was included in the fiscal year 1963 program, but has since been deleted. The structure under consideration would not have affected the IFR approach procedure predicated on the partial ILS installation.

VFR flying in the area of Meigs will not be affected by this structure if adequately marked and lighted since it lies inside the average shoreline of Lake Michigan and in an area already congested with other tall structures.

The structure would not be located on a visual flight rules (VFR) route or in an area where there is a significant volume of VFR flying. In addition, neither existing nor proposed instrument flight rules (IFR) procedures would be adversely affected by this structure.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4717; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-EA-6]

WALTER L. FOLLMER, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-6410) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Walter L. Follmer, Inc. (Radio Station WCNW), Fairfield, Ohio, proposes to alter an existing four-tower antenna array to one of five towers; four towers on a bearing of 135° true spaced 175.3 feet and the fifth tower on a bearing of 070° true from the north middle tower of the four and spaced 236.6 feet. The array is located near Hamilton, Ohio, at latitude 39°20'20" N., longitude 84°31'30" W. Two of the towers would be 152 feet higher than the others. The overall height of the highest structures would be 926 feet above mean sea level (AMSL) (306 feet above ground (AGL)).

The proposal as originally circularized and discussed in FAA's Eastern Region Informal Airspace Meeting No. 62 specified a height of 941 feet AMSL (321 feet AGL). Subsequent to the airspace meeting, the proponent amended the structure height to that stated above.

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations, since it would be more than 200 feet above ground within the boundaries of VOR Federal airways Nos. 47 and 57.

The study disclosed that the structures would be located approximately 9,000 feet south-southeast of the Hamilton Airport and would have no adverse effect upon instrument flight rule operations, procedures or minimum flight altitudes.

The study further disclosed that the structure would not be in line with any runway and would have no adverse effect upon departing or arriving aircraft. The traffic patterns at the airport are 800 feet and 1,200 feet above the airport elevation for light and heavy aircraft, respectively. Aircraft at traffic pattern altitude would be more than 500 feet above the tops of the towers which are only 248 feet above the airport elevation. The structures would have no substantial adverse effect upon visual flight rule operations or procedures in the vicinity of the Hamilton Airport.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structures would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structures would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structures would not be hazards to air navigation provided they are marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4718; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-EA-1]

JANSON INDUSTRIES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-5902) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Janson Industries, Canton, Ohio, proposes to construct a television antenna structure near Louisville, Ohio, at latitude 40°51'04" N., longitude 81°16'-37" W. The overall height of the structure would be 1,617 feet above mean sea level (452 feet above ground).

The proposed structure would be located approximately 9,500 feet from the airport reference point for the Yoder Airport, Louisville, Ohio, 14,000 feet from the airport reference points for Canton City Airport, Canton, Ohio, and Hitz and Milburn Airports, Louisville, Ohio, and within the boundaries of VOR Federal Airway No. 43. It would exceed the standards for determining hazards to air navigation as defined in § 77.25(b)(2) of the Federal Aviation Regulations (FAR) by approximately 265, 176, 123, and 124 feet respectively as applied to the airports and § 77.23(a)(2) by 252 feet as applied to the airway.

The study disclosed the structure would not be located within the approach area or normal traffic pattern for any of the above airports. In addition, the Agency on February 3, 1965, issued a revision of Part 77, FAR, which will become effective May 1, 1965. The standards in Part 77 (revised) are less stringent; therefore, it is appropriate the new standards be applied in this case. The application of these standards disclosed the structure would not exceed the obstruction standards for any of the above airports. The structure would exceed the standards contained in § 77.23(a)(5) (revised) by 68 feet as applied to the airway. However, the instrument flight rules minimum en route altitude would not be affected.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in the manner recommended by the Agency.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.31).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4719; Filed May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-CE-12]

ROWLEY UNITED THEATRES, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6040) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Rowley United Theatres, Inc., Dallas, Tex., proposes to construct a community antenna television (CATV) tower near Marysville, Kans., at latitude 39°51'19" N., longitude 96°38'53" W. The overall height of the structure would be 1,753 feet above mean sea level (540 feet above ground).

The proposed structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(1) of the Federal Aviation Regulations by 40 feet since it would be more than 500 feet above ground; § 77.25(a)(2) by 320 feet as applied to the inner horizontal surface of the Marysville, Kans., Airport; and § 77.27(b)(2) by 455 feet as applied to the noninstrument approach area surface of the northwest/southeast runway.

The aeronautical study disclosed that the proposed tower would have no substantial adverse effect upon instrument flight rules (IFR) procedures, operations, or minimum flight altitudes since the airfield is not used for IFR operations. Instrument approach procedures for this airport are not contemplated.

The aeronautical study further disclosed that the proposed site is located approximately 7,500 feet northwest of the airport reference point of the Marysville Airport, Marysville, Kans. At this location, the structure would present a hazard to aircraft departing northwest, particularly if a left turn were commenced prior to reaching sufficient altitude to safely clear the structure. This could be extremely critical during periods of reduced visibility.

The proposed site lies within the aircraft traffic pattern area of the Marysville Airport creating a hazard in an area that already contains the most critical phases of flight. The master plan on file for this airport provides for paving and extending the northwest/southeast runway to the northwest. This would cause the proposed tower to be situated closer to the airport, its traffic pattern and northwest departure path, creating an even greater adverse effect on aeronautical operations in the vicinity of the airport.

The most recent Airport Facilities Record indicates eight based aircraft at the Marysville Airport, of which five are four place or more. Aircraft operations are estimated at 7,000 annually. Increased operations can be anticipated following the completion of the planned improvements.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would create an unsafe obstruction to aircraft at the Marysville Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4720; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-WE-2]

JOSEPH B. SIMON, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (WE-OE-3987) to determine its effect upon the safe and efficient utilization of navigable airspace.

Joseph B. Simon, Inc., Philadelphia, Pa., proposes to construct a hotel in Las Vegas, Nev., at latitude 36°06'01" N., longitude 115°10'20" W. The overall height of the structure would be 2,354 feet above mean sea level (225 feet above ground).

The proposed structure would be located 5,400 feet northwest of the northwest end of Runway 32 of McCarran Field and 1,800 feet southwest of the extended runway centerline. It would exceed the standards for determining hazards to air navigation as defined in § 77.25(a)(1) (inner horizontal surface) of the Federal Aviation Regulations (FAR) by 33 feet as applied to the airport. It would exceed the standards of § 77.23(a)(2) since it would be more than 200 feet above ground within the control zone for McCarran Field and within all VOR Federal airways emanating from the Las Vegas VORTAC.

The structure would exceed a 40:1 obstruction clearance slope by 82 feet for aircraft departing Runway 32. Therefore, it would require present takeoff ceiling minimums of 200 feet and visibility minimums of one-half mile to be raised to a ceiling of 300 feet and visibility of 1 mile.

The aeronautical study disclosed that this single structure would have no substantial adverse effect upon aeronautical operations at McCarran Field since the number of departures from Runway 32 during periods of minimum ceiling and visibility conditions is practically nil and the minimum en route altitudes on the airways would not be affected.

In the course of the study, however, it was disclosed that the proposed structure would have an adverse effect upon the surveillance capability of the Las Vegas Airport surveillance radar. It was also disclosed that there were plans for other such structures in the immediate area of McCarran Field.

Therefore, further study was conducted to determine to what extent future construction in the airport area may derogate the present radar coverage in the Las Vegas area. This study revealed that buildings erected in conformance with the Clark County zoning ordinance would not substantially derogate radar coverage. However, should structures be permitted to the height proposed, radar coverage would be restricted to an unacceptable degree.

Based on the aeronautical study, it is the finding of the Agency that the single structure proposed herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes in the Las Vegas area. However, in recognition of the finding in the study that future structures could seriously derogate the Las Vegas surveillance radar the Agency would encourage Clark County to refrain from granting a variance from its zoning ordinance which would permit this and future structure of like height to be erected.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4721; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-CE-11]

SYSTEMS, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (CE-OE-6757) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Systems, Inc., Shawnee, Kans., proposes to construct a television receiving tower near Marysville, Kans., at latitude 39°52'32" N., longitude 96°37'58" W.

The overall height of the structure would be 1,860 feet above mean sea level (640 feet above ground).

The structure would be located approximately 8,250 feet north of the northeast end of Runway 2/20 of the Marysville Airport. It would exceed the standards for determining hazards to air navigation as described in § 77.25(b)(2) (conical surface) of the Federal Aviation Regulations by 375 feet as applied to the airport.

The aeronautical study disclosed the proposed structure would exceed the present acceptable minimum departure climb ratio of 20:1 for those aircraft departing the Marysville Airport and proceeding in its direction by approximately 165 feet. This would require aircraft departing Runways 2 and 33 to alter course during climb-out in order to obtain adequate vertical or horizontal clearance from the proposed structure.

Current Agency records show the Marysville Airport to have approximately 7,000 aircraft operations per year, 2,000 of which are itinerant flights, with a peak month operation of 600.

The structure would not require an increase in instrument flight rule (IFR) altitudes and would have no adverse effect upon IFR operations.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations in the vicinity of the Marysville Airport since it would be located in close proximity to the airport in such a position as to be detrimental to the safety of aircraft in flight.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39.

If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4722; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-WE-1]

WESTERN BROADCASTING CORP.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (WE-OE-4482) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Western Broadcasting Corp., Los Angeles, Calif., proposes to construct a radio antenna system consisting of six towers. Four towers are of equal height spaced 295.5 feet apart on a line bearing 54° true. The other two towers are of equal height on a line bearing 140° true from the southwest middle tower of the four and spaced 221.6 feet and 443.2 feet, respectively. The system would be located at latitude 34°03'40" N., longitude 118°-00'24" W., near El Monte, Calif. The overall height of the structures would be 596 feet above mean sea level (306 feet above ground).

The structures would be located approximately 2.1 nautical miles southeast of the Los Angeles-El Monte Airport and would exceed the conical surface, as defined in § 77.25(b)(2) of the Federal Aviation Regulations, by 25 feet, as applied to this airport.

The study disclosed that the structures would not require an increase in instrument flight rule (IFR) en route altitudes or otherwise have an adverse effect upon IFR operations. Further, it was found that the airport's alignment and location were such that the structures would not adversely affect the possible future establishment of an instrument approach procedure to serve it.

The study also disclosed that the structures would be located near the convergence of two prominent highways which are used as aids to visual flight rule (VFR) navigation. However, the site of construction is in a congested area and aircraft conducting flight over this area should be high enough to provide adequate safety above the height of the structures. In addition, the structures would be outside the normal airport traffic pattern. As a matter of information, within a 4 nautical mile radius of the airport there are three existing structures of like or greater height than that proposed.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structures would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structures would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structures would not be hazards to air navigation provided that they are obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4723; Filed, May 4, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15973, 15974; FCC 65M-541]

DIXIE BROADCASTING CO., INC., AND TUPELO BROADCASTING CO., INC.

Order

In re applications of Dixie Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15973, File No. BPH-4423; Tupelo Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15974, File No. BPH-4461; for construction permits.

It is ordered, This 30th day of April 1965, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 29, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 24, 1965: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: April 30, 1965.

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

[F.R. Doc. 65-4737; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15962; FCC 65M-545]

WILLIAM S. HOGIN

Order Scheduling Hearing

In re application of William S. Hogin, Phoenix, Ariz., Docket No. 15962; for renewal of General Class amateur operator and station license, call sign K7 DHF.

It is ordered, This 30th day of April 1965, that Walther W. Guenther shall serve as the presiding officer in the above-entitled proceeding, and that the hearings therein shall be convened in Phoenix, Arizona, at 10 a.m., June 25, 1965.

Released: April 30, 1965.

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

[F.R. Doc. 65-4738; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15980; FCC 65-340]

KENTOWN SPEEDWAY AND HOBBIES

Order To Show Cause Designating Matter for Hearing

In the matter of Cease and Desist Order to be directed to Kenneth E. Miller, tr/as Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif., Docket No. 15980.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. 312), to Kenneth E. Miller, tr/as Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif., hereinafter referred to as Kentown Speedway, to cease and desist from operating incidental radiating devices in such a manner as to cause harmful interference to authorized radio services; and

It appearing, that Kentown Speedway operates at 10722 Westminster Boulevard, Garden Grove, Calif., a raceway for racing toy cars which are operated by electrical energy, and which radiate radio frequency energy on frequencies allocated for use by authorized radio services in a manner that causes harmful interference to the reception of television signals in the vicinity of the raceway; and

It appearing, that such equipment is not licensed by the Federal Communications Commission pursuant to section 301 of the Communications Act of 1934, as amended (47 U.S.C. 301); and

It further appearing, that the above facts have been called to the attention of Kentown Speedway by the Commission, both orally and in writing, and that Kentown Speedway has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished as required by § 15.31 of the Commission's rules (47 CFR 15.31):

It is ordered, This 28th day of April 1965 pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. 312), that Kentown Speedway show cause why there should not be issued an order commanding it to cease and desist from operating incidental radiation devices in violation of the provisions of Part 15 (47 CFR Part 15) of the Commission's rules. That is: The said Kenneth E. Miller, tr/as Kentown Speedway and Hobbies, his agents, employees, privies, assigns, successors in interest, or other parties acting in concert with him shall cease and desist from operating or permitting to be operated toy racing cars in a manner that causes harmful interference to television reception or any other authorized radio service; and

It is further ordered, That a hearing in this matter be held before a Commission hearing examiner in Los Angeles, Calif., and at a time and place to be designated by subsequent order but in no event less than 30 days from the receipt of this order to determine whether said cease and desist order should be issued, and that Kentown Speedway is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.91 (47 CFR 1.91) of the rules, that Kentown Speedway is directed to file with the Commission within 30 days of receipt of this order a written appearance, stating that Kentown Speedway will appear and present evidence on the matters specified in this order. If Kentown Speedway does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matters specified herein, it shall, within 30 days of receipt of this order, file with the Commission a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Kentown Speedway believes that a cease and desist order should not issue; and

It is further ordered, That failure of said Kentown Speedway timely to respond to this order or its failure to appear at the hearing designated herein will be deemed a waiver of hearing; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested, to Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif.

Released: April 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4739; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15980; FCC 65M-546]

KENTOWN SPEEDWAY AND HOBBIES

Order Scheduling Hearing

In the matter of Cease and Desist Order to be directed to Kenneth E. Miller tr/as Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif., Docket No. 15980.

It is ordered, This 30th day of April 1965, that Walther W. Guenther shall serve as the presiding officer in the above-entitled proceeding, and that the hearings therein shall be convened in Los Angeles, California, at 10 a.m., June 18, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4740; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15977, 15978]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENN.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harry J. Morgan tr/as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503, Requests: 107.7 mc, #299; 40.2 kw; 160 ft.; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650, Requests: 107.7 mc, #299; 100 kw; 390 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on April 29, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct, own and operate the proposed stations, the Morgan Broadcasting Co. is financially qualified, but for the reason indicated hereinafter, it has not been determined that the Dick Broadcasting Co., Inc., of Tennessee is financially qualified; and

It further appearing, that the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that, the financing plans for the construction and initial operation of the station proposed by the Dick Broadcasting Co., Inc., of Tennessee are dependent, in part, on funds secured through a bank loan but that the agreement to make the loan does not show the security as required by paragraph 4h, section III, of FCC Form 301 and that therefore a financial issue will be specified to permit the Dick Broadcasting Co. to present evidence on this question; and

It further appearing, that, the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to one of the applicants; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine whether sufficient funds are available to the Dick Broadcasting Company to construct and operate the station as proposed.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evi-

[1] Commissioners Lee and Loevinger absent.

dence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a hearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, with respect to the application of the Morgan Broadcasting Co. the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 29, 1965.

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

[F.R. Doc. 65-4741; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-543]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENNESSEE

Order Scheduling Hearing

In re applications of Harry J. Morgan tr/as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

It is ordered, This 30th day of April 1965, that Charles J. Frederick shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 30, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 24, 1965: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: April 30, 1965.

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

[F.R. Doc. 65-4742; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15981, 15982; FCC 65-343]

RADIO PHONE COMMUNICATIONS, INC., AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

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

In re applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134-C2-P-64, for a construction permit to modify the facilities of Station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

1. The Commission has before it (1) an application filed July 15, 1963, by Radio Phone Communications, Inc. (Radio Phone) for a construction permit to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service at Falls Church, Va., using the frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile), including a request by Radio Phone for a conditional grant of its application, filed on February 27, 1964; (2) an application filed August 16, 1963, by American Radio-Telephone Service, Inc. (American) for a construction permit to modify the facilities of Station KGA248, now providing two-way communications service in the Domestic Public Land Mobile Radio Service at Washington, D.C., by adding a second channel for two-way communications service on frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile)[1]; and (3) four sets of formal pleadings as follows:

(a) Petition for conditional grant, filed by Radio Phone on July 14, 1964; opposition to petition for conditional grant, filed by American on July 24, 1964; supplement to opposition to petition for conditional grant, filed by American on August 5, 1964; and motions to strike opposition and supplemental opposition to petitions for conditional grant and, in the alternative, reply to opposition to said petition, filed by Radio Phone on August 10, 1964.

(b) Petition for conditional grant, filed by American on July 28, 1964; motion to dismiss petition for conditional grant; and, in the alternative, opposition to said petition, filed by Radio Phone on August 19, 1964; and reply to "motion to dismiss petition for conditional grant and, in the alternative, opposition to said petition," filed by American on August 28, 1964.

(c) Petition to deny application of Radio Phone, filed by American on August 31, 1964; motion to dismiss petition to deny, and, in the alternative, opposition to said petition, filed by Radio Phone on September 14, 1964; and motion to dismiss opposition to petition to deny and reply to "motion to dismiss petition to deny and, in the alternative, opposition to said petition," filed by American on September 24, 1964; and opposition to motion to dismiss, filed by Radio Phone on October 7, 1964.

(d) Petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application, filed by Radio Phone on September 9, 1964; opposition to "petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application," filed by American on September 23, 1964; and reply to opposition to petition for reconsideration, filed by Radio Phone on October 5, 1964.

2. Radio Phone and American are each seeking to establish a two-way communications service on the frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile) in metropolitan Washington, D.C., and it appears from an analysis of these applications (the base stations would be located 6.7 miles apart) that they are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

Radio Phone's petition for conditional grant. 3. Radio Phone bases its petition on § 21.27(g) (1), (2) and (4) of the Commission's rules and alleges that: (1) The application of American was not filed in good faith; (2) the public interest requires the prompt establishment of Radio Phone's proposed service; and (3) the application of American cannot be granted because such a grant would violate: (a) Section 307(b) of the Communications Act which provides for the fair, efficient, and equitable distribution of radio service among the several States and communities; (b) § 21.516(a) of the Commission's rules which requires an applicant for an additional channel of radio service to detail the number of prospective subscribers for whom an order for service is being held; and (c) § 21.513 of the Commission's rules which requires that there be at least one message center so located that "the major portion of subscribers' local exchange landline telephone calls, which originate or terminate

[1] American's original application requested an additional channel on frequencies 152.06 Mc/s (base) and 158.52 Mc/s (mobile). On September 5, 1963, after the Commission informed it of the unavailability of that base station frequency, American amended its application by changing the requested frequencies to 152.18 Mc/s (base) and 158.64 Mc/s (mobile).

in such area in conjunction with messages transmitted or received by said station, cost no more per call than the local message single unit rate."

4. Radio Phone's lack of good faith argument assumes that American amended its application to put itself into mutual exclusivity[2] with Radio Phone and, in any event, could have used the facilities of its subsidiary, Telephone Answering Service Co., Inc., licensed to use paired frequencies 152.09 and 158.55 Mc/s. The need for prompt establishment of Radio Phone's service is based on what is characterized as the "dynamic" growth of Fairfax County in "residence, sales, industry, building, and banking." Facts and figures illustrating this growth have been submitted. In addition, Radio Phone has attached to its petition commercial brochures advertising the community of Reston, Va., which is being constructed as one of the first planned complete satellite cities in the United States. There are also attached 15 expressions of interest in Radio Phone's proposed mobile service.[3]

5. Radio Phone, in alleging that a grant of American's application would violate section 307(b) of the Act, relies upon the fact that six of the seven channels available to miscellaneous common carriers in the 150 Mc/s band are already taken and none of these six have been assigned to "serve the growing Fairfax County and northern Virginia area," and Radio Phone concludes that section 307(b) would call for an assignment of the remaining channel to that area. Radio Phone alleges that the failure of American to initially show the number of prospective subscribers for whom an order for service is being held is violative of § 21.516(a) and, therefore, said application cannot be granted. Its § 21.513 argument, in effect, states that American is required to maintain a message center in "northern Virginia." Radio Phone's other allegations, related to the general public need for its proposed service, though relevant in determining whether or not Radio Phone should be issued a construction permit, are not germane to its petition for conditional grant.

6. American, in its opposition to Radio Phone's petition for conditional grant, states that the reason it amended its original application and thereby put itself into mutual exclusivity with Radio Phone was because it was advised by a member of the Commission's staff that its proposed use of the 152.06 Mc/s base station frequency would cause interference to another station and, therefore, the only VHF band channel available to it was the one now contemplated by its instant application. American disputes Radio Phone's second charge of bad faith by denying that it controls Telephone Answering Service Co., Inc., and argues that it could not have used VHF frequencies other than those for which it applied.

7. The need for the prompt establishment of Radio Phone's service is denied in that the community of Reston is claimed to be now nonexistent and the target date for its completion is said to be 1980 (American relies on the very brochures submitted by Radio Phone to substantiate their allegations). In addition, the manager of American has submitted an affidavit which examines most of the expressions of interest in Radio Phone's proposed service and it is concluded in American's opposition to Radio Phone's petition for conditional grant that "the majority of the alleged prospective customers whose letters have been attached to Radio Phone's petition are not really interested in common carrier mobile service."

8. American contends that section 307 (b) of the Act does not require the Commission to grant Radio Phone's application over American's and that, since all seven of the UHF band frequencies are available for assignment to either applicant, "there is a serious question whether these two applications even raise a 307 (b) issue." It is also argued that "the fact that the application did not show that American has orders on hand does not make it either fatally defective or contrary to § 21.516." In addition, § 21.513 of the rules is said to require a message center at Washington, D.C., and not in northern Virginia.

