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Agencies in this issue—

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List of CFR Parts Affected

(Codification Guide)

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

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Change of Agency Name

Pursuant to the provisions of section 8 of the United States Grain Standards Act (7 U.S.C. 84), §§ 26.2 (i), (j), and (p), 26.29(m)(3), 26.30a, 26.87, and 26.88 of the regulations (7 CFR 26.2 (i), (j), and (p), 26.29(m)(3), 26.30a, 26.87, and 26.88) and § 26.116 of the standards (7 CFR 26.116) issued under said Act are hereby amended by changing the phrase "Agricultural Marketing Service" wherever it appears therein to "Consumer and Marketing Service."

Statement of considerations. These amendments are of an organizational nature. They merely reflect the change in the name of the agency which administers the United States Grain Standards Act and make no substantive change in the regulations or standards. It is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are unnecessary, and good cause is found for making the amendments effective in less than 30 days after the publication thereof in the FEDERAL REGISTER.

They shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84; 29 F.R. 16210, 30 F.R. 1260, 2160)

Done at Washington, D.C., this 18th day of June 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services, Consumer and Marketing Service.

[F.R. Doc. 65-6576; Filed, June 22, 1965; 8:47 a.m.]

PART 57—UNITED STATES STANDARDS FOR HAY AND STRAW

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Change of Agency Name

Pursuant to the provisions of section 205(b) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1624(b)), §§ 68.2 (e) and (f), 68.42a (e) and (g), and 68.49 of the regulations (7 CFR 68.2 (e) and (f), 68.42a (e) and (g), and 68.49) and §§ 57.1 (e) and (i) (note), 57.2 (a)(6) and (b)(2), 57.12 (note), and 57.51(a)(2)) issued under said Act are hereby amended by changing the phrase "Agricultural Marketing Service" wherever it appears therein to "Consumer and Marketing Service."

Statement of considerations. These amendments are of an organizational nature. They merely reflect the change in the name of the agency which administers the regulations and standards in Part 57 and Part 68 (7 CFR Parts 57, 68) under the Agricultural Marketing Act of 1946 and make no substantive change in the regulations or standards. It is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are unnecessary, and good cause is found for making the amendments effective in less than 30 days after the publication thereof in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U.S.C. 1624(b); 29 F.R. 16210; 30 F.R. 1260, 2160)

Done at Washington, D.C., this 18th day of June 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services, Consumer and Marketing Service.

[F.R. Doc. 65-6577; Filed, June 22, 1965; 8:47 a.m.]

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

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment

On June 8, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 7501) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1965, and ending March 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of Limes grown in the State of Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 911.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1965, through March 31, 1966, will amount to $9,816.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at $0.02 per bushel of limes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (2) such period began on April 1, 1965, and said rate of assessment will automatically apply to all such limes beginning with such date.

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

Dated: June 18, 1965.

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

[F.R. Doc. 65-6606; Filed, June 22, 1965; 8:49 a.m.]

[Elberta Peach Reg. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Grades and Sizes

§ 917.361 Elberta Peach Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient;

a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1965. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 27, 1965; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 27, 1965, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until June 17, 1965; shipments of the current crop of such peaches are expected to begin on or about June 23, 1965, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U.S. No. 1 grade: *Provided,* That with respect to ripe Elberta peaches, a tolerance of 10 percent, by count, for bruises not causing serious damage is allowed in addition to the tolerances provided for such U.S. No. 1 grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any lot of packages or containers of Elberta peaches if more than three (3) percent, by count, of the peaches in such lot are immature;

(iv) Any package or container of Elberta peaches unless at least 85 percent of the Elberta peaches contained in such package or container measure not less than 2⅜ inches in diameter: *Provided,* That Elberta peaches (*a*) when packed in a 12B California peach box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in said box, or (*b*) when packed in either a No. 26 standard lug box or a No. 27 standard lug box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, not more than 80 peaches in the respective lug box, shall be deemed to meet the said minimum diameter requirement: *And provided, further,* That for the purpose of determining whether ripe Elberta peaches meet the said standard pack requirements, such peaches may be fairly tightly packed rather than tightly packed.