9. Finally, American quotes Radio Phone's petition wherein the vice president of Radio Phone stated that American's customers often find it impossible to establish contact with American's control point and that he "has often heard other subscribers of American's channel complain vigorously to the operator about this situation which has gone on for some time," and concludes that this constitutes a violation of section 605 of the Communications Act.[4]

10. Radio Phone bases its motion to strike American's opposition to its petition for conditional grant on the failure of American to have its opposition signed or verified by "the applicant or by a principal party having knowledge of the facts." The same reason is given to support the motion to strike American's supplemental opposition to its petition for conditional grant and, in addition, it is alleged that said pleading is defective in the following respects: (1) It is an additional pleading which has not been specifically requested by the Commission (§ 1.45(c) of the rules); (2) it was filed after the specified period in which an opposition may be filed (§ 1.45(a) of the rules); and (3) since it purports to contradict the written and signed statements of prospective customers, it should be the written and signed statement of said prospective customers and not the relation of conversations held with such persons by the manager of American.

11. In replying to the opposition to its petition for conditional grant, Radio Phone reiterates its previous arguments. In addition, it alleges additional contacts between American and Telephone Answering Service Co., Inc., to bolster its contention that American exhibited a lack of good faith in filing its instant application. Insofar as section 307(b) of the Act is concerned Radio Phone contends that "the availability of frequencies other than those applied for is no ground for dissolving a 307(b) issue when (there are) conflicting demands for the same frequency in different communities." American's allegation that Radio Phone's vice president violated section 605 of the Act is denied, in effect, by alleging that the consent of one of the participants was obtained in all radio conversations referred to in the petition for conditional grant.

12. We find that the allegation that American's application was not made in good faith clearly overlooks American's original filing for operation on the 152.06 Mc/s base station frequency and ignores the understandable desire of American to operate an additional channel in the same frequency band in which it is presently operating so that use of multichannel equipment would be feasible. In addition, Radio Phone engages in speculation not sufficient to justify a conditional grant when it relies on any contacts American may have with Telephone Answering Service Co., Inc., and, even assuming a parent-subsidiary relationship, has failed to allege any facts to show that Telephone Answering Service Co., Inc., has failed to make effective use of the frequencies it has been assigned.

13. Section 21.27(g)(2) authorizes a conditional grant when the public interest requires the prompt establishment of a radio service. Said provision in the Commission's rules is to be invoked only under extraordinary circumstances and where a delay in the institution of radio service would seriously prejudice the public interest. In re Page Boy Radio Corporation, FCC 62-251. Fifteen expressions of interest in a radio service cannot be elevated to a position constituting extraordinary circumstances justifying a conditional grant, and Radio Phone has made no other showing justifying such a conclusion.

14. Concerning Radio Phone's contentions that a grant of American's application would be violative of section 307 (b) of the Communications Act, we find that such a conclusion cannot be reached without a complete evidentiary hearing. Accordingly, we must deny Radio Phone's contention that the presence of such an issue now precludes a grant of American's application. Likewise, an initial showing of public need which is not in strict accordance with § 21.516(a) of the rules does not thereby irretrievably preclude American from a grant. In fact, American has submitted its own petition for conditional grant and attached therewith were orders for additional service from eight of its present subscribers. As for Radio Phone's section 21.513 allegation, the said rule has been misinterpreted and, in fact, requires a message center to be so located that the majority of calls a carrier's subscribers make or receive within the 37 dbu contour of the carrier cost the same as the local message single unit rate; and there is no basis for finding that American's message center should not be in Washington, D.C. Accordingly, we conclude that Radio Phone's petition for condi-

[2] See footnote 1.

[3] No expressions of interest have been submitted from present or prospective residents of Reston.

[4] American's supplement to opposition to petition for conditional grant includes additional comments allegedly negating three of the expressions of interest in Radio Phone's service.

tional grant should not be granted. It is, therefore, unnecessary to make findings with respect to the technical sufficiency and merit of allegations in dependent pleadings.

American's petition for conditional grant. 15. American's petition, in effect, is based upon the allegation that since its initial filing on August 16, 1963, the congestion on its present channel has greatly intensified. In addition, American has submitted statements from eight of its present subscribers calling for it to install a second channel of service.

16. Radio Phone's motion to dismiss the said petition rests upon an alleged procedural defect in that the said pleading is subscribed by American's attorneys and it is not verified by one of its principal officers. Radio Phone's opposition is mainly directed at American's admission that from August 1963 to July 1964, it increased the number of mobile units it was serving from 68 to only 74 and concludes that such a slow rate of growth does not show a need for the prompt establishment of the additional radio service such as would justify a conditional grant. In addition, Radio Phone attacks some of the statements submitted by American and concludes that there is even less of a need for the second channel service than alleged.

17. American, in its reply, argues that Radio Phone confuses American's petition for conditional grant with an application for radio facilities. It is said that applications are to be signed by a principal officer of an applicant corporation while pleadings, like a petition for conditional grant, are to be signed by an attorney of record. American in this pleading (as does American and Radio Phone in several of the other pleadings) discusses a great many other issues which are not relevant to the disposition of the issue at hand.

18. For reasons similar to those set forth in disposing of Radio Phone's petition for conditional grant, we find and conclude that the public interest does not require a conditional grant of American's application. Certainly, even assuming the validity of American's contention that its present subscribers are clamoring for an additional channel, there is no showing that the present licensees in the Metropolitan Washington area are not capable of meeting whatever "urgent" mobile needs exist. In view of the substantive deficiency of American's petition for conditional grant, a detailed consideration of the alleged procedural defects is unnecessary.

Petition to deny Radio Phone's application. 19. American states that although it had no intention of opposing Radio Phone's application, statements found in Radio Phone's "motion to dismiss petition for conditional grant and, in the alternative, opposition to said petition" indicate that Radio Phone "intends to engage in predatory business practices which, if permitted, would seriously threaten Petitioner's operation." [3] From this foundation American goes on to conclude that it is a party in interest pursuant to section 309(d) of the Act and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. American, to substantiate the alleged inconsistency of Radio Phone's application with the public interest, uses an amalgam of section 605, the merits or demerits of allegations relating to the contacts American has with Telephone Answering Service Co., Inc., a time discrepancy of little note and previously raised arguments.

20. Radio Phone in its motion to dismiss petition to deny questions the appropriateness of a petition to deny in a situation involving mutual exclusivity and states that a "full hearing" will be had in any event. Radio Phone's opposition stresses: (1) A previously sworn statement that it is only interested in satisfying the unserved needs of the "Fairfax County and westward" area; (2) the fact that the quote "clearly" refers only to northern Virginia customers; and (3) that competition has not been "outlawed" in the common carrier field. Other allegations are not germane to disposition of the petition to deny.

21. American, in its motion to dismiss opposition, questions the affidavit of Mr. Ben Hurt, vice president of Radio Phone, and claims that insofar as the affidavit is based on Mr. Hurt's belief rather than on his personal knowledge it is contrary to section 309(d) of the Act. In its reply American argues that an economic injury issue is not beyond the scope of a comparative hearing and, therefore, a petition to deny is appropriate. No other relevant allegations are made.

22. Radio Phone filed an additional pleading, admittedly "not permitted under the Commission's rules", in which it argues that Mr. Hurt's affidavit conforms to section 309(d) of the Act in that the allegations of fact made in Radio Phone's motion to dismiss petition to deny, and in the alternative, opposition to said petition were actually made upon the personal knowledge of Mr. Hurt.

23. American's statement that it had no intention of opposing Radio Phone's application until it noted from one of Radio Phone's pleadings that Radio Phone had cast covetous eyes upon American's northern Virginia customers is to be taken at face value. American's prior statements of overcrowding on its presently licensed channel tend to offset its stated fear of competition. In short, American's petition to deny is loosely based upon speculation about language found in a pleading filed by Radio Phone's counsel and, in view of the foregoing, and because American has failed to show that a grant of Radio Phone's application would result in destructive competition or wasteful duplication of facilities, we find no justification for the inclusion of an economic injury issue. In view thereof, the allegations in the responsive and dependent pleadings do not require further consideration.

Petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application. 24. Radio Phone asks that certain amendments tendered for filing by American on July 15, 1964, and July 22, 1964, to change antenna, employ two-channel equipment and add a message center in northern Virginia "be dismissed as unacceptable at this stage of the proceeding, or that they be returned to the applicant as being defective in form, considering the current state of the proceeding." In support thereof, Radio Phone argues that when the Commission by letter dated February 6, 1964, notified the parties that their applications were mutually exclusive and subject to a comparative hearing, the application was then, in effect, in hearing status, and, therefore, American's amendments are prejudicial to Radio Phone's rights and should not be accepted for filing. In addition, Radio Phone asks that American

> * * * be required to file a statement, under oath, explaining the circumstances and reasons why said amendments were then being tendered for filing, the justifications, if any, for such filing at this stage of the proceeding and showing good cause why, in the subject circumstances, said amendments should be accepted.

25. American's short answer to the above contentions of Radio Phone is that § 21.23 of the Commission's rules states that "any application may be amended as a matter of right prior to the designation of such application for hearing." Radio Phone in its "reply" concludes that the "issue is now sufficiently joined" and adds nothing new which would affect disposition of the petition for reconsideration.

26. Section 21.23 of the Commission's rules is clear in that any application may be amended as a matter of right prior to the designation of such application for hearing. We, therefore, find and conclude that American's June 15th and June 22d amendments were properly tendered for filing and are to be considered in any disposition of American's application.

27. It is clear from all pleadings filed wherein the section 605 issue was raised that American is relying upon Mr. Hurt's statement that he has heard "other subscribers" complain about American's service. However, Radio Phone claims that these other subscribers were subscribers with whom Mr. Hurt or the president of Radio Phone were talking, and American has not alleged a single instance of the alleged section 605 violation which contradicts this statement. In view thereof, we can only conclude that no substantial issue has been raised with respect to the alleged violation.

28. It appears that § 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above 1 microvolt per meter as the limit of reliable service area for base stations engaged in 2-way communica-

[3] American relies on the following statement by Radio Phone: "There is attached hereto a list of the subscribers to whom Mr. Hurt of Radiophone sold equipment since June 1963, the majority of whom are located in the northern Virginia area, but who were placed as customers with American since Radiophone did as yet not have the facilities to render the service they required. The rendition of this service by Radiophone to these northern Virginia customers with a locally located message center will, no doubt, serve to alleviate some of American's alleged congestion for its Washington based customers."

tions service, and that the Commission's Report No. T.R.R. 4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50,50) and interference contours of the facilities involved in this proceeding.

29. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

30. Accordingly, in view of our conclusions above: *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

(b) To determine whether any harmful interference (within the 37 dbu contours of the proposed base stations) would result from simultaneous operations on the frequency 152.18 Mc/s by American and Radio Phone, and, if so, whether such interference would be intolerable.

(c) To determine the nature and extent of services now rendered by American; and to determine the capacity of and the normal message traffic load on American's existing facilities.

(d) To determine, on a comparative basis, the areas and populations that American and Radio Phone propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 28 above; and to determine the need for the proposed services in said areas.

(e) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of either or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

31. *It is further ordered*, That the burden of proof on each of the issues in paragraph 30 is placed upon the applicants insofar as the same relates to their respective applications; and

32. *It is further ordered*, That Radio Phone's petition for conditional grant and American's petition for conditional grant are denied; that the petition to deny the application of Radio Phone is granted to the extent herein provided, and denied in all other respects; and that the petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application are denied; and

33. *It is further ordered*, That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: April 28, 1965.

Released: April 30, 1965.

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

[F.R. Doc. 65-4743; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15975, 15976; FCC 65M-542]

REGIONAL BROADCASTING CORP. AND EVERGREEN ENTERPRISES, INC.

Order Scheduling Hearing

In re applications of Regional Broadcasting Corp., Loveland, Colo., Docket No. 15975, File No. BPH-4708; Evergreen Enterprises, Inc., Loveland, Colo., Docket No. 15976, File No. BPH-4779; for construction permits.

It is ordered, This 30th day of April 1965, that H. Gifford Irion shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 28, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 26, 1965: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: April 30, 1965.

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

[F.R. Doc. 65-4744; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15888; FCC 65M-548]

SELMA TELEVISION, INC. (WSLA-TV)

Order Continuing Hearing

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket No. 15888, File No. BPCT-2827; for construction permit.

In order to formalize the changes in procedural dates agreed to at the prehearing conference held on April 29, 1965: *It is ordered*, This 29th day of April 1965:

(1) The date for exchange of preliminary drafts of the applicant's technical engineering exhibits is extended from May 14, 1965, to May 21, 1965;

(2) The date for exchange of all exhibits to be offered in evidence in the presentation of the direct affirmative cases is extended from June 7, 1965, to June 21, 1965;

(3) The date for commencement of hearing is continued from June 21, 1965, to June 28, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: April 30, 1965.

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

[F.R. Doc. 65-4745; Filed, May 4, 1965; 8:49 a.m.]

* Commissioners Lee and Loevinger absent.

FEDERAL POWER COMMISSION

[Docket No. CP65-340]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 22, 1965, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass., 02135, filed an application in Docket No. CP65-340 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to construct and operate certain facilities and to make sales and deliveries of natural gas to certain existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell to existing customers the following additional maximum daily and annual quantities of natural gas beginning in the month indicated:

	Applicant's firm rate schedule F-1 (Mcf)		Applicant's winter service rate schedule WS-1 (Mcf)	
	Daily	Annual	Daily	Annual
November 1966	7,550	2,038,500	53,856	3,231,360
November 1967	15,920	4,298,400	15,442	926,520
November 1968	14,790	3,993,300	16,520	1,009,800
November 1969	13,380	3,612,600	13,070	784,200

In order to provide the desired increased system capacity, Applicant proposes to construct 64.4 miles of 30-inch pipeline loop, 21.2 miles of 24-inch lateral, 11.4 miles of 20-inch lateral loop, 13.0 miles of 16-inch lateral loop, and 8.5 miles of 10-inch lateral loop, at various locations along Applicant's existing system.

The proposed construction is estimated to cost $25,913,000, which Applicant proposes to finance through the use of retained earnings, short-term bank loans and securities of a type to be determined at the time of their issuance in 1966 and 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal

hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4666; Filed, May 4, 1965; 8:45 a.m.]

[Docket Nos. G-9924, etc.]

CRA, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 27, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-9924 E 4-19-65	CRA, Inc. (successor to Cyprus Oil Co.), Post Office Box 7305, Kansas City, Mo., 64116.	Union Texas Petroleum, a division of Allied Chemical Corp., Bauer Ranch Field, Jefferson County, Tex.	[1] 15.95016	14.65
G-11815 C 4-21-65 [2]	Marathon Oil Co., 539 South Main St., Findlay, Ohio.	Transcontinental Gas Pipe Line Corp., North Markham-North Bay City Field, Matagorda County, Tex.	15.5	14.65
G-13870 E 4-19-65	CRA, Inc. (successor to Cyprus Oil Co.), Post Office Box 7305, Kansas City, Mo., 64116.	United Gas Pipe Line Co., North Indian Hills Field, Montgomery County, Tex.	15.1856	14.65
CI62-555 C 4-22-65	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans., 67202.	Northern Natural Gas Co., acreage in Clark County, Kans.	16.0	14.65
CI63-1125 C 4-21-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Southeast Lacy Area, Kingfisher County, Okla.	15.0	14.65
CI63-1162 D 4-19-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Northern Natural Gas Co., Como Area, Beaver County, Okla.	(3)	
CI64-1136 C 3-25-65	J. A. Heard, d.b.a. Heard Oil & Gas, 1232 Vaughn Plaza Bldg., Corpus Christi, Tex.	United Gas Pipe Line Co., John J. Janas Lease, Quinto Creek Field, Jim Wells County, Tex.	13.1664	14.65
CI64-1237 C 4-22-65	Mayhew Oil & Gas Developments, 30 Permanent Savings Bldg., Evansville, Ind.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	[4] 27.0	15.325
CI65-114 C 4-21-65	Socony Mobil Oil Company, Inc., 150 East 42d St., New York, N.Y., 10017.	Northern Natural Gas Co., Northeast Dower Field, Beaver and Ellis Counties, Okla.	17.0	14.65
CI65-1019 A 4-14-65	S.E. Brown, Trustee, c/o Keys, Russell, Keys, & Watson, Driscoll Bldg., Corpus Christi, Tex.	J. A. Heard, d.b.a. Heard Oil & Gas, Quinto Creek Field, Jim Wells County, Tex.	10.0	14.65
CI65-1020 A 4-14-65	Bonnett Inc., of West Virginia, Post Office Box 394, Clendenin, W. Va.	United Fuel Gas Co., Henry District, Clay County, W. Va.	[5] 20.0	15.325
CI65-1021 A 4-14-65	First Transportation Gas Corp., Inc., 1 Chase Manhattan Plaza, New York 5, N.Y.	Northern Natural Gas Co., Shattuck Unit, Ellis County, Okla.	17.0	14.65
CI65-1022 A 4-15-65	Thomas N. Berry & Co., Operator, Post Office Box 111, Stillwater, Okla.	Cities Service Gas Co., Cherryvale Field, Grant County, Okla.	14.0	14.65
CI65-1023 A 4-15-65	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	Anadarko Production Co., acreage in Morton County, Kans.	5.0	14.65
CI65-1024 A 4-15-65	J. M. Huber Corp., 2401 East 2d Ave., Denver, Colo., 80206.	Lone Star Gas Co., North Dibble Field, McClain County, Okla.	15.0	14.65
CI65-1025 A 4-15-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Mountain Fuel Supply Co., Four Mile Creek Field, Moffat County, Colo.	15.0	15.025
CI65-1026 A 4-15-65	C. L. Morris, J. F. Snelling, and W. D. Snelling, c/o Clyde E. Love, attorney, Post Office Box 5232, Shreveport, La.	Arkansas Louisiana Gas Co., Mooringsport Field, Caddo Parish, La.	[6] 10.0	15.025
CI65-1027 A 4-16-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	15.0	15.025
CI65-1028 A 4-16-65	Crump Oil Co., 60 South Front St., Memphis, Tenn., 38101.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI65-1029 A 4-16-65	Petroleum Promotions, Inc., 2817 Clio Rd., Flint, Mich., 48504.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	25.0	15.325
CI65-1030 A 4-16-65	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	Baca Gas Gathering System, Inc., Flank Field Area, Baca County, Colo.	12.0	14.65
CI65-1031 A 4-19-65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Panhandle Eastern Pipe Line Co., Putnam Field, Dewey County, Okla.	14.0	14.65
CI65-1032 A 4-19-65	Bridwell Oil Co., Post Office Drawer 1830, Wichita Falls, Tex.	United Gas Pipe Line Co., Williman Field, San Patricio County, Tex.	13.25	14.65
CI65-1033 F 4-15-65	Carl H. Noel (successor to Claud E. Aikman), 1430 First National Bank Bldg., Denver, Colo., 80202.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	11.0	15.025
CI65-1034 F 4-15-65	Pan American Petroleum Corp. (successor to Cities Service Oil Co.), Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[7] 18.5	14.65
CI65-1035 A 4-19-65	Sinclair Oil & Gas Co., Post Office Box 591, Tulsa, Okla., 74102.	Northern Natural Gas Co., Bartel No. 1, East Balco Field, Beaver County, Okla.	15.0	14.65
CI65-1036 A 4-19-65	Peter Henderson Oil Co., 654 Madison Ave., New York, N.Y., 10021.	Kansas-Nebraska Natural Gas Co., Inc., Badwater Area, Fremont and Natrona Counties, Wyo.	15.0	14.65
CI65-1037 A 4-21-65	Bradco Oil & Gas Co., et al., 2338 Bank of the Southwest Bldg., Houston, Tex.	Bluebonnet Gas Corp., Lottie Field, Pointe Coupee Parish, La.	15.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1038..... A 4-21-65	Reliance Oil Corp., Post Office Box 1014, Charlottesville, Va., 22902.	Pennzoil Co., Duval District, Lincoln County, W. Va.	15.0	15.325
CI65-1039..... F 4-21-65	Turnbull & Zoch Drilling Co. (Operator), et al. (successor to Union Producing Co.), Post Office Box 2248, Corpus Christi, Tex.	United Gas Pipe Line Co., Hynes Ranch Field, Refugio County, Tex.	[4] 13.0	14.65
CI65-1040..... A 4-21-65	Pan Mutual Royalties, Inc., c/o Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	Michigan Wisconsin Pipe Line Co., Mocane Laverne Field, Harper County, Okla.	17.0	14.65

[1] Rate in effect subject to refund in Docket No. G-18695.
[2] Submitted in compliance with Commission order approving settlement, issued Mar. 25, 1965, in Docket No. RI64-549.
[3] Pressure of gas from certain leases has declined to the extent that deliveries cannot be made against buyer's line pressure.
[4] Includes 2.0 cents gathering and transportation charge.
[5] Includes 2.0 cents transportation charge.
[6] Plus 1.0 cent tax reimbursement.
[7] Includes adjustment of 1.5 cents based on estimated heating content of 1,150 B.t.u.'s per cubic foot.
[8] Plus partial tax reimbursement of Texas production tax in an amount equal to 1.54 percent of the value of gas delivered.

[F.R. Doc. 65-4625; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-331]

CARNEGIE NATURAL GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 19, 1965, Carnegie Natural Gas Co. (Applicant), 3904 Main Street, Munhall, Pa., 15121, filed in Docket No. CP65-331 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval or authorization to: (1) Abandon approximately 14.5 miles of 16-inch pipeline on the suction side of Waynesburg Compressing Station, Franklin Township, Greene County, Pa., and (2) the construction and operation of 34.2 miles of 20-inch high pressure transmission pipeline extending from a point of connection with facilities of Texas Eastern Transmission Corp. in Franklin Township, Greene County, Pa., to Applicant's existing facilities in Allegheny County, Pa., together with measuring and regulating facilities.

Applicant states that the proposed gas transmission pipeline is necessary for operational safety and service of its consumer's present and future gas requirements.

The application states that abandonment of the 16-inch line will require transfer of the consumers to the proposed facilities and construction of 2,600 feet of 4-inch line, all of which will result in decreased maintenance.

The estimated cost of the proposed transmission facilities is $2,549,000, which will be financed from cash funds and other cash-type assets now available or which will become available through operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4667; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-334]

CITIES SERVICE GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 21, 1965, Cities Service Gas Co. (Applicant), First National Bank Building, Oklahoma City, Okla., 73101, filed in Docket No. CP65-334 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain transmission facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to: (1) Abandon and salvage approximately 5,826 feet of 2-inch and 4,897 feet of 4-inch pipeline in Sedgwick County, Kans.; (2) abandon by sale to The Gas Service Co. (Gas Service) approximately 10,652 feet of its 2-inch pipeline in Sedgwick County, Kans., for use by Gas Service in serving several rural domestic customers in the area; (3) construct and operate meter facilities to measure the gas to be sold to Gas Service from the line to be sold to it; (4) abandon and salvage approximately 1,850 feet of 2-inch, 2,728 feet of 3-inch and 10,538 feet of 4-inch pipeline in its Chase Fuel System in Barton County, Kans.; (5) abandon by sale to Union Gas System, Inc. (Union) approximately 3,814 feet of its Craig Free Gas 2-inch pipeline in Johnson County, Kans., for use as part of Union's general system to serve rural domestic customers in the area; (6) abandon by sale to the City Utilities of Springfield, Mo., approximately 1 mile of its Springfield 16-inch pipeline, Greene County, Mo., in 1965 and another mile of the same line in 1966, all for use in the Springfield distribution system; (7) abandon and salvage approximately 9,000 feet of 8-inch, 825 feet of 7-inch and 5,768 feet of 6-inch pipeline in its Boyer Storage System in Butler County, Kans.

Applicant states that the reason for the proposed abandonment of the facilities is that they are either no longer required in order to continue service to its existing customers or they can be more feasibly utilized by the purchasing distribution companies.

The estimated cost of construction of the meter station is $1,050, which will be paid for from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4668; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-339]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 22, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed an application in Docket No. CP65-339 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Cascade Natural Gas Corp. (Cascade) for resale and distribution in the community of La Conner, Wash., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that deliveries of natural gas to Cascade will be made at the outlet of El Paso's existing Sedro-Woolley Meter Station, and no additional facilities will be constructed by Applicant. Cascade will construct facilities for transportation of the gas to points of resale and distribution in the community of La Conner.

The application further states that, during the third full year of proposed natural gas service, annual gas requirements of Cascade will be 27,923 Mcf and that corresponding summer season and heating season peak day requirements will aggregate 844 Mcf and 161 Mcf per day, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4669; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. RI65-598]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Effective Subject to Refund

APRIL 28, 1965.

On March 30, 1965, Gulf Oil Corp. (Gulf)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-598	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla.	218	2	Cities Service Gas Co. (Palmer Field, Barber County, Kans.).	$1,260	3-30-65	[2] 5-2-65	[3] 5-3-65	[4] 13.0	[5] 14.0	
	Gulf Oil Corporation	226	5	Cities Service Gas Co. (Northeast Waynoka Pool, Woods County, Okla.) (Oklahoma "Other" Area).	2,220	3-30-65	[2] 5-2-65	[3] 5-3-65	[4] [6] 13.0	[5] [6] 14.0	

[1] The stated effective date is the 1st day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Initial rate and effective rate at time of settlement.
[7] Periodic rate increase.
[8] Includes 0.75 cent per Mcf deducted by buyer for dehydration.

Gulf requests waiver of the statutory notice period in order to permit its proposed rate increases to become effective as of April 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Gulf's rate filings and such request is denied.

Gulf's proposed rate filings were submitted on March 30, 1965, 1 day prior to the expiration of the moratorium period provided by Gulf's companywide settlement approved by Commission order issued April 25, 1963, in Docket Nos. G-9520, et al. Therefore, the expiration of the 30-day statutory notice requirement should commence from April 1, 1965, consistent with the Commission's aforementioned settlement order.

The contracts related to the rate filings proposed by Gulf were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the area involved. Under the circumstances, we believe that Gulf's rate filings should each be suspended for 1 day from May 2, 1965, the date of expiration of the statutory notice.

The proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the National Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Gulf, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Gulf shall file under Docket No. RI65-598 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Gulf is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

---

[1] Address is Post Office Box 1589, Tulsa, Okla., 74102.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 14, 1965.

By the Commission.

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

[F.R. Doc. 65-4670; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-336]

LOUISIANA NEVADA TRANSIT CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 21, 1965, Louisiana Nevada Transit Co. (Applicant), Post Office Box 398, Ada, Okla., filed in Docket No. CP65-336 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization to construct during the 12-month period from June 1, 1965, to June 1, 1966, and to operate various facilities to enable Applicant to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas purchased from producers thereof in various producing areas generally coextensive with said system.

Total estimated cost of Applicant's proposed construction is not to exceed $200,000, with no individual project expenditure to exceed $50,000, and will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4671; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-335]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 28, 1965.

Take notice that on April 21, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed an application in Docket No. CP65-335 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale of natural gas for resale, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following: (a) One 2-inch side tap, approximately 200 feet of 3-inch lateral and a meter station to sell natural gas to Iowa Power and Light Co. (Iowa Power), for resale and distribution in the Town of Leighton, Iowa, (b) one 2-inch side tap, approximately 250 feet of 3-inch lateral and a meter station to sell natural gas to Iowa Power for resale and distribution to the Town of St. Charles, Iowa, and (c) one 2-inch side tap, approximately 550 feet of 3-inch lateral and a meter station to sell natural gas to Iowa Power for resale and local distribution in the towns of Lovilia, Bussey, and Hamilton, Iowa, and in the unincorporated community of Tracy, Marion County, Iowa.

The application states that Iowa Power, an existing customer of Applicant, proposes to provide natural gas service for the above communities from the quantities of natural gas which Applicant has heretofore been authorized to sell and deliver to Iowa Power.

The estimated cost of the facilities to be constructed by Applicant is $53,450, which will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4672; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-338]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 23, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha 1, Nebr., filed in Docket No. CP65-338 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities to connect to its system gas supplies from the Gomez Field located in southwest Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate measuring facilities at the tailgate of the plant of Humble Oil & Refining Co. (Humble) and approximately 12 miles of 24-inch pipeline from the said measuring facilities to Applicant's 24-inch Coyanosa to Kermit line which is proposed to be constructed in the application filed by Applicant in Docket No. CP65-1.

The proposed facilities are to be used by Applicant in transporting gas purchased from Humble in the Gomez Field. All the proposed facilities will be located in Pecos County, Tex.

The application states that the cost of the facilities is estimated to be $1,015,600, which is to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hear-

ing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4673; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP64-5]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

APRIL 28, 1965.

Take notice that on April 22, 1965, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 1612, Shreveport, La., 71101, filed in Docket No. CP64-5 a petition to amend the order of the Commission issued in said docket December 19, 1963, and amended by Commission orders issued October 28, 1964, and April 5, 1965, which orders authorized Petitioner to construct and operate additional facilities on its pipeline system in order to provide an additional 408,010 Mcf per day of peak day capacity over a 4-year period commencing in 1964, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks authority to expand the construction of the last 2 years, 1966 and 1967, of its previously authorized 4-year project by constructing and operating an additional 39 miles of 30-inch pipeline loops and 117.11 miles of 36-inch pipeline loops at various locations along its pipeline system between Beaumont, Tex., and Lambertville, N.J., a 36-inch river crossing, a total of approximately 32,500 horsepower of additional compression at three compressor stations, certain facilities in 1966 previously authorized for 1967 construction, and additional wells and field lines in the Accident Storage Field, all of which facilities would provide an additional peak day capacity of 155,115 Mcf per day, bringing the total peak day capacity resulting from the 4-year construction program to 563,126 Mcf per day.

Petitioner seeks authorization to sell and deliver the following additional maximum daily quantities of natural gas to these customers:

Customer	Maximum daily quantities (Mcf)
Algonquin Gas Transmission Co.	55,449
The Brooklyn Union Gas Co.	51,002
Carnegie Natural Gas Co.	45,901
City Gas Co. of New Jersey	500
Missouri Utilities Co.	1,020
City of Pulaski, Tenn.	102

The proposed expansion of the construction program for the years 1966 and 1967 will result in an estimated increase of $40,962,000, to a total estimated cost of construction in the 2 years of $97,884,000, which will be financed by the issuance of first mortgage pipeline bonds, debentures, and preferred stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 26, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4674; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP61-299]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

APRIL 28, 1965.

Take notice that on April 23, 1965, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP61-299 a petition to amend the order of the Commission issued in said docket, combined with Docket No. CP61-265, on January 11, 1965, which order authorized Petitioner to construct and operate certain natural gas facilities and to deliver natural gas to El Paso Natural Gas Co. (El Paso) on an exchange basis pursuant to an agreement between the parties dated February 1, 1961.

By the instant filing, Petitioner seeks to amend the said order to authorize: (1) The construction and operation of a tap and valve to interconnect Petitioner's existing gathering system with facilities to be constructed by El Paso to connect Feldman A No. 2 well to Petitioner's system (2) the receipt from El Paso, on an exchange basis, of gas produced from the Feldman A No. 2 well, and (3) the operation of the facilities proposed to be constructed by El Paso for connection of this well, pursuant to the terms of the exchange agreement. Petitioner also seeks the deletion of the authority for the construction and operation of facilities pertaining to five wells and the receipt of gas therefrom, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that the estimated cost of the tap and valve to be constructed by Petitioner is $1,280.

The five wells to be deleted from the exchange program have not been connected to Petitioner's system.

El Paso has filed a petition in Docket No. CP61-265 to amend the said order issued January 11, 1965, in order to reflect its part in these changes in the exchange agreement between the parties.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 27, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4675; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-337]

UNITED GAS PIPE LINE CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 22, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed an application in Docket No. CP65-337 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate approximately 20 feet of 2-inch line and a positive meter and regulator station and appurtenant facilities on Applicant's 6-inch Jackson-Philadelphia lateral in Scott County, Miss., to be used for the sale and delivery of natural gas to the town of Walnut Grove for resale and distribution through the proposed distribution system of said town and the rural customers located along Walnut Grove's line located in Scott and Leake Counties, Miss.

The estimated annual and peak day sales of natural gas by Applicant to Walnut Grove for the first 3 years are as follows:

	First year	Second year	Third year
Annual (Mcf)	96,060	99,032	102,004
Peak day (Mcf)	1,324	1,368	1,413

The estimated cost of Applicant's proposed facilities is $8,923, which will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application and if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4676; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-333]

SOUTHWEST GAS CORP.

Notice of Application

APRIL 26, 1965.

Take notice that on April 20, 1965, Southwest Gas Corp. (Applicant), Post Office Box 1450, Las Vegas, Nev., filed in

Docket No. CP65-333 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate approximately 21 miles of 8⅝-inch O.D. pipeline from a point near Carson City, Nev., to the north end of Lake Tahoe near the California-Nevada State line for the sale of natural gas to customers of all classes in the States of California and Nevada.

Applicant estimates the third year peak day and annual volumes for distribution systems to be served from the proposed facilities to be 4,176 Mcf and 508,000 Mcf, respectively.

The estimated cost of the proposed facilities is stated to be $727,379, which will be financed from current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4678; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. G-16117 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order To Show Cause, Granting Stay of Compliance With Letter Orders, Notice of and Setting Procedures for Hearing, and Consolidating Proceedings

APRIL 26, 1965.

Amerada Petroleum Corp.[1], Docket Nos.[1] G-16117, G-16118, G-16119, G-16256, G-19488, G-19489, G-19490, and G-19577; Shell Oil Co., Docket Nos. G-12951, G-12952, G-12953, G-16253, G-16254, G-16255, and G-17368; Socony Mobil Oil Co., Inc., Docket Nos. G-12981, G-12982, G-13030, G-13311, G-15448, G-15449, and G-15995; The Atlantic Refining Co., Docket Nos. G-18565 and G-18913; The Superior Oil Co., Docket Nos. G-12949, G-15358, and G-12950.

By order issued April 3, 1964, in Phillips Petroleum Co., Docket Nos. G-11217, G-14115, G-18417, G-18481, et al., 31 FPC 774, the Commission accepted for filing decreased rate proposals of Phillips Petroleum Co. (Phillips) which reflected for the locked-in periods involved the rate levels Phillips is currently contractually entitled to retain under the spiral escalation and favored-nation[2] provisions of its contracts with its purchaser, El Paso Natural Gas Co. (El Paso). Phillips' spiral escalation rate increases in such proceedings were based on El Paso's rate increases in Docket Nos. G-4769, G-12948, and G-17929. By order issued December 4, 1963, 30 FPC 1400, reduced settlement rates were approved for El Paso in the aforementioned dockets. Phillips' proposed decreased rates thus reflected the present contractual effect on its rates of the El Paso settlement.

The Commission by letter orders issued February 26, 1965, apprised approximately 48 producers, whose favored-nation rate increases were based either directly or indirectly on Phillips' aforementioned spiral escalation rate increases, that Phillips had filed spiral rate decreases and had made refunds to El Paso therefor, and ordered said producers to file related decreased rate filings and to make appropriate refunds. Of the 48 producers, 5 have filed applications for rehearing pursuant to section 19(a) of the Natural Gas Act (Act) and § 1.34 of the Commission's rules of practice and procedure, and 3 of these have petitioned for a stay of the provisions of the letter orders issued to them on February 26, 1965.[3]

The producers in their applications for rehearing contend, inter alia, that: (1) The Commission erred in issuing the said letter orders without notice or hearing; (2) the Commission erred in concluding that the decreased rate filings of Phillips served retroactively to deprive the producers of contractual consent to the favored-nation rate increases involved herein; (3) even if the Commission was legally empowered to issue said letter orders, the Commission erred in failing to recognize that there were prices paid or payable by El Paso to producers other than those of Phillips during the whole or a portion of the "locked-in" periods involved here which afforded contractual consent to their increased rates; and (4) the Commission erred in attempting to dispose of the rate increases herein which are consolidated with the Permian Basin Area Rate Proceedings, Docket Nos. AR61-1, et al.

In the Permian area rate proceeding we will determine the justness and reasonableness of all of the producer rates in that area. Such a determination is apart from the contractual basis for any producer rate filings involved there. As we stated in the Shell opinion,[4] 29 FPC at 504:

> Any producer filing for an increase under a favored-nation clause of necessity has two hurdles to overcome in ultimately justifying the rate increase. First, his increase is dependent upon the validity of the rate which triggered his favored-nation clause. If the triggering rate is later found to be invalid or unreasonable in whole or in part, then any rate filing based on such triggering is without contractual justification to the extent the triggering rate is reduced. After establishing what rate is valid under the contract clause for the favored-nation increase, it must also be shown that such rate is just and reasonable. In sum, the validity of the filing is at all time subject to the ultimate determination of the validity of the triggering rate as well as the justness and reasonableness of the increased rate.

Accordingly, even if these favored-nation increases are determined to be just and reasonable in the Permian case, the contractual basis for these filings would remain in dispute. Under these circumstances there is no justification for postponing action on these contractual matters until the Permian decision has become final.

At the time of issuance of the letter orders here complained of, there did not appear to be any factual questions involved in the disposition of these contractual matters since all of the favored-nation filings at the time of filing were based either directly or indirectly on Phillips' spiral escalation increases. In the light of the reduced spiral escalation rates filed by Phillips because of the El Paso settlement, which were accepted by the Commission in its order of April 3, 1964, it seemed clear that there was no contractual support for the favored-nation filings in these cases. Consistent with our decision in the Shell case[5] where we held that favored-nation increases lack contractual support when based on a claimed triggering rate which is later determined to be without contractual justification, we also held in our February 26 orders that there was no contractual basis for these favored-nation filings.

However, some of the producers in their applications for rehearing have

---

[1] This order also relates to the proceedings listed in the Appendix which were also involved in the February 26, 1965, orders issued herein. Unlike the producers and proceedings listed in the caption, the producers did not seek rehearing in the proceedings listed in the Appendix.

[2] As noted in the footnote at 31 FPC 774, the favored-nation rates of Phillips are based on favored-nation rates of other producers which were allegedly triggered by the Phillips' spiral escalation rates.

[3] Applications for rehearing were timely filed in the above-captioned proceedings by Amerada Petroleum Corp. (Amerada) on March 24, 1965, by The Superior Oil Co. (Superior) on March 26, 1965, by The Atlantic Refining Co. (Atlantic) on March 26, 1965, by Shell Oil Co. (Shell) on March 29, 1965, and by Socony Mobil Oil Co., Inc. (Socony) on March 29, 1965. Concurrent motions for a stay were filed by Amerada, Shell and Socony.

[4] Shell Oil Co., et al., Opinion No. 382, 29 FPC 498.

[5] Opinion Nos. 382 and 382-A, affirmed Shell Oil Co., et al. v. F.P.C. 334 F. 2d 1003 (CA5, 1964); cf. order issued July 24, 1963, in Texaco Inc., et al., Docket Nos. G-17613, et al.

raised factual questions concerning the possibility that their favored-nation increases might have been triggered by producer prices other than Phillips' spiral increases. Questions have also been raised with respect to the level of the rate reduction and the period to be covered thereby in light of the contractual right of certain of these producers to file for periodic escalation increases or renegotiated increases during the period covered by these proceedings. In view of the alleged factual problems presented, we think it appropriate to set these contractual matters for hearing and shall stay the requirements of the letter orders issued February 26 in the above-captioned proceedings. We shall provide for a prehearing conference at which the substantive matters to be resolved by formal hearing will be set forth and all matters that can be resolved without formal trial will be eliminated from hearing and settled by stipulation. Thereafter, the Presiding Examiner shall establish the date of hearing and shall prescribe such other procedures as he may deem appropriate in the disposition of these matters.

Because of the alleged factual problems discussed above in connection with the producers' applications for rehearing, we conclude that it would also be appropriate to defer action in those proceedings listed in the Appendix (where the producers did not file applications for rehearing of the February 26, 1965, orders) until a decision has been reached with respect to the proceedings listed in the caption which have been set for hearing. We shall therefore stay the requirements of the February 26, 1965, orders in the proceedings listed in the Appendix until further order of this Commission. In the event any producer involved in the proceedings listed in the Appendix desires to comply with the February 26, 1965, orders despite our stay here, in the absence of objection by any interested party, it may do so by filing rate reductions and making refunds in the same manner that Phillips' did in Docket Nos. G-12117, et al. as provided in the February 26, 1965, orders.

The Commission orders:

(A) At the hearing provided for below, Amerada, Shell, Socony, Atlantic, and Superior shall show cause, if there be any, as to why they should not be required to comply with the requirements of the letter orders issued February 26, 1965, in the above captioned proceedings.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), the above-captioned proceedings are hereby consolidated for the purpose of hearing and a public hearing shall be held pursuant to the procedures prescribed herein.

(C) Presiding Examiner, Harry W. Frazee, or any other officer or officers of the Commission designated by the Chief Hearing Examiner for that purpose, shall preside at the prehearing conference and the hearing in the above-captioned proceedings pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner herein designated shall commence at 10 a.m., e.d.s.t. on June 2, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission as set forth in the body of this order.

(E) After the prehearing conference, the Presiding Examiner shall give notice of the date of hearing and shall prescribe such other procedures as he deems appropriate in the disposition of these matters.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 20, 1965. Answers to petitions to intervene may be filed within 10 days after the date of service of the petition, but in no event later than May 27, 1965.

(G) The requirements of the letter orders issued on February 26, 1965, in the above-captioned proceedings and in the proceedings listed in the Appendix are hereby stayed until further order of the Commission.

By the Commission.

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

APPENDIX

Respondent	Docket No.
Austral Oil Co., Inc.	G-19540
Bakke, W. E.	G-16477
Benedum Trees Oil Co.	G-12881
British American Oil Prod. Co.	G-19254
Cabot Corp. (SW)	G-18842
F. A. Callery	G-19645
Charm Oil Co.	G-19491
Continental Oil Co.	G-19728
L. R. French, Jr.	G-17347
Getty Oil Co.	G-16533
	RI60-72
Gulf Oil Corp.	G-13100
Jake L. Hamon	G-18327
Herd Oil & Gas Co.	G-18769
Humble Oil & Refining Co.	G-16415
Humble Oil & Refining Co.	G-16416
	G-19487
	G-18172
	G-17799
	G-18568
H. L. Hunt	G-16421
Lamar Hunt	G-17424
	G-16418
Hunt Industries	G-16423
N. B. Hunt	G-16478
	G-16420
Hunt Oil Co.	G-16479
	G-16422
	G-18668
W. H. Hunt	G-17425
	G-16419
Inland Natural Gasoline	G-19992
McFarlin, E. B. & Ketchum, E. P.	G-13161
Northwest Prod. Corp.	G-16417
The Nueces Co. (Operator)	G-17165
Pan American Petroleum Corp.	G-19998
	G-16480
	G-20006
	G-16532
	G-16481
	G-20007
	G-20008
	G-20452
	G-16425
The Pure Oil Co.	G-17937
	G-16800
Redfern Oil Co.	G-18770
Robertson, French M., et al.	G-16535
Sohio Petroleum Co. (Operator), et al.	G-16477
Secure Trust	G-16424
Sinclair Oil & Gas Co.	G-14060
	G-16534
	G-19723
	G-18326
Cabot Corp. SW & Sinclair Oil & Co.	G-18844
	G-16537
Southern Union Prod. Co.	G-19483
Southland Royalty Co.	G-19727
Standard Oil Co. of Texas, a division of California Oil Co.	G-13187
	G-19664
	G-19583
	RI60-337
	G-14059
	G-19583
	RI60-164
Sun Oil Co.	G-12841
	G-16257
	G-12880
	G-16258
Sunray DX Oil Co.	G-19090
	G-13160
	G-16884
Tenneco Oil Co.	G-19728
Texaco Inc.	G-13155
	G-17159
	G-13162
	G-16536
	RI60-137
	G-13190
	G-16414
	G-14062
	G-16413
	RI60-132
	RI60-142
Tidewater Oil Co.	G-14185
	G-16259
	RI60-71
	G-14061
	RI60-70
	G-16260
Union Texas Petroleum, a division of Allied Chemical Corp.	G-16889
	G-18951
	G-16888
	G-18952
Warren Petroleum Corp.	G-12842
	G-16114
	G-18560
	G-15304
	G-18517
	G-15310
	G-18471
	G-18467
	G-15311

[F.R. Doc. 65-4677; Filed, May 4, 1965; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CUNARD STEAM SHIP CO., LTD. ET AL.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) 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 10 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.

In the matter of The Cunard Steam Ship Co., Ltd., Thos. & Jno. Brocklebank, Ltd., Port Line Ltd., Det Forenede Dampskibs Selskab A/S (Cunard London Service Joint Service).

Notice of agreement filed for approval by:

Thomas K. Roche, Esq.,
Haight, Gardner, Poor & Havens,
80 Broad Street,
New York, N.Y., 10004.

Agreement 8940–1, between the carriers comprising the "Cunard London Service" joint service, modifies the approved agreement of that joint service (Agreement 8940) which presently covers only the eastbound trade from U.S. South Atlantic and Gulf ports (Morehead City, N.C., to Brownsville, Tex., inclusive) to Bristol Channel ports, and ports on the South and East Coasts of the United Kingdom, including the port of London. The purpose of this modification is to provide for the operation of the joint service in both directions, eastbound and westbound, between the two ranges of ports described above.