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) have shoulders and sutures well filled out and smooth; (ii) have skin which is at least very light green to yellowish green in color; (iii) have flesh that is yellow or straw color with only a small portion usually next to the skin being greenish yellow or greenish straw color; (iv) have flesh which shows some juiciness; and (v) yield very slightly to moderate pressure at the suture or tip.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," and "fairly tightly packed" shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

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

Dated: June 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6607; Filed, June 22, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 1528; Amdts. 21-1, 91-19]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Effectiveness of Airworthiness Certificates

The purpose of this amendment is to clarify the regulation governing the duration of airworthiness certificates with respect to the performance of alterations. In addition, the details of the revision to the format of airworthiness certificates as specified in the Notice on this matter are set forth herein. This action is based on the proposal published in the FEDERAL REGISTER (27 F.R. 12720) and issued as Draft Release 62–55.

While Draft Release 62–55 proposed to amend sections of Parts 1 and 43 of the Civil Air Regulations, these regulations have subsequently been recodified as Parts 21 and 91 respectively, of the Federal Aviation Regulations. These amendments are therefore made to the appropriate sections of the recodified parts.

As proposed in the Draft Release, § 21.181(a) (formerly § 1.64) is amended to make it clear that an airworthiness certificate remains in effect as long as alterations, as well as maintenance, are performed in accordance with Parts 43 and 91 of the Federal Aviation Regulations. In addition, § 91.163 (formerly § 43.20) is amended to include alterations within the prohibition provided therein. In connection with these amendments, there were comments suggesting that the regulations should make it clear that alterations must also be "accomplished in accordance with the pertinent portions of the applicable airworthiness requirements * * *." As amended, the regulations now require that alterations be accomplished in accordance with Part 43, which in turn requires that alterations be performed on the basis of approved technical data and that after alteration the aircraft, airframe, aircraft engine, propeller or appliance worked on must be at least equal to its original or properly altered condition. Thus, under the current provisions of Part 43 the applicable airworthiness requirements must be considered during the performance of alterations. For this reason, the Agency does not believe that a general reference to the applicable airworthiness requirement as suggested is necessary or would serve any useful purpose.

At the time that the Draft Release was issued, the term "maintenance" included preventive maintenance. However, as now defined, maintenance does not include preventive maintenance. Therefore to make these regulations consistent with the proposal, §§ 21.181(a) and 91.163 are amended to specifically include preventive maintenance.

In addition to the foregoing, the proposal would have amended the regulation governing the duration of airworthiness certificates to require that an aircraft be in a condition for safe operation in addition to requiring that maintenance and alterations on the aircraft be performed in accordance with Parts 43 and 91 of the Federal Aviation Regulations. However, since the requirement for the performance of maintenance and alterations in accordance with Parts 43 and 91 is designed to assure that the aircraft is in a condition for safe operation, the proposed amendment appears to be unnecessary and could be misleading. For these reasons, the regulation has not been changed as proposed.

Certain other clarifying changes proposed in Draft Release 62–55 have subsequently been incorporated into the regulations. In this connection, during

the recodification program a clarification was incorporated into § 21.181(a) specifying that an airworthiness certificate is effective as long as the aircraft for which it is issued is registered in the United States. Moreover, § 91.27(a) was recently amended to provide the clarification concerning special flight permits which was proposed in Draft Release 62-55.

Draft Release 62-55 proposed that the regulations (formerly § 43.20) be amended to require that an aircraft be inspected and found to be in a condition for safe operation whenever the approved operating limitations for the aircraft had been exceeded. The comments received concerning this proposal pointed out the problems involved in establishing compliance with this requirement, indicating that it was unworkable and subject to many interpretations. On the other hand, as recodified, the regulations now expressly provide that the pilot in command is responsible for determining whether his aircraft is in condition for safe flight and require him to discontinue the flight when unairworthy mechanical or structural conditions occur. In view of the foregoing the proposed requirement is not being adopted.