Dated April 30, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65–4698; Filed, May 4, 1965; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VII (PUERTO RICO AND VIRGIN ISLANDS)

Redelegation of Authority With Respect to Public Facility Loans Program and Accelerated Public Works Program; Ratification

1. The Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands), is hereby authorized:

(a) To enter into or amend or modify contracts involving public facility loans under section 202 (a)–(d) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492 (a)–(d));

(b) To enter into or amend or modify contracts involving grants-in-aid under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e)).

2. Acts consistent with paragraph 1(b) of this redelegation taken by the Regional Director of Community Facilities, Region VII, between October 24, 1962, and the effective date of this redelegation are hereby ratified and effective as if authorized on the date taken.

This redelegation supersedes the redelegation effective May 17, 1962 (27 F.R. 4721, May 17, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Acting Housing and Home Finance Administrator's delegation effective Oct. 24, 1962 (27 F.R. 10598, Oct. 31, 1962))

Effective as of the 5th day of May 1965.

JOSE E. FEBRES SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 65–4687; Filed, May 4, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W–2735]

AUDITRON RADIO CORP.

Order Correcting Date for Filing Notice and for Hearing

APRIL 29, 1965.

This matter involves the question whether to vacate or make permanent the March 30, 1965, order of the Securities and Exchange Commission temporarily suspending a Regulation A exemption from registration under the Securities Act of 1933 with respect to a proposed public offering of stock by Auditron Radio Corp., 1209 Arch Street, Philadelphia, Pa.

In a further order of the Commission dated April 15, 1965, a hearing herein was scheduled to commence on May 25, 1965, in the Commission's Washington office. Subsequently, on request of company counsel, the date for commencement of the hearing was advanced to May 13, 1965.

It is ordered, That notice is hereby given of the advanced date for the hearing in this matter, and that the date for filing by any interested person of a request to be heard or otherwise to participate in the hearing is hereby advanced to May 10, 1965.

For the Commission, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–4663; Filed, May 4, 1965; 8:45 a.m.]

[01–20]

MENOMINEE ENTERPRISES, INC., AND TRUSTEES OF MENOMINEE COMMON STOCK AND VOTING TRUST

Notice of Application and Opportunity for Hearing

APRIL 28, 1965.

Notice is hereby given that Menominee Enterprises Inc. ("Enterprises") and the Voting Trustees of the Menominee Common Stock and Voting Trust (Voting Trustees) have filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order of the Commission exempting Enterprises and the Voting Trustees from the provisions of section 12(g) of the Act until the certificates of beneficial interest ("Voting Trust Certificates") issued under the Voting Trust become alienable (now January 1, 1966, and in the process of being extended to January 1, 1971). In the alternative, Enterprises and the Voting Trustees have requested other orders for relief. Exemption from section 12(g) will have the additional effect of exempting Enterprises and the Voting Trustees from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security of Enterprises or of the Voting Trustees from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of Enterprises and the Voting Trustees states, in part:

1. Enterprises is a Wisconsin corporation formed in February 1961, to receive from the United States Government and to operate extensive forest and other tribal properties pursuant to the Plan for the Future Control of Menominee Indian Tribal Property and Future Service Functions (the "Termination Plan") as negotiated between the Menominee Indian Tribe of Wisconsin ("Tribe"), Federal congressional committees, the Department of the Interior and its Bureau of Indian Affairs, and the Attorney General, Legislative Council and other public officers and agencies of the State of Wisconsin, in order to carry out the congressional policy of termination of Federal supervision over the property and members of the Tribe in accord with Public Law 399, 83d Congress.

2. The properties of Enterprises consist of the tribal lands and property held in trust by the Government of the United States at April 30, 1961, the date of termination of Federal supervision. In area this was approximately 365 square miles of land formerly known as the Menominee Indian Reservation and now constituting Menominee County of the State of Wisconsin. The land is principally forest land and the economy of the area is principally forestry. The properties also include a saw mill operated for many years by the Tribe under

Federal supervision. Enterprises was formed to assure conformity with the purpose that the valuable timber assets would be operated as a whole on the sustained-yield basis and thereby contribute as much as possible to employment and economic and living conditions in the area. This could not have been possible if the lands and assets had been fragmented by conveyance and distribution directly to tribal members.

3. Pursuant to the Termination Plan, the rights of tribal members in Enterprises were evidenced initially by $9,538,346.96 of 4 percent income bonds due December 1, 2000, and 327,000 shares of common stock, $1 par value per share, which represent the only securities which it has had or expects to have outstanding. All 327,000 shares of the common stock were issued by Enterprises in 1961 directly to the Voting Trustees elected by the Tribe. The Voting Trustees in turn then issued certificates of beneficial interest ("Voting Trust Certificates") to the 3,270 members of the Tribe (1954 tribal role) or their heirs.

4. The board of directors of Enterprises consists of nine persons of whom four are required to be tribal members. They are elected by the Voting Trustees as holders of all outstanding common stock. The seven Voting Trustees, of whom four are required to be tribal members, are elected for 7-year, staggered terms (one each year) at the annual meeting of holders of the Voting Trust Certificates, with vacancies being filled by the remaining Voting Trustees. All Voting Trust Certificates are now restricted as to alienability until January 1, 1966.

5. It is intended and expected that the restrictions on alienation of the Voting Trust Certificates will be extended for 5 years and will expire January 1, 1971. Such extension has already been authorized by the required vote of the holders of a majority of the Voting Trust Certificates (obtained in January 1965), and by the required concurrence of the Wisconsin Department of Securities under section 189.07(23) of the Wisconsin Statutes. The 1965 Wisconsin Legislature is now in session and is expected to approve the necessary extension of the prior 5-year limit on restriction on alienability.

6. Enterprises and the Voting Trustees furnish full information on its business operations to holders of the Voting Trust Certificates by transmitting an annual report to them. This information is also fully available to the numerous public bodies of the State of Wisconsin who have concern with the success of Enterprises. The financial and business affairs of Enterprises are under continuous and close scrutiny by interested public authorities in Wisconsin.

7. Enterprises and the Voting Trustees have waived a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting an exemption under section 12 (h) from the provisions of section 12(g) of the Act, to expire 60 days prior to the date upon which the Voting Trust Certificates become alienable, may be issued by the Commission at any time on or after May 19, 1965, unless prior thereto a hearing upon the application is ordered by the Commission upon request or upon its own motion. Any interested person may, not later than May 17, 1965, at 5:30 p.m., e.d.s.t., in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitted such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

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

[F.R. Doc. 65-4664; Filed, May 4, 1965; 8:45 a.m.]

[812-1776]

REGISTERED EXCHANGE FUND, INC.

Notice of Application for Order of Exemption

APRIL 29, 1965.

Notice is hereby given that Registered Exchange Fund, Inc. ("Applicant"), 122 East 42d Street, New York, New York, a Delaware corporation, and a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14 (a) of the Act. In substance, section 14 (a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,500,000 shares of common stock, $1.00 par value, to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of Applicant in a simultaneous exchange on a tax-free basis. The aggregate fair market value at the time of tender of securities deposited by an investor must be at least $2,500 in the case of deposited securities which are unrestricted stock and $20,000 in the case of deposited securities which are restricted stock, i.e. securities whose sale by the Fund may be limited by or subject to the registration provisions of the Securities Act of 1933. Restricted stock is expected to represent approximately 85 percent of the Fund's portfolio assets as of the exchange date. The exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least $3,500,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them. This registration statement has not yet become effective.

Notice is further given that any interested person may, not later than May 18, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-4665; Filed, May 4, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 764]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 30, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 531 (Sub-No. 186), filed April 13, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of American Cyanamid Co. located at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 730 (Sub-No. 251), filed April 16, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, lumber, commodities in bulk, and commodities requiring special equipment), between the junction U.S. Highway 99E and Oregon Highway 228, at Halsey, Oreg., and the junction old U.S. Highway 30 and Oregon Highway 201 at Ontario, Oreg., from junction U.S. Highway 99E and Oregon Highway 228, at Halsey, Oreg., over Oregon Highway 228 to junction U.S. Highway 20, at or near Sweet Home, Oreg., thence over U.S. Highway 20 to junction Oregon Highway 201, at or near Cairo, Oreg., thence over Oregon Highway 201 to junction old U.S. Highway 30 at Ontario, Oreg., and return over the same route, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points and serving the termini for purposes of joinder only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 2392 (Sub-No. 39), filed April 12, 1965. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer*, in bulk, in tank vehicles, from the plant site of Consumers Cooperative Association located at or near Fort Dodge, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 13261 (Sub-No. 4), filed March 10, 1965. Applicant: FRED L. SCHUMACHER, doing business as EXCELLO TRANSPORTATION COMPANY, 2309 DeKalb Street, St. Louis, Mo. Applicant's attorney: Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in St. Louis County, Mo., including St. Louis, and (2) between points in St. Louis County, Mo., on the one hand, and, on the other, Treloar and New Melle, Mo., and points within 12 miles of New Melle, Mo., and East St. Louis, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 13659 (Sub-No. 14), filed April 13, 1965. Applicant: PALMER TRANSFER, INC., Roger Mattes, receiver, Smith & Mill Streets, Dunmore, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, syrups, blends* and *mixtures of syrups* and/or *sugar*, in bulk, in tank vehicles, from the Town of Montezuma (Cayuga County), N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and *returned, refused*, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 80), filed April 15, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials, supplies and equipment* used in the manufacture, processing, distribution or sales of plastic articles (except commodities in bulk or those which because of size or weight require the use of special equipment), between points in Schuylkill County, Pa., north of Pennsylvania Highway 45 (except points located on Pennsylvania Highway 45) and points in Illinois, Indiana, Michigan, Ohio, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 29566 (Sub-No. 101), filed April 15, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Arkansas City, Kans., to Madison, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 32882 (Sub-No. 33), filed April 14, 1965. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 2300 Northwest 30th Avenue, Portland, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg., 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between points within 50 miles of Portland, Oreg., on the one hand, and, on the other, points in Oregon and Washington, and points in Nez Perce, Payette, Canyon, and Owyhee Counties, Idaho, (2) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points in Oregon, Washington, and Idaho, and that part of California within 150 miles of the Oregon-California State line, (3) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, (a) between points in Washington and Oregon, (b) between Seattle, Wash., on the one hand, and, on the other points in that part of Montana bounded by a line beginning at Great Falls and extending in a northerly direction by Whitlash to the international boundary line between the United States and Canada.

Thence in a westerly direction along the international boundary line to junction U.S. Highway 91, thence along U.S. Highway 91 to Great Falls, and (c) between points in Washington, on the one hand, and, on the other, points in Idaho and those in that part of Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 91 to the international boundary line between the United States and Canada, (4) *articles*,

each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts, and supplies moving in connection therewith, between points in Josephine, Jackson, Douglas, and Curry Counties, Oreg., on the one hand, and, on the other, points in that part of California north of a line beginning at Half Moon Bay, Calif., and extending east by Redwood City and Miami, Calif., to the California-Nevada State line, including the points named, (5) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between points in California on and north of U.S. Highway 50, on the one hand, and, on the other, points in Lake County, Oreg., (6) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between points in Lake County, Oreg., on the one hand, and, on the other points in Nevada on and west of U.S. Highway 95, (7) *articles* each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, from San Francisco, Sacramento, and Oakland, Calif., to Klamath Falls, Oreg., (8) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith.

(a) Between points in Lake and Klamath Counties, Oreg., and (b) between points in Lake and Klamath Counties, Oreg., on the one hand, and, on the other points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif., (9) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts, and supplies moving in connection therewith, between points in Klamath County, Oreg., on the one hand, and, on the other points in Del Norte, Humboldt, Modoc, and Siskiyou Counties, Calif., (10) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts, and supplies moving in connection therewith, between points in Deschutes, Harney, Jackson, and Malheur Counties, Oreg., on the one hand, and, on the other points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif.

NOTE: Applicant states it proposes to tack the foregoing authority to provide through service between the States set forth above. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 35396 (Sub-No. 32), filed April 15, 1965. Applicant: ARNOLD LIGON TRUCK LINE, INC., 332 Hood Avenue, Lebanon, Ky. Applicant's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Nashville, Tenn., and Paducah, Ky., from Nashville over U.S. Highway 41A to Clarksville, Tenn., thence over U.S. Highway 79 to junction Tennessee Highway 119 (at the Tennessee River), thence over Tennessee Highway 119 to the Tennessee-Kentucky State line, thence over Kentucky Highway 121 through Murray, Ky., and Mayfield, Ky., to junction U.S. Highway 45 north of Mayfield, thence over U.S. Highway 45 to Paducah, and return over the same route, serving Murray and Mayfield, Ky., as intermediate points, (2) between Murray and Benton, Ky., over U.S. Highway 641, serving no intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Paducah, Ky.

No. MC 35487 (Sub-No. 1), filed April 13, 1965. Applicant: TRY-ME TRANSFER & STORAGE COMPANY, a corporation, 1018 Second Avenue, Huntington, W. Va. Applicant's attorney: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston 32, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Cabell County, W. Va., and points in Johnson, Pike, and Floyd Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Huntington or Charleston, W. Va.

No. MC 48374 (Sub-No. 6), filed April 12, 1965. Applicant: FERNSTROM STORAGE AND VAN COMPANY, a corporation, Post Office Box 8801, Chicago 66, Ill. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, on the one hand, and, on the other, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) serving Texarkana, Oak Grove, Paris, Denison, Gainesville, Ringgold, Wichita Falls, Vernon, Childress, Shamrock, Canadian, Perryton, Stratford, and Texline, Tex., for the purpose of interline only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52465 (Sub-No. 29), filed April 16, 1965. Applicant: RICE TRUCK LINES, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Montana, North Dakota, South Dakota, and Minnesota, on the one hand, and, on the other, the ports of entry located on the international boundary line between the United States and Canada located in Montana, North Dakota, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 59150 (Sub-No. 18), filed April 16, 1965. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass, bronze, copper or stainless steel plate, sheet, strip, pipe and tubing*, from Jacksonville, Fla., to Moultrie, Ga., and *damaged and rejected material*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 59211 (Sub-No. 3), filed April 9, 1965. Applicant: GREAT GEE DISTRIBUTORS, INC., Constable Hook Road, Bayonne, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Bayonne, N.J., to points in Connecticut, and *returned and rejected commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 60251 (Sub-No. 6) (CLARIFICATION), filed March 25, 1965, published FEDERAL REGISTER issue April 14, 1965, and republished as clarified this issue. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, R.I. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass.

NOTE: Applicant presently holds authority in MC 60251 to transport household goods between New Bedford, Mass., *and points in Massachusetts within 15 miles of New Bedford, Mass.*, on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, Pennsylvania, Michigan, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, and the District of Columbia. The purpose of this application is to assure applicant that it can serve Otis Air Force Base, Falmouth, Mass., and also permit applicant

to serve that area of the Town of Falmouth, Mass., that is beyond the 15-mile radius of the corporate limits of the City of New Bedford, Mass. The purpose of this republication is to clarify the previously published note. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 61396 (Sub-No. 133), filed April 12, 1965. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and urea*, in bulk and in bags, from Nebraska City, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61403 (Sub-No. 124), filed April 8, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in processed form, in bulk, in tank vehicles, and hopper vehicles, from points in Unicoi County, Tenn., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 61403 (Sub-No. 126), filed April 19, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of American Cyanamid Co. at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 33), filed April 19, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *agricultural machinery parts*, from Memphis, Tenn., to points in Arkansas, Missouri, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Louisiana, Texas, Oklahoma, Virginia, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 62826 (Sub-No. 15), filed April 15, 1965. Applicant: CAROLINA-NORFOLK TRUCK LINE, INC., 2412 Broad Creek Road, Norfolk 2, Va. Applicant's attorney: Wilmer A. Hill, Suite 529, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of the Texas Gulf Sulphur Co., which lies approximately eight (8) miles from Aurora, N.C., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 64932 (Sub-No. 373), filed April 16, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Meredosia, Ill., to points in New Mexico and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65626 (Sub-No. 12), filed April 15, 1965. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, Fredonia, N.Y. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Chautauqua County, N.Y., to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 75185 (Sub-No. 253), filed April 12, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from points in Florida, to points in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 76052 (Sub-No. 25), filed April 19, 1965. Applicant: MONTEZUMA TRUCK LINES, INC., 7401 Birch Street, Commerce City, Colo. Applicant's attorney: Marion F. Jones, Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Field and garden seeds*, and *manufactured animal and poultry feeds*, from Denver, Colo., to points in San Juan County, N. Mex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 77005 (Sub-No. 3), filed April 13, 1965. Applicant: THE CORAOPOLIS TRANSFER AND STORAGE COMPANY, a corporation, First and Talbot Streets, Braddock, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron* and *steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, between Pittsburgh, Vandergrift, Donora, and Ellwood City, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 87379 (Sub-No. 5), filed April 16, 1965. Applicant: C. H. HOOKER TRUCKING CO., a corporation, R.F.D. No. 2, Uhrichsville, Ohio. Applicant's attorney: Robert T. Fitzsimons, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap*, in bulk, between Dennison, Gnadenhutten, and Uhrichsville, Ohio, on the one hand, and, on the other, Baltimore, Md.

NOTE: Applicant has an application pending to conduct operations as a contract carrier under Docket MC 126851. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 89723 (Sub-No. 36), filed March 1, 1965. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo., 63103. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis, Mo., 63103. By the instant application, applicant seeks removal of McGehee, Ark., as a key point in connection with its certificates wherein it is authorized to transport general commodities in its Certificates Nos. MC 89723 Subs 14, 15, and 4, which authorize regular-route operations between various points in the States of Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Tennessee, and Texas, as specifically set forth therein.

NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 92983 (Sub-No. 468), filed April 13, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Kansas City, Mo., and Kansas City, Kans., to points in Connecticut, Georgia, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 92983 (Sub-No. 469), filed April 16, 1965. Applicant: ELDON MILLER,

INC., Post Office Drawer 617, 531 Walnut Street, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Kansas to points in Arizona and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 99902 (Sub-No. 3), filed April 12, 1965. Applicant: DAVE'S MOTOR TRANSPORTATION, INC., Logan International Airport, East Boston, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Logan International Airport, Boston, Mass., on the one hand, and, on the other, points in Massachusetts and Rhode Island, restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air.

NOTE: Applicant states the above application is filed to permit applicant to continue an operation performed for many years as a "Proviso" carrier and as an exempt carrier of property incidental to transportation by air. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 102295 (Sub-No. 7), filed April 15, 1965. Applicant: GUY HEAVENER, INC., 28 School Lane, Harleysville, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and gravel*, from points in Bucks, Chester, and Lancaster Counties, Pa., Montgomeryville and White Haven, Pa., Baltimore, Md., and Harford County, Md., to points in Allen County, Ind., and (2) *coal*, from points in Mahoning County, Ohio, to points in Montgomery and Philadelphia Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 102682 (Sub-No. 246), filed April 19, 1965. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 851, Charleston, S.C. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition* and *explosives* and *component parts* thereof in the same vehicle therewith restricted against commodities which because of size or weight require the use of special equipment, from points in South Carolina to Charleston, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 103435 (Sub-No. 167), filed March 29, 1965. Applicant: UNITED BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cheyenne, Wyo., and Boise, Idaho, over U.S. Highway 30 and Interstate Highway 80N, serving no intermediate points, as an alternate route for operating convenience only, restricted against the transportation of traffic moving to or from points on applicant's presently authorized routes south of junction U.S. Highway 410 and U.S. Highway 395, located at or near Wallula, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 103880 (Sub-No. 337), filed April 14, 1965. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and ammoniating solutions*, in bulk, in tank vehicles, from the site of the plant of Southern Nitrogen Co., Inc., located at or near Fulton, Fulton County, Ind., to points in Illinois, Iowa, Ohio, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104654 (Sub-No. 138), filed April 14, 1965. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, Ill. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Indianapolis, Ind., and points within 20 miles thereof, to points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC105375 (Sub-No. 20), filed April 13, 1965. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer, ingredients, fertilizer materials, acids*, and *chemicals*, from East Dubuque, Ill., and points in Illinois within 10 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 105413 (Sub-No. 18), filed April 12, 1965. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway 275, Council Bluffs, Iowa. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer solutions*, in bulk, in tank vehicles, from the Consumers Cooperative Association plant located near Fort Dodge, Iowa to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105636 (Sub-No. 25) (AMENDMENT), filed April 7, 1965, published in the FEDERAL REGISTER issue of April 21, 1965, amended April 27, 1965, and republished as amended this issue. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, foods and food products) (1) from points in Connecticut, New Jersey, and New York within 35 miles of the Battery, New York, N.Y., to New York, N.Y., restricted to traffic (a) having an immediately subsequent movement by motor vehicle from New York, N.Y., to commercial piers in Jacksonville and Tampa, Fla., and (b) having an immediately subsequent movement by water from such commercial piers; and (2) from New York, N.Y., Chicago, Ill., and from points in New Jersey and those in Delaware and Pennsylvania within 25 miles of Philadelphia, Pa., including Philadelphia, to commercial piers in Jacksonville and Tampa, Fla., restricted to traffic having an immediately subsequent movement by water from such commercial piers.

NOTE: Such authority is exactly the same as that held by applicant under MC 105636 (Sub-No. 23), except that the destination points are commercial piers in Jacksonville and Tampa, Fla., instead of Miami. This authority is required by reason of the impending move of Coordinated Caribbean Transport, Inc. (referred to as C.C.T.) from its piers at Miami to piers at Tampa and Jacksonville. The proposed operation will be to continue the service which applicant has been providing for its shippers from the same points of origin to the piers of the said C.C.T. for export to the same foreign countries. The purpose of this republication is only to add commercial piers in Jacksonville, Fla. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106760 (Sub-No. 48), filed April 7, 1965. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bags, from Fulton,

Ill., to points in the upper peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107107 (Sub-No. 345), filed April 14, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458 Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, in temperature-controlled vehicles, from Palestine, Tex., and Hattiesburg, Miss., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107496 (Sub-No. 372), filed April 14, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulfur*, in bulk, from Marseilles, Ill., to Clinton, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108053 (Sub-No. 61), filed April 15, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed* by *meat packinghouses* as described in sections A, B and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Garden City, Kans., to points in California, Washington, Oregon, Idaho, Nevada, Arizona, Utah, New Mexico, and Colorado.

NOTE: Applicant states the above operation will be restricted to traffic originating at the plant site and/or storage facilities of Producer's Packing Co., located at or near Garden City, Kans. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109637 (Sub-No. 278), filed April 19, 1965. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of American Cyanamid Co. at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109746 (Sub-No. 6), filed April 20, 1965. Applicant: BLUE STREAK TRUCKING CO., a corporation, 629 Henry Street, Elizabeth, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, in mechanically refrigerated trailers equipped with meat tram rails, from New York, N.Y., and Elizabeth, N.J., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE: Applicant states that the proposed service will be under continuing contract with Forest Packing Co., of Elizabeth, N.J., and Ben Zeger Associates, Inc., of New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 87), filed April 16, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared, or preserved* (other than frozen), from points in Delaware and Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 110420 (Sub-No. 431), filed April 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, cider vinegar stock, fermented fruit juices, and wine*, in bulk, in tank vehicles, from Coloma, Fennville and Paw Paw, Mich., and New York, N.Y., to Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 432), filed April 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl lacquer*, in bulk, in tank vehicles, from Huntington, N.Y., to Milwaukee, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 127), filed April 15, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, fish oils* and/or *blends thereof*, from Chicago, Ill. to Elkland, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111397 (Sub-No. 70), filed April 19, 1965. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215 Katterjohn Building, Box 1284 Avondale Station, Paducah, Ky., 42002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111427 (Sub-No. 5), filed April 14, 1965. Applicant: ROBERT CURTIS, doing business as BOB CURTIS TRUCKING, Winner, S. Dak. Applicant's representative: R. W. Wigton, 710 Badgerow Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw green hides, salted and unsalted, scrap metal, including aluminum, brass, iron, steel and lead, inedible animal grease and tallow, unrendered*, in barrels, from Winner, S. Dak., to Omaha, Nebr.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 111545 (Sub-No. 74), filed April 16, 1965. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, 1600 1st Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, from Chattanooga, and Rockwood, Tenn., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Missouri, Minnesota, and Wisconsin.

NOTE: Applicant states in MC 111545 Sub 21 it holds authority on these commodities from and to these points when "in bulk, in open top vehicles". The purpose of this application is to remove said restriction. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 111670 (Sub-No. 2) (CORRECTION), filed March 23, 1965, published FEDERAL REGISTER, issue, April 14, 1965, and republished as corrected this issue. Applicant: ABEL TRUCKING CO., INC., 218 Washington Avenue, Carlstadt, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap* (except in bulk, in tank vehicles), from the plant site of Stepan Chemical Co., located at Fieldsboro, N.J., to points in Bergen, Hudson, and Essex Counties, N.J.; New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and Fairfield County, Conn.

NOTE: The purpose of this republication is to correctly show the commodity description as liquid soap (except in bulk, in tank vehicles). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 68), filed April 15, 1965. Applicant: ARMORED

CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packing materials and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Boston, Mass., on the one hand, and, on the other, points in Worcester County, Mass., subject to a prior or subsequent movement by air. Restriction: No service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 69), filed April 15, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bank checks, binders, checkbooks, drafts, registers, and other bank stationery*, (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio and West Virginia and points in Allegany County, Md., and (b) between Cleveland, Ohio, on the one hand and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa.; (2) *construction and mining equipment parts*, limited to shipments weighing no more than 75 pounds each, between Columbus, Ohio, on the one hand, and, on the other, Evansville, Ind., and Chicago, Ill.; (3) *checks, charge sales tickets, correction memoranda, deposit tickets, installment loan coupons, punchcards, punch paper tape, business papers, records and audit and accounting media* (excluding plant removals), (a) between Elida, Ohio, on the one hand, and, on the other, Anderson, Columbia City, Elwood, Gaston, Huntington, Marion, North Manchester, Shirley, and Upland, Ind., (b) between Lima, Ohio, on the one hand, and, on the other, Anderson, Columbia City, Elwood, Fort Wayne, Gaston, Huntington, Marion, North Manchester, Shirley, and Upland, Ind., and (c) between Cincinnati, Ohio, on the one hand, and, on the other, Mt. Lebanon, Pa.; (4) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Fort Wayne, Ind., on the one hand, and, on the other, Lansing, Mich., Aurora, Ill., and Dayton and Lima, Ohio. Restriction: The operations applied for herein are subject to the following restriction and condition: No service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. Applicant is also authorized to conduct operations as contract carrier in Permit No. MC 112750 and subs thereunder, therefore dual operations may be involved.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 111812 (Sub-No. 283), filed April 13, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Applicant's representative: William J. Walsh (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared*, and *preserved* (other than frozen), from Fruitland, Md., to points in Illinois, Wisconsin, Minnesota, Iowa, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112184 (Sub-No. 20), filed April 16, 1965. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, in shipper-owned tank vehicles, from Cleveland, Ohio, to points in Maryland and West Virginia.

NOTE: Applicant states that the above-proposed operation will be performed under continuing contract or contracts with Harshaw Chemical Corp. of Cleveland, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112520 (Sub-No. 118), filed April 14, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahasse, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112520 (Sub-No. 119), filed April 19, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co. at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 197), filed April 12, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Carrollton, Ky., to East Chicago, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112696 (Sub-No. 22), filed April 15, 1965. Applicant: HARTMANS, INCORPORATED, 833 Chicago Avenue, Harrisonburg, Va. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ranson, W. Va., to Winchester, Va.

NOTE: Applicant states it intends to tack the authority sought with its presently held certificate. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112697 (Sub-No. 5), filed April 19, 1965. Applicant: SAMUEL A. BRASFIELD, doing business as B & S Enterprises, 1727 Osborn Drive, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery and incidental component parts and attachments thereof* when moving at the same time for use thereon, from Memphis, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and West Virginia, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113271 (Sub-No. 23), filed April 16, 1965. Applicant: CHEMICAL COMPANY, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, fertilizer ingredients, and fertilizer solutions*, from Cheyenne, Wyo., and points within 10 miles thereof, to points in Nebraska, Colorado, Kansas, North Dakota, South Dakota, Montana, Utah, Idaho, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113362 (Sub-No. 68), filed April 19, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Braddock and Lake City, Pa., to points in Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, South Dakota, and Fargo, N. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113678 (Sub-No. 127), filed April 14, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from Denison and Iowa Falls, Iowa, to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and Lincoln and Omaha, Nebr.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 113678 (Sub-No. 128), filed April 15, 1965. Applicant: CURTIS INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 113678 (Sub-No. 129), filed April 15, 1965. Applicant: CURTIS INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, foodstuffs, candy*, and *confectionery products*, from points in California, to points in Arizona, New Mexico, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113678 (Sub-No. 130), filed April 16, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I, *Descriptions in* Motor Carrier Certificates, 61 M.C.C. 209 (272–273), from points in Custer County, S. Dak., and points in Campbell County, Wyo., to points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 131), filed April 16, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from Greeley, Colo., to points in that part of Iowa on and west of U.S. Highway 169 (except Sioux City, Iowa, and its commercial zone).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 132), filed April 19, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from New York City, N.Y., and Washington, D.C., to Baltimore, Md., and Philadelphia, Pa.

NOTE: Applicant states that it intends to tack this authority with the authority held by it in MC 113678 Sub 7 (from Greeley, Colo., to New Haven, Conn., Savannah, Ga., Lexington, Ky., Boston, Mass., New York, N.Y., Knoxville, Tenn., and Washington, D.C.). If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 114045 (Sub-No. 177), filed April 16, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, film, or sheeting*, other than celluose, printed, or not printed, plate or sheet, flat or corrugated, self-supporting (rigid), in boxes or crates or in wrapped bundles or rolls, or in fibre drums, in vehicles equipped with mechanical refrigeration, from points in Dallas and Tarrant Counties, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115331 (Sub-No. 128), filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquetts and* (2) *wood chips, vermiculite, lighter fluid, and associated items used or useful in the preparation of barbecue*, from Burnside, Ky., to points in Michigan, Wisconsin, and Illinois on and north of U.S. Highway 36, and points in Indiana (except Indianapolis) on and north of U.S. Highway 36.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Washington, D.C.

No. MC 115331 (Sub-No. 129) filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk and in bags, from the plant sites of Darling & Co., located at Cedar Rapids, Iowa, and at or near Alpha, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 130), filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Barfield, Ark., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Mississippi, Kansas, Kentucky, Louisiana, Michigan, Missouri, Ohio, Oklahoma, Tennessee, and that part of Texas on and east of U.S. Highway 281 and on and north of U.S. Highway 87, and Wisconsin.

NOTE: Applicant states the above operation will be restricted against the transportation of nitrogen fertilizer solution from the site of storage and production facilities of the Allied Chemical Corp., at or near Blytheville, Ark., to points in Illinois, Mississippi, Missouri, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 115331 (Sub-No. 131), filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and urea*, in bulk, and in bags, from Nebraska City, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and *damaged and rejected shipments* of the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Omaha, Nebr.

No. MC 115331 (Sub-No. 132), filed April 21, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in St. Charles Parish, La., west of

the Mississippi River, to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115826 (Sub-No. 55), filed April 19, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, T.A., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Wisconsin, to points in Colorado, Iowa, Kansas, and Nebraska, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 115826 (Sub-No. 56), filed April 19, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, T.A., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fairmont and Winnebago, Minn., to points in Idaho, Oregon, Washington, California, Nevada, Utah, and Montana, and *damaged* and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115841 (Sub-No. 235), filed April 15, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Gadsden, Ala., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116325 (Sub-No. 24) (AMENDMENT), filed April 12, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished as amended this issue. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, including pipe, conduit, and tubing*, from points in Livingston County, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Indiana, Ohio, Michigan, West Virginia, and Wisconsin.

NOTE: The purpose of this republication is to add Wisconsin as a destination State. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 50), filed April 8, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Canned, prepared, or preserved foodstuffs*, from Orrville, Ohio, to New York, N.Y., and points in Bergen, Essex, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., and points in Nassau, Orange, Putnam, Rockland, and Westchester Counties, N.Y., and Augusta, Auburn, Gardner, Lewiston, Presque Isle, Waterville, and Westbrook, Maine; (B) *canned, prepared, or preserved foodstuffs*, from points in Florida to points in Michigan (Lower Peninsula only); and (C) *animal food*, from Woburn, Mass., to points in Indiana and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116771 (Sub-No. 1), filed April 19, 1965. Applicant: COUSINO'S BODY SHOP, INC., 5523 Secor Road, Toledo, Ohio. Applicant's attorney: Joe F. Asher, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged or disabled motor vehicles* and *replacement vehicles* in connection with the removal of said damaged or disabled motor vehicles, and *damaged or disabled house trailers*, by truckaway and towaway methods between Toledo, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Pennsylvania, and New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116815 (Sub-No. 5), filed April 14, 1965. Applicant: RONNIE WILLIAMS LTD., 756 Frances Street, Richmond, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, B.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, other than ordinary, and, in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots, and personal effects of attendants, trainers, and exhibitors*, between ports of entry on the international boundary line between the United States and Canada, located at or near Blaine, Sumas, and Lynden, Wash., on the one hand, and, on the other, points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117574 (Sub-No. 120), filed April 13, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment, machinery*, and *parts* from Vinton, Iowa, to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, North Carolina, West Virginia, Ohio, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 52), filed April 19, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Kansas City, Kans., and Kansas City, Mo., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Tennessee, and *damaged and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118022 (Sub-No. 3), filed April 13, 1965. Applicant: J. M. HIGHTOWER, doing business as HIGHTOWER BROKERAGE COMPANY, a corporation, Post Office Box 216, Winfield, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Birmingham, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 118776 (Sub-No. 8), filed April 16, 1965. Applicant: C. L. CONNORS, INC., Post Office Box 712, Quincy, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, from Quincy, Ill., to points in Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 134459, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 119507 (Sub-No. 15), filed April 19, 1965. Applicant: CRAUN TRANSPORTATION, INC., Emma, Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* and *limestone products*, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119741 (Sub-No. 14) (AMENDMENT), filed March 12, 1965, published in FEDERAL REGISTER issue of April 1, 1965, amended April 22, 1965, and republished as amended this issue. Applicant: GREEN FIELD TRANSPORT

COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses*, and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (766) (except hides and liquid commodities, in bulk, in tank vehicles), from Garden City, Kans., and points within 10 miles thereof, to points in Iowa, Illinois, Indiana, Ohio, Missouri, Nebraska, Georgia, Alabama, and Florida.

NOTE: The purpose of this republication is to add Georgia, Alabama, and Florida as destination States. If a hearing is deemed necessary, applicant requests it be held at Wichita or Kansas City, Kans.

No. MC 119767 (Sub-No. 71), filed April 15, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, requiring refrigeration, from New Albany, Ind., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (Sub-No. 72), filed April 15, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Sterling and Rock Falls, Ill., to points in Minnesota and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119848 (Sub-No. 8), filed April 12, 1965. Applicant: KENISON TRUCKING, INC., Post Office Box 324, 1975 South, 1045 West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, natural, quarried, nonprocessed, sawed, guillotined, polished, terrazzo, flag, crushed, marble, slate, cast, and ornamental building blocks, and used bricks, between points in Utah and points in California, with stop in transit privilege for partial loading or unloading in Nevada.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115504, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 119934 (Sub-No. 93), filed April 19, 1965. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 Fifteenth Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co., located at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123157 (Sub-No. 9), filed April 12, 1965. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz., 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in sacks, and in bulk, from Rillito and Clarkdale, Ariz., to the port of entry on the International Boundary line between the United States and Mexico at or near Nogales, Ariz., on traffic destined to Mexico, and *contaminating or rejected shipments* of the named commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 123310 (Sub-No. 4), filed April 14, 1965. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. Applicant's attorney: Ward A. White, Post Office Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal* and *poultry feed*, in bulk and in sacks, from Denver, Colo., to points in Fremont, Campbell, Natrona, Sheridan, Johnson, and Converse Counties, Wyo., and points in Yellowstone and Big Horn Counties, Mont., and *exempt agricultural commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 123393 (Sub-No. 61), filed April 15, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Columbus, Ohio, to points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and Missouri.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123393 (Sub-No. 62), filed April 15, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Braddock and Lake City, Pa. to points in Missouri and Iowa.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 123579 (Sub-No. 2), filed April 13, 1965. Applicant: HARBOURT AIR FREIGHT SERVICE, INC., Mercer County Airport, West Trenton, N.J. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Philadelphia International Airport, Philadelphia, Pa., La Guardia Airport, and Kennedy International Airport, New York, N.Y., and Newark Municipal Airport, Newark, N.J., on the one hand, and, on the other, Neshanic, N.J., and points in that part of Hunterdon and Warren Counties, N.J., on and south of U.S. Highway 22, restricted to traffic moving and immediately prior or immediately subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 123952 (Sub-No. 7), filed April 13, 1965. Applicant: RENTAR TRUCKING, INC., 89–89 Union Turnpike, Glendale 27, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *materials, supplies, equipment, and fixtures* in the operation of such stores, between New York, Carle Place, West Islip, Huntington, Nanuet, Lawrence, Scarsdale, and Port Chester, N.Y.; North Brunswick, Watchung, Audubon, Trenton, West Orange, and Paramus, N.J.; Hartford, and Trumbull, Conn.; Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa.; Towson, Glen Burnie, Baltimore, and Rockville, Md., and Baileys Crossroads, Va.

NOTE: The applicant states the above-proposed operations will be under a continuing contract, or contracts with E. J. Korvette, Inc., of New York, N.Y. Applicant further states that it will consent to the cancellation of its presently held authority under Permit MC 123952, Sub 6, if the above is granted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123972 (Sub-No. 9), filed April 16, 1965. Applicant: LEO J. UMERLEY, INC., Box 373 H, R.F.D. No. 2, Baltimore, Md., 21206. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk and in bags, from Baltimore and White Marsh, Md., to points in Cumberland, Montgomery, Dauphin, Bucks, and Philadelphia Counties, Pa.; (2) *salt*, in

bulk, from Baltimore, Md., to White Marsh, Md.; and (3) *salt*, in bags, from White Marsh, Md., to points in Delaware, points in Adams, Berks, Chester, Dauphin, Delaware, Lancaster, and York Counties, Pa., points in that part of Virginia on, north and east of a line formed by the James River from Norfolk to Richmond, thence over U.S. Highway 250 to the Virginia-West Virginia State line, and the District of Columbia.

NOTE: Applicant states that the above proposed operation will be performed under a continuing contract or contracts with Watkins Salt Co., Watkins Glen, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 136), filed April 15, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions*, and *fertilizer materials*, in bulk and in bags, from Erie, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124123 (Sub-No. 24), filed April 13, 1965. Applicant: SCHWERMAN TRUCKING CO., OF ILLINOIS, INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Oregon, Ill., to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124692 (Sub-No. 12), filed April 15, 1965. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont., 59801. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 279, and *pulpboard, hardboard, insulating, padding, and cushioning materials*, and *accessories* for the installation thereof, from points in Michigan, Illinois, Wisconsin, Minnesota, and North Dakota, to points in Montana and Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 124951 (Sub-No. 9), filed April 16, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's attorney: Robert M. Pearce, 221 Saint Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* and *junked batteries*, from Henderson, Ky., and Evansville, Ind., to points in Arkansas, Illinois, Indiana, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 119309, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126069 (Sub-No. 1), filed April 15, 1965. Applicant: JOE L. LANGER, 924 West Avenue F, Muleshoe, Tex. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Houses* and *other structures* not knocked down, intact or in sections and (2) *retired box cars* by use of special equipment such as pole trailers, skids, and dollies, etc., between points in Texas west of U.S. Highway 83, and points in New Mexico east of U.S. Highway 85.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., Lubbock, Tex., Roswell, N. Mex., or Albuquerque, N. Mex.

No. MC 126094 (Sub-No. 3), filed April 13, 1965. Applicant: ARTHUR TROTZKE, Post Office Box 128, Farmersburg, Ind. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber and scaled logs*, from points in Illinois and Indiana, to points in Ohio.

NOTE: Applicant states that the proposed service is to be for account of National Lumber Co. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126113 (Sub-No. 1), filed April 15, 1965. Applicant: ALEXANDER CLARK, doing business as ALRAY TRUCK LINES, R.F.D. No. 5, Hendersonville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in processed form, in bulk, and in bags, from Erwin, Tenn., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Texas (excluding Houston, Tex., and points within fifty (50) miles of Houston), Virginia and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., Charlotte, N.C., or Washintgon, D.C.

No. MC 126123 (Sub-No. 1), filed April 16, 1965. Applicant: HARRY FELTON, doing business as FELTON & TENNY, Post Office Box 597, Kodiak, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission and Classes A and B explosives), between points on Kodiak Island, Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kodiak, Alaska.

No. MC 126174 (Sub-No. 1), filed April 13, 1965. Applicant: TURNPIKE TRUCKING INC., 51 West Hills Road, Huntington Station, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay conduit*, not lined and without bell ends, from Huntington Station, N.Y., to points in Nassau and Suffolk Counties, N.Y., restricted to traffic having prior movement by railroad under continuing contract with Nateo Corp., Pittsburgh, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126190 (AMENDMENT), filed April 10, 1964, published FEDERAL REGISTER issue, April 29, 1964, and republished as amended this issue. Applicant: SAN DIEGO COUNTY TRANSFER AND STORAGE, a corporation, doing business as LA MESA TRANSFER AND STORAGE, 8336 Case Street, La Mesa, Calif. Applicant's attorney: Donald Murchison, Suite 211 Allen Paris Building, 211 South Beverly Drive, Beverly Hills, Calif., 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Diego and Orange Counties, Calif., in traffic having a prior or subsequent out-of-State movement.

NOTE: The purpose of this republication is to change the territorial description to read: Between points in San Diego and Orange Counties, Calif., in traffic having a prior or subsequent out-of-State movement. If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 126899 (Sub-No. 8), filed April 16, 1965. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Peoria, and Belleville, Ill., to Bowling Green, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126899 (Sub-No. 9), filed April 16, 1965. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. Applicant's attorney: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky., 4061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Evansville, Ind., and Belleville, Ill., to Clarksville, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126938 (AMENDMENT), filed February 8, 1965, published in FEDERAL REGISTER issue of February 25, 1965, amended April 19, 1965, and republished as amended this issue. Applicant: BUILDERS EXPRESS, INC., Post Office Box 685, Meridian, Miss. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Buildings, complete*, knocked down or in sections, including *all component parts, materials, supplies*, and *fixtures*, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, between points in Ohio, on the one hand, and, on the other, points in Alabama, Georgia, Florida, Louisiana, Mississippi, and South Carolina.

NOTE: The purpose of this republication is to add South Carolina as a destination State. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126939, filed February 7, 1965. Applicant: W. GRAY BRAXTON, doing business as GRAY BRAXTON TRUCKING CO., Post Office Box 186, Cottondale, Fla. Applicant's attorney: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer, feed, seeds*, and *processed fertilizer*, said fertilizer to be transported in bags only (no fertilizer solutions), between points in Florida, points in Alabama on and southeast of Interstate Highway 65, beginning at Mobile, Ala., and extending to Montgomery, thence on and southeast of Interstate Highway 85 to the Alabama-Georgia State line, and points in Georgia on and southeast of Interstate Highway 85 extending from the Alabama-Georgia State line to Atlanta, Ga., and on and south of Interstate Highway 20 extending to Augusta, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 127089, filed March 22, 1965. Applicant: RAVENS-METAL PRODUCTS, INC., Route 2 North, Box 1385, Parkersburg, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured by Ravens-Metal or its affiliated companies, *commodities* purchased to be used in manufacture, or any *commodities* used in conducting its business, including but not limited to aluminum sheet, plate, extrusion, pipe, bar, tires, axles, suspensions, wheels, hoists, iron and steel articles as contained in Appendix V, building materials as contained in Appendix VI, electrical appliances, equipment, and parts, as contained in Appendix VII, and road construction machinery and equipment as contained in Appendix VIII, to *Descriptions in Motor Carrier Certificates*, Ex Parte MC–45, 61 M.C.C. 209, and 766, pintle hooks, turntables, self-contained power units, aluminum furniture, aluminum buildings, or portions thereof, truck trailers, truck bodies, boxes, chassis, parts and equipment, machinery, equipment, parts, materials and supplies, machinery or articles which because of size or weight require special equipment or special handling and any other items necessary from suppliers to Ravens-Metal or any of its affiliated companies, between Shinnston, Ellenboro, Parkersburg, and Elizabeth, W. Va., and Strasburg, Ohio, on the one hand, and on the other, points in Arkansas, Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Applicant states the above transportation service will exclude commodities of unusual value and explosives. If a hearing is deemed necessary, applicant requests it be held at Parkersburg, W. Va.