The Draft Release referred to the Agency's plans to revise the format of airworthiness certificates. In this connection, as proposed, the new format will reflect the amendments set forth herein and will provide for the enumeration of any exceptions to full compliance with the applicable comprehensive and detailed national airworthiness requirements in accordance with the Convention on International Civil Aviation (ICAO). It was proposed to add an explanatory note to the regulations to the effect that the airworthiness certificate would identify any exemptions from the applicable airworthiness requirements that had been granted for an aircraft. However, the Agency does not now consider that such a note is necessary or appropriate. Moreover, it has subsequently been determined by the Agency that at this time the revised airworthiness certificate need only be issued for aircraft certificated in the normal, utility, acrobatic, and transport category. In addition, it should be emphasized that this amendment does not require the exchange of present certificates. Certificates in the new format will simply be issued in the future to persons applying for airworthiness certification.

There was also a general comment made with respect to the need for definitions of the terms "airworthy" and "airworthiness" in the regulations. While the Agency is aware of the problems referred to in this comment, the recommended action goes beyond the scope of the notice in this matter.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, Parts 21 and 91 of the Federal Aviation Regulations are amended effective September 21, 1965, as follows:

1. Section 21.181(a) of Part 21 is amended to read as follows:

§ 21.181 Duration.

(a) Unless sooner surrendered, suspended, revoked or a termination date is otherwise established by the Administrator, an airworthiness certificate is effective as long as the maintenance, preventive maintenance, and alterations are performed in accordance with Parts 43 and 91 of this chapter and the aircraft is registered in the United States.

* * * * *

2. The title of Subpart C of Part 91 is amended to read as follows:

Subpart C—Maintenance, Preventive Maintenance, and Alterations

3. Section 91.161(a) is amended to read as follows:

§ 91.161 Applicability.

(a) This subpart prescribes rules governing the maintenance, preventive maintenance, and alteration of U.S. registered aircraft operating in the United States.

* * * * *

4. Section 91.163(b) of Part 91 is amended to read as follows:

§ 91.163 General.

* * * * *

(b) No person may perform maintenance, preventive maintenance, or alterations on an aircraft other than as prescribed in this subpart and other applicable regulations, including Part 43 of this chapter.

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

Issued in Washington, D.C., on June 17, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-6546; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6491; Amdt. 39-90]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement of the nose gear drag brace lock rod upper attachment bolts on Boeing Models 707 and 720 Series aircraft was published in 30 F.R. 2470.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment requested the bolt replacement interval be increased to 7,000 hours' time in service. Since the problem is one of fatigue, and no substantiation was presented to establish the integrity of the bolts in excess of 6,000 hours, the replacement interval has not been changed.

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

BOEING. Applies to Models 707 and 720 Series aircraft noted in Boeing Service Bulletin No. 2073(R-1).

Compliance required as indicated.

Investigation of a recent failure of the nose gear drag brace lock rod upper attachment bolt, which resulted in the affected aircraft landing with the nose gear retracted, indicates that this bolt is susceptible to fatigue failures and requires replacement.

(a) Bolt P/N BAC B30ABP6-37 shall be replaced as follows:

(1) Bolts having 5,400 or more hours' time in service on the effective date of this AD shall be replaced in accordance with paragraph (3) within 600 hours' time in service after the effective date of this AD.

(2) Bolts having less than 5,400 hours' time in service on the effective date of this AD shall be replaced in accordance with paragraph (3) prior to the accumulation of 6,000 hours' time in service.