No. MC 127127, filed April 7, 1965. Applicant: JAMES MURPHY AND THOMAS MURPHY, a partnership, 8459 Veree Road, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk and commodities requiring special equipment), between Williamstown Junction, N.J., on the one hand, and, on the other, points in Camden County, N.J., Philadelphia, Bucks, Chester, Delaware, Montgomery Counties, Pa., and New Castle, Del.

NOTE: Applicant states that the above-proposed operation will be under contract with Gustin-Bacon Manufacturing Co. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127156, filed April 12, 1965. Applicant: E. J. BRADLEY, doing business as ED'S FUEL AND TRANSFER, Post Office Box 139, Wrangell, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value), between points on Wrangell Island, Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wrangell, Alaska.

No. MC 127157, filed April 12, 1965. Applicant: C. THOMAS UMBERTO, doing business as C. & E. TRUCKING AND MOVING CO., 49–51 Downing Street, New York, N.Y. Applicant's attorney: Joseph A. Monica, 15 William Street, New York 5, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial furniture and banking equipment*, between New York City, N.Y., and Morristown, Morris Plains, Newark, Paterson, Orange, West Orange, East Orange, South Orange, New Brunswick, and Metuchen, N.J.

NOTE: Applicant states the proposed service to be under contract with Dancher & Sellew, Inc., 267 Broadway, New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127159, filed April 13, 1965. Applicant: STANDARD TRUCKING CO., INC., Post Office Box 93, Bay Minette, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, South Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plant site of Standard Furniture Manufacturing Co., located at Bay Minette, Ala., to points in the United States (including the District of Columbia), but (excluding points in Hawaii and Alaska), and *equipment, materials, and supplies used in the manufacture and distribution* of new furniture, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile or Birmingham, Ala.

No. MC 127161 (CORRECTION), filed April 9, 1965, published FEDERAL REGISTER issue April 28, 1965, and republished as corrected this issue. Applicant: KENNETH W. HULME AND DONALD A. HULME, a partnership, doing business as HULME PRODUCE, Hagerman, Idaho.

NOTE: The purpose of this republication is to correctly show applicant's Docket No. as *MC 127161*. Previous publication indicated the number as MC 12761 in error.

No. MC 127164, filed April 16, 1965. Applicant: ELMER MILLER, doing business as MILLER TRUCKING CO., Archbold, Ohio. Applicant's attorneys: A. Charles Tell, 44 East Broad Street, Columbus, Ohio, 43215 and Owen Rice, Archbold, Ohio, 43502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, cinders, slag, coated aggregates, dirt, fertilizer, salt*, and *such similar commodities* as are susceptible of being unloaded by dumping, in dump trucks, between points in Fulton and Henry Counties, Ohio, on the one hand, and, on the other, points in that part of Indiana bounded by a line commencing at the Ohio-Indiana State line, thence over U.S. Highway 36 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line and points in that part of Michigan bounded by a line commencing at the Ohio-Michigan State line thence over U.S. Highway 23 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 27, thence over U.S. Highway 27 to the Michigan-Indiana State line, including service to points on the above-specified highways.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127170, filed April 15, 1965. Applicant: TRUCK RENTAL COMPANY, a corporation, Route 1, Argyle, Iowa. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides, fungicides*, and *herbicides*, in bags, (1) from Omaha, Nebr., to points in South Dakota, Minnesota, and Iowa; and (2) from El Paso, Ill., to points in Iowa, Missouri, Minnesota, Wisconsin, Michigan, Ohio, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127172, filed April 19, 1965. Applicant: PHILIP MARGOLIES, doing

business as BI-STATE CARRIERS, 140 Clyde Street, Evanston, Ill., 60202. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage, including all personal effects of children and/or adults* while going to or from camp or while at camp, (1) between Chicago, Ill., on the one hand, and, on the other, points in Michigan, Minnesota, and Wisconsin, and (2) between points in Michigan, Minnesota, and Wisconsin.

NOTE: Applicant states the proposed operations will be seasonal between May 1 and October 30 both inclusive, of each year. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127182, filed April 16, 1965. Applicant: GENE WANGERIN, Stephenson, Mich. Applicant's attorney: Wilfred J. Hupy, County Courthouse, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and wooden posts and wooden post products*, limited to serving the Dowell Corp., Ingalls, Mich., under continuing contracts, from Ingalls, Mich., to points in Wisconsin, Illinois, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 127183, filed April 16, 1965. Applicant: R. A. BENTIN, doing business as NEW ORLEANS FREIGHT DISTRIBUTORS, 2027 St. Louis Street, New Orleans, La. Applicant's attorney: Wood Brown, 804–811 National Bank of Commerce Building, New Orleans, La., 70112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within the New Orleans commercial zone, including New Orleans, La.

NOTE: Applicant states he proposes to contract to deliver shipments to members of a nonprofit shippers association formed pursuant to exemption provided in section 402 (c) of the Interstate Commerce Act. Applicant believes his activity is not within the purview of said act and if the Commission so finds, applicant respectfully requests that this application be dismissed for lack of jurisdiction. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 371), filed April 16, 1965. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Pryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Elizabeth, N.J., and Borough of Richmond (Staten Island), New York, N.Y.: from Elizabeth over New Jersey Highway 439 and Goethals Bridge to Staten Island, N.Y., and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently has authority to operate over the above stated route in Certificate MC 3647 Sub 356 but is restricted as follows: "Restricted against the transportation of passengers who originate at Elizabeth, N.J., and are destined to Staten Island, N.Y., or who originate at Staten Island, N.Y., and are destined to Elizabeth, N.J." The purpose of this application is to eliminate the above described restriction. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 67657 (Sub No. 2), filed January 25, 1965. Applicant: WHITE MOUNTAIN PASSENGER LINES, INC., Post Office Box 466, Show Low, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers. *Regular routes*: (1) between Show Low, Ariz., and St. Johns, Ariz.; from Show Low over U.S. Highway 60 to junction Arizona Highway 61, thence over Arizona Highway 61 to St. Johns and return over the same route, serving the intermediate points of Concho, Cedar Ridge, Show Low Pines, and Park Show Low, Ariz.; (2) between Springerville, Ariz., and the Arizona-New Mexico State line, over U.S. Highway 60, serving all intermediate points; (3) between McNary, Ariz., and Eager, Ariz., over Arizona Highway 73, serving all intermediate points; (4) between junction Arizona Highways 73 and 373 and Greer, Ariz., over Arizona Highway 373, serving all intermediate points; (5) between Springerville, Ariz., and Alpine, Ariz., over U.S. Highways 180 and 666 (formerly U.S. Highway 260), serving the intermediate point of Nutrioso, Ariz.; (6) between Show Low, Ariz., and Payson, Ariz.; from Show Low over Arizona Highway 77 to junction Arizona Highway 277, thence over Arizona Highway 277 to junction Arizona Highway 160, thence over Arizona Highway 160 to Payson and return over the same route, serving the intermediate points of Taylor, Snowflake, Snowflake Highlands, Forest Towne, Christopher Creek, and Kohls Ranch, Ariz.; (7) between junction unnumbered highway and Arizona Highway 277 and the Southwest Forest Industries Pulp Mill, over unnumbered highway, serving all intermediate points; (8) between Holbrook, Ariz., and junction unnumbered county road and Arizona Highway 277; from Holbrook over Arizona Highway 77 to junction unnumbered county road three (3) miles south of Holbrook, thence over unnumbered county road to junction Arizona Highway 277 eight (8) miles east of Heber, Ariz., and return over the same route, serving all intermediate points; (9) between Snowflake, Ariz., and Heber, Ariz., over Arizona Highway 277, serving all intermediate points; and (10) between Show Low, Ariz., and Heber, Ariz., over Arizona Highway 160, serving the intermediate points of Linden, Pinedale, Clay Springs, Aripine, and Overgaard, Ariz.; (B) *passengers and their baggage*, in special or charter operations. *Irregular routes:* between points in Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 123916 (Sub-No. 10), filed April 13, 1965. Applicant: GROVE CITY BUS LINES, INC., R.D. No. 4, Grove City, Pa. Applicant's attorney: Philip M. Browning, Jr., 1515 Park Bldg., Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express*, in the same vehicle with passengers between Zelienople, Pa., and Butler, Pa.: from Zelienople over Pennsylvania Highway 68 to Butler, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

APPLICATIONS FOR WATER CARRIERS

No. W–431 (Sub-No. 11) (Sioux City and New Orleans Barge Lines, Inc.—extension—Arkansas River), filed April 19, 1965. Applicant: SIOUX CITY AND NEW ORLEANS BARGE LINES, INC., 5012 Telephone Road, Houston, Tex. Applicant's attorney: Harry W. Patterson, First City National Bank Building, Houston, Tex., 77002. Application filed April 19, 1965, for a revised certificate authorizing extension of its operations to include operation as a common carrier by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage (a) between ports and points along the Verdigris River and the Arkansas River and its tributaries, the Arkansas Post Canal, and the White River from the Arkansas Post Canal to its confluence with the Mississippi River, and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points applicant is presently authorized to serve along the Mississippi River from Grafton, Ill., to Port Sulphur, La., the Illinois Waterway; the Ohio River, the Monogahela River below Brownsville, Pa., and the Missouri River, including the ports and points applicant is presently authorized to serve.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30202 (Sub-No. 1), filed March 1, 1965. Applicant: BOSTON & TAUNTON TRANSPORTATION CO., a corporation, 200 Frontage Road, Boston, Mass. Applicant's attorney: Francis P. Barrett, 25 Bryant Avenue, East Milton (Boston), Mass., 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, com-

modities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Boston, and Danvers, Mass., (a) from Boston over Massachusetts Highway 1A to Danvers, (b) from Boston over U.S. Highway 1 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to Danvers, and (c) from Boston over Massachusetts Highway 107 to Salem, thence over Massachusetts Highway 1A to Danvers, and return over the same routes, (2) between Boston, and Haverhill, Mass., (a) from Boston over Massachusetts Highway 28 to junction Massachusetts Highway 125, thence over Massachusetts Highway 125 to Haverhill, and (b) from Boston over U.S. Highway 3 to Lowell, thence over Massachusetts Highway 110 to Haverhill, and return over the same routes, (3) between Boston, Mass., and Providence, R.I., (a) from Boston, Mass., over Massachusetts Highway 9 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 109, thence over Massachusetts Highway 109 to junction Massachusetts Highway 126, thence over Massachusetts Highway 126 to Massachusetts-Rhode Island State line.

Thence over Rhode Island Highway 126 to Providence, (b) from Boston, Mass., over Massachusetts Highway 1A to junction U.S. Highway 1, thence over U.S. Highway 1 to Providence, R. I., and (c) from Boston, Mass., over U.S. Highway 1 to junction Massachusetts Highway 152, thence over Massachusetts Highway 152 to Attleboro, thence over Massachusetts Highway 123 to junction U.S. Highway 1, thence over U.S. Highway 1 to Providence, R.I., and return over the same routes (4) between Boston, and New Bedford, Mass., (a) from Boston over Southeast Expressway to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction U.S. Highway 44, thence over U.S. Highway 44 to Taunton, thence over Massachusetts Highway 140 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 79, thence over Massachusetts Highway 79 to Fall River, thence over U.S. Highway 6 to New Bedford, (b) from Boston over Massachusetts Highway 3 to junction Massachusetts Highway 18, thence over Massachusetts Highway 18 to Bridgewater, thence over Massachusetts Highway 104 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 140, thence over Massachusetts Highway 140 to New Bedford, (c) from Boston over Massachusetts Highway 138 to Fall River, thence over U.S. Highway 6 to New Bedford and (d) from Boston over Massachusetts Highway 138 to Taunton, thence over Massachusetts Highway 140 to New Bedford, and return over the same routes.

NOTE: Serving all intermediate points and the off-route points within 5 miles of the above-specified routes. (5) between Boston, and Worcester, Mass. (a) from Boston over Massachusetts Highway 9 to Worcester, and (b) from Boston over U.S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Worcester, and return over the same routes, (6) between Providence, R.I., and Worcester, Mass. (a) from Providence, R.I., over Rhode Island Highway 146 to the Massachusetts-Rhode Island State line, thence over Massachusetts Highway 146 to Worcester, and (b) from Providence, R.I., over Rhode Island Highway 122 to the Massachusetts-Rhode Island State line, thence over Massachusetts Highway 122 to Worcester, Mass.; and return over the same routes.

NOTE: Serving all intermediate points and off-route points in Rhode Island and Massachusetts within five miles of the above-specified routes except those in Massachusetts west of the Commercial Zones of points located on Massachusetts Highway 12. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Potests to this application may be filed within 45 days instead of 30 days.

No. MC 38565 (Sub-No. 8), filed March 1, 1965. Applicant: HARRIS MOTOR EXPRESS, INC., Charles Town Road, Post Office Box 1288, Martinsburg, W. Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C., 467, commodities injurious or contaminating to other lading) between Charles Town, W. Va., and Cumberland, Md. (1) from Charles Town over West Virginia Highway 9 to Berkeley Springs, W. Va., thence over U.S. Highway 522 to Hancock, Md., and thence over U.S. Highway 40 to Cumberland, and return over the same route; (2) from Charles Town over West Virginia Highway 9 to junction West Virginia Highway 51, thence over West Virginia Highway 51 to Ridgeley, W. Va., and thence over city streets to Cumberland and return over the same route; (3) from Charles Town over West Virginia Highway 9 to Martinsburg, W. Va., thence over U.S. Highway 11 to Williamsport, Md., thence over Maryland Highway 63 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Cumberland, and return over the same route.

NOTE: Applicant states it will serve all intermediate points in connection with each of the above routes, and all off-route points in that part of West Virginia and Maryland within 60 miles of Cumberland, Md. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 38921 (Sub-No. 4), filed February 26, 1965. Applicant: NEEDHAM'S MOTOR SERVICE, INC., 860 North New York Avenue, Atlantic City, N.J. Applicant's attorney: H. Charles Ephraim, 1411 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Philadelphia, Pa., and Atlantic City, N.J.; (a) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 30 near Berlin, N.J., thence over U.S. Highway 30 to Atlantic City and return over the same route, serving all intermediate points; (b) from Philadelphia across the Delaware River to Camden, N.J., thence over Interstate Highway 295 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction U.S. Highway 322 near Williamstown, N.J., thence over U.S. Highway 322 to Atlantic City and return over the same route, serving all intermediate points; (c) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction Spur New Jersey Highway 536 near Berlin, N.J., thence over Spur New Jersey Highway 536 to junction New Jersey Highway 561 at Tansboro, N.J.

Thence over New Jersey Highway 561 to junction Spur New Jersey Highway 561, thence over Spur New Jersey Highway 561 to junction U.S. Highway 322 near Penny Pot, N.J. (also from junction Spur New Jersey Highway 561 and New Jersey Highway 54 near Folsom, N.J., over New Jersey Highway 54 to junction U.S. Highway 322), thence over U.S. Highway 322 to Atlantic City and return over the same route, serving all intermediate points; (d) from Philadelphia across the Delaware River to Camden, N.J., thence over Interstate Highway 295 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction New Jersey Highway 41, thence over New Jersey Highway 41 to junction New Jersey Highway 47, thence over New Jersey Highway 47 to junction New Jersey Highway 540 at Vineland, N.J., thence over New Jersey Highway 540 to junction U.S. Highway 40 at Richland, N.J., thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (e) from Philadelphia to junction New Jersey Highway 561 and Spur New Jersey Highway 561 as described in (c) above, thence over Spur New Jersey Highway 561 to junction New Jersey Highway 54, thence over New Jersey Highway 54 to Buena, N.J., thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; and (f) from Philadelphia to junction New Jersey Highway 73 and U.S. Highway 30 as described in (a) above, thence over U.S. Highway 30 to junction New Jersey Highway 50 near Egg Harbor City, N.J., thence over New Jersey Highway 50 to junction U.S. Highway 40 near Mays Landing, N.J., thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (2) be-

tween Philadelphia, Pa., and Millville, N.J.; (a) from Philadelphia across the Delaware River to Camden, N.J.

Thence over U.S. Highway 130 to junction New Jersey Highway 45, thence over New Jersey Highway 45 to junction New Jersey Highway 77 at Mulica Hill, N.J., thence over New Jersey Highway 77 to Bridgeton, N.J., thence over New Jersey Highway 49 to Millville and return over the same route, serving all intermediate points; (b) from Philadelphia to junction New Jersey Highways 45 and 77 at Mulica Hill, N.J., as described in (a) above, thence over New Jersey Highway 77 to junction U.S. Highway 40 near Pole Tavern, N.J., thence over U.S. Highway 40 to junction New Jersey Highway 47 near Malaga, N.J., thence over New Jersey Highway 47 to Millville (also from junction New Jersey Highway 77 and U.S. Highway 40 over U.S. Highway 40 to Buena, N.J., thence over unnumbered roads to Millville), and return over the same routes, serving all intermediate points; (c) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 30 near Berlin, N.J., thence over U.S. Highway 30 to Egg Harbor City, N.J., thence over New Jersey Highway 50 to junction New Jersey Highway 552 near Mays Landing, N.J., thence over New Jersey Highway 552 to Millville and return over the same route, serving all intermediate points; (3) between Philadelphia, Pa., and Bordentown, N.J.; (a) from Philadelphia across the Delaware River to Camden, N.J., thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; (b) from Philadelphia across the Delaware River to Camden, N.J., thence over New Jersey Highway 543 to junction U.S. Highway 130 near Burlington, N.J.

Thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; (c) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; (d) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction U.S. Highway 130 near Burlington, N.J., thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; and (e) from Philadelphia across the Delaware River to Camden, N.J., thence over New Jersey Highway 38 to junction Interstate Highway 295, thence over Interstate Highway 295 to Bordentown and return over the same route, serving all intermediate points; (4) between Vineland, N.J., and Bridgeton, N.J., over unnumbered highways, serving all intermediate points; (5) between Vineland, N.J., and Wildwood, N.J., over New Jersey Highway 47, serving all intermediate points; (6) between Millville, N.J., and Tuckahoe, N.J., over New Jersey Highway 49, serving all intermediate points; (7) between Mays Landing, N.J., and Seaville, N.J., over New Jersey Highway 50, serving all intermediate points; (8) between Cape May, N.J., and Atlantic City, N.J.; (a) from Cape May over U.S. Highway 9 to junction U.S. Highway 40.

Thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (b) from Cape May over New Jersey Highway 585 to junction U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; and (c) from Cape May over the Garden State Parkway to junction U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (9) between Clermont, N.J., and Townsend's Inlet, N.J.; from Clermont over U.S. Highway 9 to junction unnumbered highway, thence over unnumbered highways to Townsend's Inlet and return over the same route, serving all intermediate points; (10) between Bordentown, N.J., and Hammonton, N.J., over U.S. Highway 206, serving all intermediate points; and (11) between Buena, N.J., and Hammonton, N.J., over New Jersey Highway 54, serving all intermediate points; service is proposed in connection with all above-specified routes, (1) through (11) inclusive, to and from off-route points in that part of New Jersey bounded by a line beginning at Bordentown, N.J., and extending along the Delaware River shore to Camden, N.J., thence along New Jersey Highway 45 to junction New Jersey Highway 77, thence along New Jersey Highway 77 to Bridgeton, N.J., thence south along the Cohansey River to the Delaware Bay, thence along New Jersey shores of Delaware Bay and the Atlantic Ocean to Atlantic City, N.J., thence along U.S. Highway 30 to junction U.S. Highway 206, thence along U.S. Highway 206 to Bordentown and point of beginning.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 55889 (Sub-No. 21), filed April 15, 1965. Applicant: COOPER TRANSFER CO., INC., Post Office Box 426, Brewton, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery, Ala., 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Mobile, Ala., and Pensacola, Fla.; from Mobile over U.S. Highway 31 and 90 to Spanish Fort, Ala., thence over U.S. Highway 90 to junction Alternate U.S. Highway 90, thence over Alternate U.S. Highway 90 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 59264 (Sub-No. 35), filed March 1, 1965. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Applicant's representative: Robert DeKroyft, Woolworth Building, 233 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., and Washington, D.C.; (1) from New York over U.S. Highway 1 to New Brunswick, N.J., thence over U.S. Highway 130 to Delaware Memorial Bridge, thence over U.S. Highways 13 and 40 to Baltimore, Md., thence over the Baltimore-Washington Expressway to Washington, and (2) from New York over the above-specified routes in (1) above to the New Jersey Turnpike, and thence over the New Jersey Turnpike to the Delaware Memorial Bridge, thence over Interstate Highway 95 to Baltimore, Md., and thence over the Baltimore-Washington Expressway to Washington, and return over the same routes, serving all intermediate points and points in Hudson, Bergen, Passaic, Morris, Essex, Union, Somerset, Middlesex, Monmouth, Mercer, Burlington, and Camden Counties, N.J., points in Westchester and Nassau Counties, N.Y., and points in Bucks and Philadelphia Counties, Pa., and those in Pennsylvania within fifteen (15) miles of Philadelphia as off-route points.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 61502 (Sub-No. 4), filed March 1, 1965. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., Federal Shipyard, Kearny, N.J. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Newark, N.J., and Johnstown, Pa.; (a) from Newark over U.S. Highway 1 to Philadelphia, Pa.,

thence over U.S. Highway 30 to Bedford, Pa., thence over Pennsylvania Highway 56 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (b) from Newark over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence over New Jersey Highway 70 to Philadelphia, Pa., thence over Interstate Highway 76 (Pennsylvania Turnpike) to Exit 11 and junction Pennsylvania Highway 56 thence over Pennsylvania Highway 56 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (c) from Newark over the New Jersey Turnpike to Exit 4, thence over New Jersey Highway 73 to Philadelphia.

Thence as described above to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (d) from Newark over New Jersey Turnpike to Exit 3, thence over Interstate Highway 676 to Philadelphia, Pa., thence as described above to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (e) from Newark over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (f) from Newark over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 15 to junction U.S. Highway 22, thence over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (g) from Newark over New Jersey Turnpike to Pennsylvania Extension of the New Jersey Turnpike, thence over the New Jersey Turnpike Extension to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Bedford, Pa. (Exit 11), thence over U.S. Highway 30 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (h) from Newark over the New Jersey and Pennsylvania Turnpikes as above described, thence over the Pennsylvania Turnpike to Somerset, Pa. (Exit 10), thence over U.S. Highway 219 to Johnstown, and return over the same route, serving all intermediate points in Pennsylvania; in connection with (a) through (h) above, service is proposed to and from the off-route points of Pottstown, Reading, Myerstown, Richland, Lebanon, Hershey, New Cumberland, Marietta, Elizabethtown, Mount Joy, Landisville, Manheim, Lititz, Ephrata, Mount Holly Springs, Hanover, Kutztown, and Hamburg, Pa.; (2) between Bedford, Pa., and Johnstown, Pa.; from Bedford over U.S. Highway 30 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points; (3) between Newark, N.J., and Altoona, Pa.; (a) from Newark over River Road to junction New Jersey Highway 3.

Thence over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to Stroudsburg, Pa., thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Factoryville, Pa., thence over U.S. Highway 6 to Tunkhannock, Pa., thence over U.S. Highway 309 to Bowman Creek, Pa., thence over Pennsylvania Highway 29 to junction Pennsylvania Highway 118, thence over Pennsylvania Highway 118 to Hughesville, Pa., thence over U.S. Highway 220 to Altoona and return over the same route, serving all intermediate points in Pennsylvania; (b) from Newark to Stroudsburg, Pa., as described above, thence over Interstate Highway 80 to junction U.S. Highway 220, thence over U.S. Highway 220 to Altoona, and return over the same route serving all intermediate points in Pennsylvania; in connection with (a) and (b) above, service is proposed to and from the off-route points of Bellefonte, College Station, Milroy, Milton, Danville, Hazleton, Lansford, Nanticoke, Kingston, Blakely, Olyphnat, Throop, Dunmore, Old Forge, Pittston, Clarks Summit, Clarks Green, Moosic, Carbondale, Honesdale, Slatington, Lehighton, Jim Thorpe, Palmerton, Penn Argyl, Dickson City, Taylor, Duryea, Avoca, Ransom, Milwaukee, Pa., and Binghamton, N.Y.; (4) between junction U.S. Highway 22 and the Northeast Extension of the Pennsylvania Turnpike and Scranton, Pa., over the Northeast Extension of the Pennsylvania Turnpike, serving no intermediate points, as an alternate route for operating convenience only; (5) between junction Pennsylvania Turnpike and Northeast Extension of the Pennsylvania Turnpike and junction Northeast Extension of the Pennsylvania Turnpike and U.S. Highway 22, over the Northeast Extension of the Pennsylvania Turnpike, serving no intermediate points, as an alternate route for operating convenience only; (6) between junction U.S. Highway 22 and Pennsylvania Highway 61 north of Reading, Pa., and Sunbury, Pa., over Pennsylvania Highway 61, serving all intermediate points and the off-route points of Mahanoy City, Shenandoah, Catawissa, Danville, and Selinsgrove, Pa.

(7) Between Harrisburg, Pa., and Williamsport, Pa.; from Harrisburg over U.S. Highway 22 to Camp Hill, thence over U.S. Highway 15 to Williamsport, and return over the same route serving all intermediate points; (8) between Newark, N.J., and Philadelphia, Pa.; (a) from Newark over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, thence over the Benjamin Franklin Bridge to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J., (b) from Newark, to junction U.S. Highway 130 and Interstate Highway 680, thence over Interstate Highway 680 to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J.; (c) from Newark over U.S. Highway 1 to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J.; (d) from Newark over New Jersey Turnpike to Exit 4 thereof, thence over New Jersey Highway 73 to the Palmyra Bridge, thence over the Palmyra Bridge to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J.; (e) from Newark over New Jersey Turnpike to Exit 4 thereof, thence over New Jersey Highway 73 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to Camden, N.J., thence to Philadelphia as described above and return over the same route serving the intermediate points of Trenton and Camden, N.J.; (9) between Newark, N.J., and New York, N.Y.; (a) from Newark over U.S. Highways 1 and 9 to Jersey City, N.J., thence through the Holland Tunnel to New York, and return over the same route, serving no intermediate points; (b) from Newark over U.S. Highways 1 and 9 to Elizabeth Traffic Circle.

Thence over New Jersey Highway 439 to the Goethals Bridge, thence over the Goethals Bridge to New York, and return over the same route, serving no intermediate points; (c) from Newark over U.S. Highways 1 and 9 to North Bergen, N.J., thence over the underpass to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, and return over the same route, serving no intermediate points; (d) from Newark over U.S. Highways 1 and 9 to Fort Lee, N.J., thence over the underpass to the George Washington Bridge, thence over the George Washington Bridge to New York, and return over the same route, serving no intermediate points; (10) between Newark, N.J., and Albany, N.Y.; (a) from Newark over the New Jersey Turnpike to Exit 18 thereof, thence over U.S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to junction New York Thruway, thence over New York Thruway to Exit 23 thereof, thence over U.S. Highway 9W to Albany and return over the same routes, serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y., (b) from Newark over U.S. Highways 1 and 9 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany and return over the same route, serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y.,(c) from Newark over U.S. Highways 1 and 9 to the George Washington Bridge, thence over the George Washington Bridge to U.S. Highway 9, thence over U.S. Highway 9 to Albany and return over the same route, serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y., (d) from Newark over U.S. Highways 1 and 9 to junction U.S. Highway 9W.

Thence over U.S. Highway 9W to the Tappan Zee Bridge, thence over the Tappan Zee Bridge to junction U.S. Highway 9, thence over U.S. Highway 9 to Albany and return over the same route serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y.; (11) between Newark, N.J., and Binghamton, N.Y.; from Newark over the New Jersey Turnpike to Exit 18 thereof, thence over U.S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to Binghamton and return over

the same route, serving all intermediate points in New York; (12) between Newark, N.J., and Port Jervis, N.Y.; from Newark over the New Jersey Turnpike to Exit 18, thence over U.S. Highway 46 to Singac Circle, thence over New Jersey Highway 23 to junction U.S. Highway 6, thence over U.S. Highway 6 to Port Jervis and return over the same route, serving no intermediate points; (13) between Port Jervis, N.Y., and Hancock, N.Y., over New York Highway 97, serving all intermediate points; (14) between Port Jervis, N.Y., and Monticello, N.Y., over New York Highway 42 serving no intermediate points, as an alternate route for operating convenience only; (15) between Monticello, N.Y., and Narrowsburg, N.Y., from Monticello over New York Highway 17B to Fosterdale, N.Y., thence over New York Highway 52 to Narrowsburg and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (16) between Port Jervis, N.Y., and Newburgh, N.Y.; (a) from Port Jervis over U.S. Highway 6 to Goshen, N.Y.

Thence over New York Highway 207 to Newburgh and return over the same route, serving all intermediate points; (b) from Port Jervis over U.S. Highway 6 to junction New York Highway 17M, thence over New York Highway 17M to Chester, N.Y., thence over New York Highway 94 to Newburgh and return over the same route, serving all intermediate points; (17) between Newburgh, N.Y., and Bloomingburg, N.Y., over New York Highway 17K, serving no intermediate points, as an alternate route for operating convenience only; (18) between Port Jervis, N.Y., and Kingston, N.Y., over U.S. Highway 209, serving all intermediate points; (19) between Binghamton, N.Y., and Albany, N.Y.; from Binghamton over New York Highway 7 to Schenectady, N.Y., thence over New York Highway 5 to Albany, and return over the same route, serving all intermediate points; (20) between Deposit, N.Y., and Sidney, N.Y., over New York Highway 8, serving no intermediate points, as an alternate route for operating convenience only; (21) between Deposit, N.Y., and Delhi, N.Y., over New York Highway 10, serving no intermediate points, as an alternate route for operating convenience only; (22) between Delhi, N.Y., and Oneonta, N.Y., over New York Highway 28, serving no intermediate points, as an alternate route for operating convenience only; (23) between Delhi, N.Y., and Stamford, N.Y., over New York Highway 10 serving no intermediate points, as an alternate route for operating convenience only; (24) between Stamford, N.Y., and Oneonta, N.Y., over New York Highway 23, serving no intermediate points, as an alternate route for operating convenience only.

(25) Between Stamford, N.Y., and Richmondville, N.Y., over New York Highway 10, serving no intermediate points, as an alternate route for operating convenience only; (26) between Hancock, N.Y., and Margaretville, N.Y., from Hancock over New York Highway 17 to junction New York Highway 30, thence over New York Highway 30 to Margaretville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (27) between Margaretville, N.Y., and Phoenicia, N.Y., over New York Highway 28, serving no intermediate points, as an alternate route for operating convenience only; (28) between Margaretville, N.Y., and Delhi, N.Y., over New York Highway 28, serving no intermediate points, as an alternate route for operating convenience only; (29) between Margaretville, N.Y., and Middleburg, N.Y., over New York Highway 30, serving no intermediate points, as an alternate route for operating convenience only; (30) between Phoenicia, N.Y., and Boiceville, N.Y., over New York Highway 28 serving no intermediate points, as an alternate route for operating convenience only; (31) between Boiceville, N.Y., and Kingston, N.Y. (a) from Boiceville over New York Highway 28 to Kingston and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (b) from Boiceville over New York Highway 28A to junction New York Highway 28, thence over New York Highway 28 to Kingston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (32) between Liberty, N.Y., and Woodbourne, N.Y., over New York Highway 52, serving no intermediate points, as an alternate route for operating convenience only; (33) between Liberty, N.Y., and Narrowsburg, N.Y., over New York Highway 52, serving no intermediate points, as an alternate route for operating convenience only.

(34) Between Liberty, N.Y., and Callicoon, N.Y., from Liberty over New York Highway 52 to junction New York Highway 52A, thence over New York Highway 52A to Callicoon, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (35) between Newburgh, N.Y., and Ellenville, N.Y., over New York Highway 52, serving all intermediate points; (36) between Woodbourne, N.Y., and Ellenville, N.Y., over New York Highway 52 serving no intermediate points, as an alternate route for operating convenience only; (37) between Woodbourne, N.Y., and Monticello, N.Y., over New York Highway 42, serving no intermediate points, as an alternate route for operating convenience only; (38) between Phoenicia, N.Y., and Albany, N.Y.; from Phoenicia over New York Highway 214 to junction New York Highway 23A, thence over New York Highway 23A to junction New York Highway 32, thence over New York Highway 32 to Albany and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (39) between Saugerties, N.Y., and Stamford, N.Y.; from Saugerties over New York Highway 32A to junction New York Highway 23A, thence over New York Highway 23A to junction New York Highway 23, thence over New York Highway 23 to Stamford, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (40) between Catskill, N.Y., and Cairo, N.Y., over New York Highway 23, serving no intermediate points, as an alternate route for operating convenience only; (41) between Cairo, N.Y., and Stamford, N.Y., over New York Highway 23, serving no intermediate points, as an alternate route for operating convenience only; (42) between Cairo, N.Y., and Albany, N.Y., over New York Highway 32, serving no intermediate points, as an alternate route for operating convenience only; (43) between Catskill, N.Y., and Cobleskill, N.Y.; from Catskill over New York Highway 23 to junction New York Highway 32.

Thence over New York Highway 32 to junction New York Highway 145, thence over New York Highway 145 to Cobleskill, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (44) between Cobleskill, N.Y., and Middleburg, N.Y., over New York Highway 145 serving no intermediate points, as an alternate route for operating convenience only; (45) between Middleburg, N.Y., and Albany, N.Y., from Middleburg over New York Highway 30 to junction New York Highway 43, thence over New York Highway 43 to junction New York Highway 32, thence over New York Highway 32 to Albany and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (46) between Catskill, N.Y., and Great Barrington, Mass.; from Catskill over access roads to the Rip Van Winkle Bridge, thence across the Rip Van Winkle Bridge to New York Highway 23, thence over New York Highway 23 to the New York-Massachusetts State line, thence over Massachusetts Highway 23 to Great Barrington and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (47) between the junction of New York Thruway and the Massachusetts Extension of the New York Thruway and Exit 2 of the Massachusetts Turnpike (Interstate Highway 90), from the junction of the New York Thruway and the Massachusetts Extension of the New York Thruway over Interstate Highway 90 to Exit 2 of the Massachusetts Turnpike (Interstate Highway 90) and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (48) between Albany, N.Y., and Springfield, Mass.

(a) From Albany over U.S. Highway 20 to Springfield and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (b) from Albany over U.S. Highway 20 to Pittsfield, Mass., thence over Massachusetts Highway 8 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (49) between Scranton, Pa., and Binghamton, N.Y., from Scranton over U.S. Highway 6 to junction U.S. Highway 11, thence over U.S. Highway 11 to Binghamton and return over the same route, serving all intermediate points; (50) between

Scranton, Pa., and Narrowsburg, N.Y., from Scranton over U.S. Highway 6 to junction U.S. Highway 106, thence over U.S. Highway 106 to Narrowsburg and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (51) between Scranton, Pa., and Port Jervis, N.Y.; from Scranton over U.S. Highway 6 to Milford, Pa., thence over U.S. Highway 6 and 209 to Port Jervis and return over the same route serving all intermediate points; (52) between Stroudsburg, Pa., and Port Jervis, N.Y., over U.S. Highway 209, serving no intermediate points, as an alternate route for operating convenience only; (53) between Newark, N.J., and Boston, Mass.; (a) from Newark to New York, N.Y., as above-described, thence over U.S. Highway 1 to Boston, and return over the same route, serving all intermediate points; (b) from Newark to the Tappan Zee Bridge as above-described, thence over the Tappan Zee Bridge to Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 95.

Thence over Interstate Highway 95 to Providence, R.I., thence over U.S. Highway 1 to Boston, and return over the same route, serving all intermediate points; (c) from Newark as above-described to Interstate Highway 95, thence over Interstate Highway 95 to New London, Conn., thence over the Connecticut Turnpike to South Killingly, Conn., thence over U.S. Highway 6 to Fall River, Mass., thence over Massachusetts Highway 24 to Boston, and return over the same route, serving all intermediate points; (d) from Newark to Interstate Highway 95, as above-described thence over Interstate Highway 95 to New Haven, Conn., thence over U.S. Highway 5 to Hartford, Conn., thence over U.S. Highway 6 to junction U.S. Highway 44, thence over U.S. Highway 44 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston, and return over the same route, serving all intermediate points; (e) from Newark to Hartford, Conn., as above-described, thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, and return over the same route, serving all intermediate points; (f) from Newark to Springfield, Mass., as above-described, thence over U.S. Highway 5 to Northampton, Mass., thence over Massachusetts Highway 9 to Boston and return over the same routes, serving all intermediate points; (g) from Newark to Interstate Highway 95, as above-described, thence over Interstate Highway 95 to Norwalk, Conn., thence over U.S. Highway 7 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston, and return over the same route, serving all intermediate points; (54) between Danbury, Conn., and Hartford, Conn.; (a) from Danbury over U.S. Highway 6 to junction U.S. Highway 6A.

Thence over U.S. Highway 6A to Meriden, Conn., thence over U.S. Highway 5A to junction U.S. Highway 5, thence over U.S. Highway 5 to Hartford, and return over the same route, serving all intermediate points; (b) from Danbury over U.S. Highway 6 to Hartford, and return over the same route, serving all intermediate points; (55) between New London, Conn., and Providence, R.I.; from New London over Connecticut Highway 95 to the Connecticut-Rhode Island State line, thence over Rhode Island Highway 95 to Providence, and return over the same route, serving all intermediate points; (56) between East Hartford, Conn., and New London, Conn.; from East Hartford over Connecticut Highway 2 to junction Connecticut Highway 85, thence over Connecticut Highway 85 to New London, and return over the same route, serving all intermediate points; (57) between East Hartford, Conn., and Jewett City, Conn.; from East Hartford over Connecticut Highway 2 to Norwich, Conn., thence over Connecticut Highway 12 to Jewett City, and return over the same route, serving all intermediate points; (58) between Thompsonville, Conn., and Providence, R.I.; (a) from Thompsonville over U.S. Highway 5 to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 32, thence over Connecticut Highway 32, to junction U.S. Highway 44, thence over U.S. Highway 44 to Providence, and return over the same route, serving all intermediate points; (b) from Thompsonville over Connecticut Highway 190 to junction Connecticut Highway 171, thence over Connecticut Highway 171 to junction Connecticut Highway 197.

Thence over Connecticut Highway 197 to junction Connecticut Highway 171, thence over Connecticut Highway 171 to Putnam, Conn., thence over U.S. Highway 44 to Providence and return over the same route, serving all intermediate points; (59) between Worcester, Mass., and Providence, R.I.; from Worcester over Massachusetts Highway 122A to junction Massachusetts Highway 146, thence over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence, and return over the same route, serving all intermediate points; (60) between Exit 2 and Exit 14 of the Massachusetts Turnpike, over the Massachusetts Turnpike serving no intermediate points; as an alternate route for operating convenience only; (61) between Stockbridge, Mass., and Lee, Mass., over Massachusetts Highway 102 serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant proposes that all of the above-described alternate routes will be segmented where they have common termini in order to afford use jointly. Applicant seeks to retain the following irregular-route authority: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New York, N.Y., and points in Nassau and Westchester Counties, N.Y., Newark, N.J., and points in New Jersey within 25 miles of Newark, other than those points included in the regular routes set forth above; (2) between New York, N.Y., points in Nassau and Westchester Counties, N.Y., Newark, N.J., and points within 25 miles of Newark, on the one hand, and, on the other, points in Connecticut, points in that portion of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 7 to junction New York Highway 30.

Thence along New York Highway 30 to Amsterdam, N.Y., and on and south of a line beginning at Amsterdam, and extending along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., and thence along New York Highway 2 (formerly New York Highway 96) to the New York-Massachusetts State line (except New York, N.Y., and points in Westchester and Nassau Counties), Camden, N.J., and Trenton, N.J., other than those points included in the regular routes set forth above; (3) between Newark, N.J., and points in New Jersey within 25 miles of Newark, on the one hand, and, on the other, points in Massachusetts and Rhode Island, and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, and extending along U.S. Highway 219 to Wilcox, Pa., thence along unnumbered highway (formerly U.S. Highway 219) to Kane, Pa., thence along U.S. Highway 6 (formerly U.S. Highway 219) to Lantz Corners, Pa., thence along U.S. Highway 219 to the Pennsylvania-New York State line, other than those points included in the regular routes set forth above; and (4) between Stratford, Conn., on the one hand, and, on the other, Red Bank, N.J. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 77424 (Sub-No. 18), filed March 1, 1965. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Cleveland and Toledo, Ohio, (a) over U.S. Highway 20, and (b) from Cleveland over U.S. Highway 6 to Sandusky, thence over Ohio Highway 2 to Toledo, and return over the same routes, serving all intermediate points; (2) between Cleveland and Conneaut, Ohio, (a) over U.S. Highway 20, and (b) from Cleveland over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut and return over the same routes, serving all intermediate points; (3) between Cleveland and Cincinnati, Ohio, (a) over U.S. Highway 42, and (b) from Cleveland over U.S. Highway 42 to junction Interstate Highway 71, thence over Interstate Highway 71 to Cincinnati and return over the same routes, serving all intermediate points; (4) between Cleveland and Marietta, Ohio, over U.S. Highway 21, serving all intermediate points; (5) between Cleveland and Steubenville, Ohio, from Cleveland over U.S. Highway 422 to Youngstown, thence over Ohio Highway

7 to Steubenville, and return over the same routes, serving all intermediate points; (6) between Cleveland and Marion, Ohio, from Cleveland over U.S. Highway 42 to junction Interstate Highway 80.

Thence over Interstate Highway 80 to junction Ohio Highway 4, thence over Ohio Highway 4 to Marion and return over the same routes, serving all intermediate points; (7) between Cleveland and Newark, Ohio from Cleveland over U.S. Highway 21 to Newcomerstown, thence over Ohio Highway 16 to Newark and return over the same routes, serving all intermediate points; (8) between Cleveland and Canton, Ohio over Ohio Highway 8, serving all intermediate points; (9) between Cleveland, Ohio and Pittsburgh, Pa., (a) from Cleveland over U.S. Highway 21 to junction Interstate Highway 80, thence over Interstate Highway 80 to Ohio-Pennsylvania State line, thence over Pennsylvania Turnpike to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 to Pittsburgh and (b) from Cleveland over Ohio Highway 14 to junction Ohio Highway 45, thence over Ohio Highway 45 to junction U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh and return over the same routes, serving all intermediate points; (10) between Cleveland and Van Wert, Ohio, from Cleveland over U.S. Highway 42 to junction U.S. Highway 224, thence over U.S. Highway 224 to Van Wert and return over the same routes, serving all intermediate points; (11) between Canton and Conneaut, Ohio (a) from Canton over U.S. Highway 62 to junction Ohio Highway 45, thence over Ohio Highway 45 to junction Interstate Highway 90.

Thence over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut and (b) from Canton over U.S. Highway 62 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut and return over the same routes, serving all intermediate points; (12) between Canton, Ohio and Pittsburgh, Pa. over U.S. Highway 30, serving all intermediate points; (13) between Canton and Toledo, Ohio from Canton over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to junction U.S. Highway 23, thence over U.S. Highway 23 to Toledo and return over the same routes, serving all intermediate points; (14) between Conneaut, Ohio and Syracuse, N.Y., (a) from Conneaut over U.S. Highway 20 to junction New York Highway 5, thence over New York Highway 5 to Syracuse and return over the same routes, serving all intermediate points and the off-route point of Buffalo and (b) from Conneaut over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to Syracuse and return over the same routes, serving all intermediate points; (15) between Westfield and Binghamton, N.Y., over New York Highway 17, serving all intermediate points; (16) between Buffalo and Rochester, N.Y., from Buffalo over New York Highway 5 to Batavia.

Thence over New York Highway 33 to Rochester and return over the same routes, serving all intermediate points; (17) between Rochester and Corning, N.Y., over U.S. Highway 15, serving all intermediate points; (18) between Pittsburgh and Philadelphia, Pa., from Pittsburgh over U.S. Highway 22 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Pennsylvania Highway 43, thence over Pennsylvania Highway 43 to Philadelphia and return over the same route, serving all intermediate points; (19) between Newark and Columbus, Ohio, over Ohio Highway 16, serving all intermediate points; (20) between Canton and Columbus, Ohio, over U.S. Highway 62, serving all intermediate points; (21) between Columbus, Ohio, and Philadelphia, Pa., from Columbus over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Philadelphia and return over the same routes, serving all intermediate points; (22) between Portsmouth and Toledo, Ohio, over U.S. Highway 23, serving all intermediate points; (23) between Cincinnati and Toledo, Ohio over U.S. Highway 25, serving all intermediate points; (24) between Cincinnati, Ohio, and Lansing, Mich., over U.S. Highway 127, serving all intermediate points; (25) between Monongahela and Pittsburgh, Pa., from Monongahela over Pennsylvania Highway 136 to junction U.S. Highway 19.