(3) Replace nose gear drag brace lock rod upper attachment bolts P/N BAC B30ABP6-37 with a new bolt of the same part number or with Standard Pressed Steel Co. bolt SFH 22-6-35, Vol-Shan Manufacturing Co. bolt VS 2545H6F35T, or a bolt approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(4) Bolts P/N BAC B30ABP6-37 installed in accordance with paragraph (3) shall be repetitively replaced thereafter within each 6,000 hours' time in service from the last replacement unless they are replaced with Standard Pressed Steel Co. bolt SFH 22-6-35, Vol-Shan Manufacturing Co. bolt VS 2545H-6F35T, or a bolt approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Operators who have not kept records of hours' time in service on nose gear drag brace lock rod upper attachment bolts shall substitute airplane hours' time in service in lieu thereof.

(Boeing Service Bulletin No. 2073(R-1) covers this same subject.)

This amendment becomes effective July 23, 1965.

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

Issued in Washington, D.C., on June 17, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6547; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6442; Amdt. 39-88]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 1049 C, D, E, G, and H Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wing rear beam cap fitting at intervals of 3,500 hours on Lockheed Models 1049 C, D, E, G, and H Series aircraft was published in 30 F.R. 845.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received as a result of the notice indicated that three air carriers presently using aircraft in the subject series inspect the affected fittings at intervals of 4,000, 4,200, and 5,500 hours' time in service, respectively. The Agency has determined, after coordination with the manufacturer, that there is insufficient evidence

to justify extension of the inspection intervals without further substantiation.

In support of the request for extended inspection intervals, a comment stated that the standard paragraph contained in the notice regarding changes in the repetitive inspection periods, while intended to provide relief, has not proven to be a satisfactory solution. The Agency believes that the standard paragraph, if properly implemented by the operators, does in fact provide a satisfactory solution in accordance with the intent of the Federal Aviation Regulations.

A comment stated that one operator, had, on initial inspection of its fleet, found no cracked fittings. However, a Mechanical Reliability Report of April 26, 1964, from that operator reports that an inspection by it revealed a cracked fitting and that the fitting was replaced.

Another comment indicated that an operator's analysis of failed fittings does not bear out the contention in the notice that the grain direction is the primary cause of failure. The Agency has found that more recent failures reported have indicated that fatigue cracking occurs at high service time on fittings with properly oriented grain direction in some cases and low time cracks are caused by improperly oriented material grain direction in others. It should be noted, however, that the subject notice did not mention the cause of the fitting cracking. The reference probably intended by the comment is to early correspondence with the operator regarding the fitting.

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

LOCKHEED. Applies to Models 1049C, 1049D, 1049E, 1049G, and 1049H Series aircraft. Compliance required as indicated.

To detect cracked beam cap tie-in fittings, accomplish the following:

(a) Inspect the beam cap tie-in fittings, Lockheed P/Ns 311134L and 311134R, on the upper forward face of the rear spar at Wing Stations 80L and 80R for cracks in the area of the 0.16 inch radius near the center of the fitting, using dye penetrant or an FAA-approved equivalent as specified in paragraph (b) or (c) as applicable.

(b) Inspect fittings with 20,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (a) within the next 350 hours' time in service unless already accomplished within the last 3,150 hours' time in service, and at intervals thereafter not to exceed 3,500 hours' time in service from the last inspection.

(c) Inspect fittings with less than 20,000 hours' time in service on the effective date of this AD in accordance with paragraph (a) within 350 hours' time in service after the effective date of this AD unless already accomplished, and—

(1) If the fittings had 16,850 or more hours' time in service at the time of the inspection, reinspect at intervals not to exceed 3,500 hours' time in service from the last inspection;

(2) If the fittings had less than 16,850 hours' time in service at the time of the inspection, reinspect before the accumulation of 20,350 hours' time in service and at intervals thereafter not to exceed 3,500 hours' time in service from the last inspection.

(d) Replace any fitting found cracked with a new fitting of the same part number before further flight.

(e) Operators who have not kept records of hours' time in service on individual fittings shall substitute airplane hours' time in service in lieu thereof.

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

This supersedes Amendment 694 (29 F.R. 2944), AD 64-6-5, as amended by Amendment 732 (29 F.R. 6681).

This amendment becomes effective July 23, 1965.