Thence over U.S. Highway 19 to Pittsburgh and return over the same routes, serving all intermediate points; (26) between Cincinnati and Zanesville, Ohio, over U.S. Highway 22, serving all intermediate points; (27) between Cincinnati, Ohio, and St. Louis, Mo., over U.S. Highway 50, serving all intermediate points; (28) between Cincinnati, Ohio, and Indianapolis, Ind., over Interstate Highway 74, serving all intermediate points; (29) between Columbus, Ohio, and St. Louis, Mo., over U.S. Highway 40, serving all intermediate points; (30) between Cincinnati, Ohio, and Lansing, Mich., over U.S. Highway 27, serving all intermediate points; (31) between Toledo, Ohio, and Detroit, Mich., from Toledo over Interstate Highway 75 to junction U.S. Highways 24 and 25, thence over U.S. Highways 24 and 25 to Detroit and return over the same routes, serving all intermediate points; (32) between Detroit and St. Joseph, Mich., from Detroit over Interstate Highway 94 to junction U.S. Highways 31 and 33, thence over U.S. Highways 31 and 33 to St. Joseph, serving all intermediate points; (33) between Detroit and Muskegon, Mich., over Interstate Highway 96, serving all intermediate points; (34) between Grand Rapids, Mich., and junction Interstate Highway 80, over U.S. Highway 131, serving all intermediate points; (35) between Toledo, Ohio, and Chicago, Ill., (a) over Interstate Highway 80 and (b) over U.S. Highway 20, serving all intermediate points; (36) between Fremont, Ohio, and the Wisconsin State line, from Fremont over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to the Illinois-Wisconsin State line, and return over the same routes, serving all intermediate points; (37) between Toledo, Ohio, and Quincy, Ill., over U.S. Highway 24, serving all intermediate points; (38) between Ligonier, Ind., and Moline, Ill., over U.S. Highway 6, serving all intermediate points; (39) between Van Wert, Ohio, and Moline, Ill., from Van Wert over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to Moline and return over the same routes, serving all intermediate points; (40) between Indianapolis, Ind., and Chicago, Ill., from Indianapolis over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago and return over the same routes, serving all intermediate points; (41) between Chicago, Ill., and South Bend, Ind., over U.S. Highway 20, serving all intermediate points; (42) between Chicago and Kankakee, Ill., over U.S. Highway 54, serving all intermediate points; (43) between Columbus, Ohio, and Elkhart, Ind., over U.S. Highway 33, serving all intermediate points; (44) between Chicago and East Dubuque, Ill., over U.S. Highway 20, serving all intermediate points.

NOTE: Service is proposed from and to all off-route points of St. Louis, Mo., Indianapolis, Ind., Muskegon, Mich., Scranton and Philadelphia, Pa., and points in Ohio, those in New York west of a line beginning as Oswego and extending along New York Highway 57 to Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, those in Pennsylvania west of U.S. Highway 220, those in Indiana north of U.S. Highway 24, those in Illinois north of U.S. Highway 24, and those in Michigan south of U.S. Highway 16, including points on the indicated portions of the highways specified. All of the above-proposed operating authority is restricted against service from, to, or between points not authorized to be served under applicants present authority as contained in his original Certificate No. MC 77424 and Sub 17 thereunder. This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 106904 (Sub-No. 4), filed February 26, 1965. Applicant: JEFF A. ROBERTSON, doing business as TOPEKA MOTOR FREIGHT, 705 East Highway 24, Topeka, Kans. Applicant's attorney: Jeff A. Robertson, Suite 610, First National Bank Building, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives and flammables) (1) between Concordia, Kans., and Grand Island, Nebr., from Concordia over U.S. Highway 81 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highways 34–281 to Grand Island, and return over the same route, serving all intermediate points, (2) between the Kansas-Nebraska State line at or near Chester, Nebr., and Hastings, Nebr., (a) from the State line over U.S. Highway 81 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction Nebraska Highway 14, thence

over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (b) from the State line over U.S. Highway 81 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same routes, serving all intermediate points, (c) from the State line over U.S. Highway 81 to junction Nebraska Highway 74, thence over Nebraska Highway 74 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 6.

Thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (3) (a) between Grand Island, Nebr., and Beloit, Kans., from Grand Island, Nebr., over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Beloit, Kans., and return over the same routes, serving all intermediate points, (b) between Beloit and Superior, Nebr., over Kansas Highway 14, serving all intermediate points, (4) (a) between Concordia, Kans., and Omaha, Nebr., from Concordia over U.S. Highway 81 to Fairmont, Nebr., thence over U.S. Highway 6 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, and return over the same route, serving all intermediate points, (b) between Hebron and Lincoln, Nebr., from Hebron over U.S. Highway 136 to junction U.S. Highway 77, thence over U.S. Highway 77 to Lincoln, and return over the same routes, serving all intermediate points, (5) between Fairmont and Norfolk, Nebr., over U.S. Highway 81, serving all intermediate points, (6) between Concordia, Kans., and Red Cloud, Nebr., from Concordia over U.S. Highway 81 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 136, thence over U.S. Highway 136 to Red Cloud, and return over the same route, serving all intermediate points, (7) between Kearney and Omaha, Nebr., from Kearney over U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, and return over the same route, serving all intermediate points, (8) between Grand Island and Omaha, Nebr., from Grand Island over U.S. Highway 34 to junction Interstate Highway 80, thence over U.S. Highway 34-Interstate Highway 80 to Lincoln, thence over U.S. Highway 6-Interstate Highway 80 to Omaha, and return over the same route, serving all intermediate points, (9) between Concordia, Kans., and Wyoming-Nebraska State line at or near Pine Bluffs, Wyo., from Concordia over U.S. Highway 81 to junction Nebraska Highway 8.

Thence over Nebraska Highway 8 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nebraska Highway 44, thence over Nebraska Highway 44 to junction U.S. Highway 30, thence over U.S. Highway 30 to Wyoming-Nebraska State line, and return over the same route, serving all intermediate points, (10) between Lyman, Nebr., and Concordia, Kans., from Lyman over Nebraska Highway 92 to junction Nebraska Highway 29, thence over Nebraska Highway 29 to Scottsbluff, thence over U.S. Highway 26 to Ogallala, thence over U.S. Highway 30 to junction Nebraska Highway 44, thence over Nebraska Highway 44 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction U.S. Highway 81, thence over U.S. Highway 81 to Concordia, and return over the same route, serving all intermediate points, (11) between Imperial and Red Cloud, Nebr., (a) from Imperial over U.S. Highway 6 to junction U.S. Highway 136, thence over U.S. Highway 136 to Red Cloud, and return over the same route, serving all intermediate points, (b) from Imperial over U.S. Highway 6 to junction U.S. Highways 6–34, thence over U.S. Highways 6–34 to junction Nebraska Highway 44, thence over Nebraska Highway 44 to junction U.S. Highway 136, thence over U.S. Highway 136 to Red Cloud, and return over the same route, serving all intermediate points, (12) between Phillipsburg, Kans., and Elm Creek, Nebr., over U.S. Highway 183, serving all intermediate points, (13) between Topeka, Kans., and Omaha, Nebr., from Topeka over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 77.

Thence over U.S. Highway 77 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, and return over the same routes, serving no intermediate points, (14) between Colorado-Nebraska State line and McCook, Nebr., over U.S. Highway 34, serving all intermediate points, (15) between Hastings, Nebr., and Wichita, Kans., (a) from Hastings over U.S. Highway 6 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, (b) from Hastings over U.S. Highway 6 to junction Nebraska Highway 14 thence over Nebraska Highway 14 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, (c) from Hastings over U.S. Highway 6 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction U.S. Highway 81 thence over U.S. Highway 81 to junction Kansas Highway 61, thence over Kansas Highway 61 to junction Kansas Highway 96, thence over Kansas Highway 96 to Wichita, and return over the same routes, serving all intermediate points, (16) between Hastings, Nebr., and Wichita, Kans., from Hastings over U.S. Highway 6 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Kansas Highways 15W and 15, thence over Kansas Highways 15W and 15 to Wichita, and return over the same route, serving all intermediate points, (17) between El Dorado, Kans., and Hastings, Nebr., from El Dorado over U.S. Highway 77 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (18) between St. Joseph, Mo., and Hastings, Nebr., from St. Joseph over U.S. Highway 36 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (19) between Topeka, Kans., and Hastings, Nebr., from Topeka over U.S. Highway 24 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points.

NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 108341 (Sub-No. 11), filed April 13, 1965. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, N.C. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe and fittings together with bolts, nuts, and lugs*, from Charlotte, N.C., to points in Virginia, South Carolina, and Georgia.

NOTE: No duplicating authority requested.

No. MC 114789 (Sub-No. 14), filed April 14, 1965. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Wisconsin, to Buena Vista, Calif.

NOTE: Applicant states that the above-proposed service will be limited to a transportation service to be performed under a continuing contract with Milkhouse Cheese Corp. of San Antonio, Tex.

No. MC 117663 (Sub-No. 1), filed April 12, 1965. Applicant: JOSEPH MAFFUCCI, doing business as TIDEWATER TRANSPORTATION COMPANY, 32 Jacobus Avenue, Kearny, N.J. Applicant's representative: James J. Parrell, 201 Montague Place, South Orange, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps*, electric, gas, or oil, and *supplies, materials, and equipment* used in the manufacture thereof, between Kearny, N.J., on the one hand, and, on the other, points in Bergen, Hudson, Union, Essex,

Morris, Middlesex, Mercer, and Passaic Counties, N.J.

No. MC 119493 (Sub-No. 16), filed April 12, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, rock, whole or crushed, supplies used in coating same, new bags, and containers*, between Galena, Kans., and points within a twenty-five (25) mile radius thereof, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, Alabama, Louisiana, Kentucky, Minnesota, Mississippi, South Dakota, North Dakota, and Tennessee.

NOTE: Applicant states no duplication of authority is sought.

No. MC 119934 (Sub-No. 92), filed April 15, 1965. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, in bulk, in tank vehicles, from Fortville, Ind., to Cave-in-Rock, Ill.

No. MC 123341 (Sub-No. 3), filed March 1, 1965. Applicant: I. L. & C. Corp., 2500 West Taylor Street, Chicago, Ill., 60612. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Corsets, supporters, brassieres, garters, belts, garter belts*, and *girdles*, and *materials, supplies* and *equipment* used in the manufacture thereof; *such merchandise as is dealt in by wholesale or retail dealers in photographic equipment, parts, accessories, materials, and supplies, including announcing, amplifying, and audio systems, equipment, and parts, and turntables*, between Chicago, Ill., and New York, N.Y., (1) from Chicago over Indiana Turnpike to junction Ohio Turnpike, thence over Ohio Turnpike to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Pennsylvania Extension of New Jersey Turnpike, thence over Pennsylvania Extension of New Jersey Turnpike to junction New Jersey Turnpike, thence over New Jersey Turnpike to Exit 14, thence via Exit 14 ramps to junction U.S. Highway 1, thence over U.S. Highway 1 to approaches to Holland Tunnel, and thence over the Holland approaches and through the Holland Tunnel to New York; (2) from Chicago over above described routes in (1) to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Carlisle Exit, thence via Carlisle Exit to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1, and thence over the above described route in (1) to New York; (3) from Chicago over routes described above to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Harrisburg East Exit, thence via Harrisburg East Exit to junction U.S. Highway 22, thence over routes described above to New York; (4) from Chicago over U.S. Highway 30 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Ohio Turnpike, and thence over routes described above to New York; (5) from Chicago over routes described above to Newark, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 439, and thence over New Jersey Highway 439 and the Goethals' Bridge to New York, and return over the same routes, serving no intermediate points on routes (1) through (5) inclusive.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

By the Commission.

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

[F.R. Doc. 65-4694; Filed, May 4, 1965; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 30, 1965.

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

State Docket No. assigned MT-6376, filed March 30, 1965. Applicant: C. ANELLO, INC., 505 Morgan Avenue, Brooklyn, N.Y. Applicant's attorney: Morris Honing, 150 Broadway, New York City, N.Y., 10038. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, as defined in Section 800.1 of Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York: (1) from points in Nassau County, N.Y., to New York City, N.Y., and (2) between New York City, N.Y., on the one hand, and, on the other, points in Suffolk County, N.Y.

HEARING: Date, time, and place of hearing, to be hereafter fixed. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 55 Elk Street, Albany, N.Y., 12225, and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned M-11578, filed October 22, 1964. Applicant: FANCO, INC., Box 88, 500 First Terrace, Nebraska City, Nebr. Applicant's attorneys: William Gilmore, Fremont, Nebr., and Harvey A. Neumeister, Nebraska City, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except those requiring special equipment), between points within a 25-mile radius of Nebraska City, Nebr., and between points in said radial area on the one hand, and, on the other, all points in Nebraska over irregular routes.

HEARING: May 7, 1965, at 9:30 a.m., c.s.t. at the courthouse, Nebraska City, Nebr. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 65-4695; Filed, May 4, 1965; 8:46 a.m.]

[Notice 1166]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 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-67580. By order of April 27, 1965, the Transfer Board approved the transfer to H. E. Nickels, Arthur B. Cohn, and Lee Nickels, a partnership, doing business as Williams Bus Lines, Waynesville, Mo., of Certificate of Registration No. MC-120457 (Sub-No. 1), and Certificate of Public Convenience and Necessity No. MC-120457 (Sub-No. 2), issued March 29, 1965, and December 13, 1963, respectively, to Maude Williams doing business as Williams Bus Lines, Waynesville, Mo., authorizing the transportation of passengers from Waynesville, Mo., over U.S. Highway 66 to the junction of U.S. Highway 66 Spur, thence over U.S. No. 66 Spur to Fort Leonard Wood, Mo., and return, picking up and discharging passengers and their baggage between Waynesville, Fort Leonard Wood, and all intermediate points on said route, except on local service authorized between points located on U.S. Highway 66; and passengers and their

baggage, express, newspapers, and mail, in the same vehicle with passengers, between Newburg, Mo., and the U.S. Army Training Center, Fort Leonard A. Wood, Mo., serving all intermediate points; between Rolla, Mo., and the U.S. Army Training Center, Fort Leonard A. Wood, Mo., serving all intermediate points; and between Rolla, Mo., and Alhambra Grotto, Mo., serving all intermediate points. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., 65102, attorney for applicants.

No. MC-FC-67737. By order of April 26, 1965, the Transfer Board approved the transfer to Big Pine Trucking Co., Inc., Big Pine, Calif., of Certificate in No. MC-104583, issued July 15, 1964, to Archie J. Brady and Edwin R. Partington, a partnership, doing business as Big Pine Trucking Co., Big Pine, Calif., authorizing the transportation of: Talc, from mines in Nevada within 10 miles of Palmetto, Nev., to Lone Pine, Calif., serving specified intermediate points; mining machinery and supplies, maximum 10,000 pounds, from Lone Pine, Calif., to mines in Nevada within 10 miles of Palmetto, serving specified intermediate points; and talc and clay, in bulk, between points in Inyo County, Calif. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017, attorney for applicants.

No. MC-FC-67747. By order of April 27, 1965, the Transfer Board approved the transfer to Glenn E. Schneider, doing business as Schneider Transit, Hartford, Wis., of the operating rights issued by the Commission January 16, 1963, under Certificate No. MC-111310 (Sub-No. 2) to Beer Transit, Inc., Hartland, Wis., authorizing the transportation, over irregular routes, of insulation material, from Dousman and Woodland, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri, with specified exceptions; and from Dousman, Wis., to points in Ohio. Donald B. Taylor, 4261 Minnehaha Avenue, Minneapolis, Minn., representative of applicants.

No. MC-FC-67755. By order of April 26, 1965, the Transfer Board approved the transfer to Creech Brothers Truck Lines, Inc., Troy, Mo., of the operating rights in Certificate No. MC-107059 issued October 23, 1952, to Clark R. Prather, doing business as Prather Horse Vans, St. Louis, Mo., authorizing the transportation, over irregular routes, of: Livestock, other than ordinary, and in the same vehicle with such livestock, stable supplies and equipment used in the care and exhibition of such livestock, and the personal effects of their attendants, over irregular routes, between points in Arkansas, Oklahoma, Kansas, Iowa, Missouri, Illinois, Indiana, Kentucky, and Tennessee, between St. Louis, Mo., on the one hand, and, on the other, Detroit, Mich., and New Orleans, La. A. A. Marshall, 216 Buder Bldg., St. Louis, Mo., 63101, representative for applicants.

No. MC-FC-67769. By order of April 26, 1965, the Transfer Board approved the transfer to International Transport, Inc., Boston, Mass., of Certificate of Registration No. MC-120477 (Sub-No. 1) issued January 21, 1964, to Locust Cartage Co., Inc., Medford, Mass., evidencing a right to engage in interstate or foreign commerce, in the transportation of general commodities within the Commonwealth of Massachusetts, over irregular routes. Francis E. Barrett, Jr., 182 Forbes Building, Braintree, Mass., attorney for transferee. Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108, attorney for transferor.

No. MC-FC-67773. By order of April 26, 1965, the Transfer Board approved the transfer to Victoria Bevan, Pottsville, Pa., of the operating rights in Certificates Nos. MC-87717, MC-87717 (Sub-No. 1) and MC-87717 (Sub-No. 3) issued July 24, 1942, January 31, 1950, and November 23, 1962, to William M. Bevan, Pottsville, Pa., authorizing the transportation, over irregular routes, of: Malt beverages and advertising materials, between points in Pennsylvania, New York, New Jersey, Connecticut, Delaware, Maryland, Virginia, and West Virginia. Isadore E. Krasno, 20 South Centre Street, Pottsville, Pa., 17901, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4696; Filed, May 4, 1965; 8:46 a.m.]

[Notice 1166-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-67267. By order of April 28, 1965, Division 3, acting as an appellate division, approved the transfer, on reconsideration, to Glen H. Winers, doing business as Winters Truck Line, Wichita, Kans., of the Certificate of Registration No. MC-98575 (Sub-No. 1), issued June 10, 1964, to Overnight Freight Service, Inc., Caldwell, Kans., evidencing a right to perform operations in interstate or foreign commerce corresponding to authority granted by the Kansas State Corporation Commission, covering the transportation of property and freight, between points in Kansas. Everitt C. Fettis, 120 South Market Street, Wichita 2, Kans., attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4697; Filed, May 4, 1965; 8:46 a.m.]

[Sec. 5a Application 7, Amdt. 3]

ASSOCIATION OF AMERICAN RAILROADS

Per Diem, Mileage, Demurrage and Storage; Application for Approval of Amendments to Agreement

APRIL 30, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed April 26, 1965, by: D. P. Loomis, Attorney-in-Fact, Association of American Railroads, Transportation Building, Washington, D.C., 20006.

Amendments involved Change the agreement so as to increase the number of members of the general committee from 17 to 20, and describe correctly the membership of the board of directors by eliminating the chairman from such membership.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4690; Filed, May 4, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 30, 1965.

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

LONG-AND-SHORT HAUL

FSA No. 39739: *Rates from and to points in Minnesota.* Filed by Chicago Great Western Railway Co. (No. 5), for itself and interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less than carloads, between points in Minnesota on the Chicago Great Western Ry., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Abandonment of a portion of Chicago Great Western Ry. Co., in Goodhue County, Minn., under

authority of I.C.C. Finance Docket No. 23235.

FSA No. 39740: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 324), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic and New England territories, on the one hand, and points in Middlewest and Southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 23d revised page 268 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–4691; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25 as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; effective 4–22–65 to 4–21–66 (brassieres).

E. & W. Manufacturing Co., Ilmo, Mo.; effective 4–30–65 to 4–29–66 (men's and boys' dungarees and overalls, ladies' and girls' jeans).

Georgetown Dress Corp., Route 17 S., Georgetown, S.C.; effective 4–17–65 to 4–16–66 (children's dresses and sportswear).

Grifton Clothing Co., Post Office Box 638, Highway 118 E., Grifton, N.C.; effective 4–24–65 to 4–23–66 (boys' and girls' outerwear jackets and trousers).

Mar-Bax Shirt Co., Inc., Gassville, Ark.; effective 4–30–65 to 4–29–66 (men's dress shirts).

Morganstern Pants Co., 404 Willis Street, Fredericksburg, Va.; effective 4–16–65 to 4–15–66 (men's trousers).

The Murray Corp., 108 North Chestnut Street, Mount Olive, N.C.; effective 4–15–65 to 4–14–66. Learners may not be employed at special minimum wage rates in the manufacture of suit jackets and vests (men's quilted sport jackets).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill.; effective 4–17–65 to 4–16–66. Learners may not be employed at special minimum wage rates in the manufacture of skirts (ladies' dresses).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; effective 4–22–65 to 4–21–66 (men's cotton work pants).

Saf-T-Bak, Inc., 1715 11th Avenue, Altoona, Pa.; effective 4–16–65 to 4–15–66 (men's and boys' hunting clothes).

Tompkinsville Garment Co., Tompkinsville, Ky.; effective 4–25–65 to 4–24–66 (men's and women's dungarees).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 4–16–65 to 4–15–66. Learners may not be employed at special minimum wage rates in the manufacture of skirts (ladies' pants and shorts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Granville Mfg. Co., Hillsboro Street Extension, Oxford, N.C.; effective 4–15–65 to 4–14–66; 10 learners (ladies' dresses).

Mode O'Day Co., Plant 3, a division of Founders Inc., 59 South First W., Box 266, Logan, Utah; effective 4–24–65 to 4–23–66; 10 learners (women's and children's house and street dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bernice Manufacturing Corp., Bernice, La.; effective 4–19–65 to 10–18–65; 200 learners (ladies' leisurewear dresses and nightwear).

Blue Bell, Inc., Homer, Ga.; effective 4–14–65 to 10–13–65; 10 learners (dungarees).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 4–24–65 to 10–23–65; 80 learners. Learners may not be employed at special minimum wage rates in the manufacture of skirts (ladies' pants and shorts).

Willmar Garment Co., Highway No. 40, Willmar, Minn.; effective 4–19–65 to 10–18–65; 50 learners (children's outerware garments).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, are amended).

The Schafer Co., Inc., 101–117 North First Street, Decatur, Ind.; effective 4–15–65 to 4–14–66; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Union Underwear Co., Greensburg Road, Campbellsville, Ky.; effective 4–17–65 to 10–16–65; 300 learners for plant expansion purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed are indicated.

Isabela Vieques Corp., Apartado 398, Isabel Segunda, Vieques, P.R.; effective 3–29–65 to 3–28–66; 12 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operator, for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 75 cents an hour (dress shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of April 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65–4680; Filed, May 4, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

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 May.