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

Issued in Washington, D.C., on June 17, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6548; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6605; Amdt. 39-89]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Models TIVO and VO-540 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to supersede Amendment 713, 29 F.R. 5163, AD 64-8-3, with a new directive requiring replacement of the older connecting rods with a new strengthened connecting rod assembly and to include both Models VO-540 and TIVO-540 Series Lycoming engines was published in 30 F.R. 5907.

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

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

LYCOMING. Applies to Model VO-540 Series engines with Serial Numbers 102-43 through 484-43, 486-43 through 587-43, 589-43 through 599-43, 602-43 through 618-43, 623-43 through 626-43, 628-43 through 675-43, 677-43 through 679-43, 681-43, 682-43, 684-43 through 686-43, 688-43 through 693-43, 696-43 through 701-43, 704-43, 709-43, 711-43 through 743-43, 747-43 through 750-43, 753-43, 761-43, 762-43, 764-43 through 769-43, 775-43 through 808-43, 810-43 through 1014-43, 1016-43 through 1069-43, 1072-43, 1073-43, 1076-43 through 1125-43, 1127-43 through 1136-43, 1138-43 through 1187-43, 1189-43 through 1191-43, 1193-43 through 1201-43, 1203-43, and to Model TIVO-540 Series engines with Serial Numbers 105-57, 109-57, 115-57 through 117-57, 124-57.

Compliance required as indicated.

To prevent further failures of connecting rods, P/N 71947 and P/N 73174, accomplish the following:

(a) Replace connecting rod assemblies, P/N 71947 and P/N 73174, with a new rod assembly, P/N 75548, before further flight following any engine operation during which the engine speed has exceeded 3,500 r.p.m.

(b) Replace connecting rod assemblies, P/N 71947 and P/N 73174, with 400 or more hours' time in service on the effective date of this AD with connecting rod assembly, P/N 75548, within the next 150 hours' time in service.

(c) Replace connecting rod assemblies, P/N 71947 and P/N 73174, with less than 400 hours' time in service on the effective date of this AD with connecting rod assembly, P/N 75548, prior to 550 hours' time in service.

(d) Replacement of connecting rod assemblies required by paragraphs (a), (b), and (c), shall be accomplished in accordance with the instructions in Lycoming Service Bulletin No. 303 or later FAA-approved revision.

This supersedes Amendment 713, 29 F.R. 5163, AD 64-8-3.

This amendment becomes effective July 23, 1965.

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

Issued in Washington, D.C., on June 17, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6549; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6230; Amdt. No. 39-91]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel-Schebler Models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA, and MA-6 Carburetors

Amendment 39-11 (29 F.R. 16317), AD 64-27-2, as amended by Amendment 39-37 (30 F.R. 2134) requires inspection, parts replacement, installation of the positive retraction float valve assembly, and safetying of the bowl screws by the use of safety wire on Marvel-Schebler Models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA, and MA-6 Carburetors. The Agency has determined that the use of hexagonal head cap screws with special lock washers may be substituted for screws and safety wire on certain carburetors without adversely affecting safety. Therefore the AD is revised to permit the use of these screws and lock washers.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-11 (29 F.R. 16317), AD 64-27-2, as amended by Amendment 39-37 (30 F.R. 2134), is further amended by adding the following new sentence at the end of paragraph (e): "Use of ¼-28 x ⅜ UNF-2A hexagonal head cap screws with Marvel-Schebler special lock washer P/N 78-

A97 is an acceptable alternate for the screw and safety wire procedure on Model MA-4-5, MA-4-5AA, and MA-6 carburetors."

This amendment becomes effective June 23, 1965.

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

Issued in Washington, D.C. on June 16, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6550; Filed, June 22, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-2]

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

Alteration of Control Zone and Transition Area, Revocation of Control Area Extension and Designation of Transition Area

On pages 3783 and 3784 of the FEDERAL REGISTER for March 23, 1965, the Federal Aviation Agency published proposed regulations which would alter the Hopkinsville, Ky., control zone, the Hopkinsville, Ky., transition area, revoke the Hopkinsville, Ky., control area extension and designate a 700-foot Hopkinsville, Ky. (Hopkinsville-Christian County), transition area.

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

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

1. Under Item 3 of the text material, line 6, delete the figures "044°" and insert in lieu thereof "045°".

2. Under Item 3 of the text material, second paragraph, line 9, delete the coordinates "37°17'50" N., 87°18'00" W." and insert in lieu thereof "the W edge of V7 at latitude 37°17'50" N.".

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

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

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

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Hopkinsville, Ky., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hopkinsville, Ky., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 36°40'11" N., 87°29'13" W. of Campbell Army Airfield, excluding the area within a 1.5-mile radius of the center of Outlaw Field, Clarksville, Tenn.; within 2 miles each side of the Campbell VOR 225° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the Campbell TACAN 049° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the Hopkinsville, Ky., Transition Area and insert in lieu thereof a 700-, 1,200-, and 2,500-foot Hopkinsville, Ky. (Campbell AAF), transition area described as follows:

HOPKINSVILLE, KY. (CAMPBELL AAF)

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 36°40'11" N., 87°29'13" W. of Campbell Army Airfield; within 5 miles SE and 8 miles NW of the Campbell RBN 045° bearing extending from the 14-mile radius area to 12 miles NE of the RBN; within 5 miles NW and 8 miles SE of the Clarksville, Tenn., VOR 064° radial extending from the 14-mile radius area to 12 miles NE of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded on the E by V7, on the SE by V57, on the S by V16N and V140, and by a line commencing at the N edge of V140 at 87°55'15" W. to 36°28'00" N., 88°19'50" W. to 36°34'45" N., 88°03'00" W. to 36°44'45" N., 88°09'55" W. to 36°53'20" N., 88°07'05" W. to 37°12'50" N., 87°39'30" W. to the W edge of V7 at latitude 37°17'50" N.

That airspace extending upward from 2,500 feet MSL within 5 miles each side of the Paducah, Ky., VOR 109° radial bounded on the E by the aforementioned 1,200-foot transition area and on the W by a line between 36°54'00" N., 88°42'15" W. and 37°01'30" N., 88°35'00" W.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot Hopkinsville, Ky (Hopkinsville-Christian County), transition area described as follows:

HOPKINSVILLE, KY. (HOPKINSVILLE-CHRISTIAN COUNTY)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°51'21" N., 87°27'39" W. of Hopkinsville-Christian County Airport, Hopkinsville, Ky., excluding that portion within the Hopkinsville, Ky. (Campbell AAF), Transition Area. This transition area is effective from sunrise to sunset, daily.

[F.R. Doc. 65-6551; Filed, June 22, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-58]

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

Alteration, Designation and Revocation of Control Zones and Designation of Transition Areas

On pages 1993 and 1994 of the FEDERAL REGISTER for February 12, 1965, the Federal Aviation Agency published proposed regulations which would alter the control zone of Windsor Locks, Conn.; designate a part-time control zone for East Hartford, Conn.; designate a 700-foot transition area over Bradley Field, Windsor Locks, Conn., and over Windham Airport, Willimantic, Conn., and revoke the Hartford, Conn., control zone. A 1200-foot Hartford, Conn., transition area would also be designated, and a 700-foot transition area over Rentschler Field, Hartford, Conn.

Interested parties were given 45 days after publication in which to submit written data or views. Simsbury Flying Service objected to the inclusion of Simsbury Airport in the Windsor Locks, Conn., control zone on the grounds of a hardship to its operations. However, Simsbury Airport is included in the presently existing Windsor Locks control zone, and the proposed alteration does not place any additional burden on any user of Simsbury Airport. Further, because of its physical location, and resultant effect on instrument approach procedures to Bradley Field, Simsbury Airport cannot be excluded at this time.

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

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Windsor Locks, Conn., control zone description and insert in lieu thereof the following:

Within a 5-mile radius of the center 41°56'24" N., 72°41'10" W. of Bradley Field, Windsor Locks, Conn., and including a 1-mile radius of the center 41°54'56" N., 72°46'39" W. of Simsbury Airport, Simsbury, Conn.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to 6 miles S of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 6 miles NE of the localizer; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles north of the end of the runway; within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 7 miles NW of the end of the runway.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by revoking the Hartford, Conn., control zone.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating a part-time East Hartford, Conn., control zone described as follows:

EAST HARTFORD, CONN.

Within a 5-mile radius of the center 41°-45'08" N., 72°37'21" W. of Rentschler Field, East Hartford, Conn.; within 2 miles each side of the Hartford VOR 334° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of a line bearing 191° from the Hartford RBN extending from the 5-mile radius zone to 7 miles S of the RBN; and within 2 miles each side of the centerline of Runway 14 extended from the 5-mile radius zone to 7 miles SE of the end of the runway. This control zone is effective from 0700 to 2300 hours local time, daily.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot Hartford, Conn., transition area described as follows:

HARTFORD, CONN.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 41°56'24" N., 72°41'10" W. of Bradley Field, Windsor Locks, Conn.; within 2 miles each side of the airport ILS localizer SW course extending from the 9-mile radius area to 8 miles SW of the OM; within 2 miles each side of the centerline of Runway 33 extended from the 9-mile radius area to 13 miles NW of the end of the runway; within 2 miles each side of the centerline of Runway 6 extended from the 9-mile radius area to 12 miles NE of the end of the runway; within a 10-mile radius of the center of Bradley Field extending clockwise between lines bearing 327° to 028° from the airport; within a 9-mile radius of the center 41°45'08" N., 72°-37'21" W. of Rentschler Field, East Hartford, Conn.; within a 12-mile radius of Rentschler Field extending clockwise from 110° to 240° bearing from the airport; within 5 miles NW and 5 miles SE of the Hartford VOR 223° radial extending from the VOR to a point 15 miles SW.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°02'00" N., 72°07'00" W. to 41°55'00" N., 71°59'00" W. to 41°40'00" N., 72°08'00" W. to 41°18'00" N., 72°30'30" W. to 41°31'00" N., 72°46'00" W. to 41°49'00" N., 73°16'00" W. to 42°02'00" N., 73°16'00" W. to the point of beginning.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot Willimantic, Conn., transition area described as follows:

WILLIMANTIC, CONN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

[F.R. Doc. 65-6552; Filed, June 22, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-77]

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

Alteration of Control Zones, Transition Area and Designation of Transition Areas

On pages 3784 and 3785 of the FEDERAL REGISTER for March 23, 1965, the Federal Aviation Agency published proposed regulations which would alter the Concord, N.H., and Manchester, N.H., control zones; alter the Laconia, N.H., transition area; designate a 700-foot floor transition area over Boire Field, Nashua, N.H., Concord Municipal Airport, Concord, N.H., and Grenier Field, Manchester, N.H. A 1,200-foot floor Concord, N.H., transition area would also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. Subsequent to the issuance of the notice of proposed rule making, the Grenier Field instrument approach procedure, AL-246-VOR/DME-1 final approach course was altered from 327° to 325°. Further the Concord radio beacon was renamed the Pembroke radio beacon and for purposes of clarity, the coordinates of said radio beacon will be included in the final rule.

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

1. Under Item 1 of the text material, line 7, delete the words "Concord RBN" and insert in lieu thereof the words "Pembroke RBN (43°10'57" N., 71°28'18" W.)".

2. Under Item 2 of the text material, line 10, delete the figures "327°" and insert in lieu thereof "325".

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

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

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

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the Concord, N.H., control zone and insert in lieu thereof:

CONCORD, N.H.

Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W. of Concord Municipal Airport, Concord, N.H.; within 2 miles each side of the Concord VOR 285° radial extending from the 5-mile radius zone to 7 miles W of the VOR; within 2 miles each side of the 136° bearing from the Pembroke RBN (43°10'57" N., 71°28'18" W.), extending from the 5-mile radius zone to 7 miles SE of the radio beacon; within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles N of the end of the runway.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the Manchester, N.H., control zone and insert in lieu thereof:

MANCHESTER, N.H.

Within a 5-mile radius of the center, 42°55'55" N., 71°26'20" W. of Grenier Field, Manchester, N.H.; within 2 miles each side of the 157° bearing from the Manchester RBN extending from the 5-mile radius zone to 6 miles S of the RBN; within 2 miles each side of the Manchester VOR 142° and 322° radials extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Manchester VOR 325° radial extending from the 5-mile radius zone to 13 miles NW of the VOR effective from 0600 to 2300 hours, local time, daily.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot transition area described as follows:

CONCORD, N.H.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°22'00" N., 71°23'00" W. to 42°49'00 N., 71°11'00" W. to 42°43'00" N., 71°23'00" W. to 42°43'00" N., 71°36'00" W. to 42°54'00" N., 71°45'00" W. to 42°57'00" N., 71°40'00" W. to 43°17'00" N., 71°46'00" W. to point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Laconia, N.H., transition area and insert in lieu thereof:

LACONIA, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°34'24" N., 71°25'30" W. of Laconia Airport, Laconia, N.H.; within 2 miles each side of the 247° bearing from the Laconia RBN extending from the 5-mile radius area to 8 miles SW of the RBN.

[F.R. Doc. 65-6553; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-17]

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

Designation of Control Zone and Transition Area

On pages 4138 and 4139 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would designate an Aberdeen, Md., control zone and a 700-foot transition area over Phillips Army Airfield, Aberdeen, Md.

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

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

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

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

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

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate an Aberdeen, Md., control zone:

ABERDEEN, MD.

Within a 5-mile radius of the center, 39°28'18" N., 76°10'13" W. of Phillips AAF and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 5-mile radius zone to 6 miles NE of the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Aberdeen, Md., transition area described as follows:

ABERDEEN, MD.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°28'18" N., 76°10'13" W. of Phillips AAF, Aberdeen, Md., and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 7-mile radius area to 8 miles NE of the RBN.

[F.R. Doc. 65-6554; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WE-70]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is

to alter the description of the China Lake, Calif., control zone.

In the description of the China Lake, Calif., control zone published in the FEDERAL REGISTER on December 15, 1964 (29 F.R. 17591), the lengths of the control zone extensions were inadvertently described as extending from the 5-mile radius zone to 3 miles N and SE of the TACAN. Accordingly, action is taken herein to reflect the correct length of the control zone extensions.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, as hereinafter set forth.

In § 71.171 (29 F.R. 17591) the China Lake, Calif., control zone is amended to read:

CHINA LAKE, CALIF.

Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.); within a 1-mile radius of Ridgecrest Airport, Calif. (latitude 35°36'40" N., longitude 117°40'25" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

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

Issued in Los Angeles, Calif., on June 15, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6555; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-15]

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

Designation of Transition Area

On page 4138 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Westerly State Airport, Westerly, R.I.

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

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

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

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

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

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Westerly, R.I., transition area described as follows:

WESTERLY, R.I.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°20'58" N., 71°48'14" W. of Westerly State Airport, Westerly, R.I.; within 5 miles each side of the Groton, Conn., VOR 084° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the Norwich, Conn., VORTAC 162° radial extending from 19 to 25 miles S of the VORTAC, excluding the portion coincident with the Groton, Conn., transition area.

[F.R. Doc. 65-6556; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-19]

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

Alteration of Transition Area and Designation of Transition Areas

On page 4139 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would alter the 1,200-foot DeLancey, N.Y., transition area, designate a 700-foot transition area over Cooperstown Airport, Cooperstown, N.Y., and over Sidney Municipal Airport, Sidney, N.Y.

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

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

Under Item 2 of the text material, line 8, insert after the words "Sidney radio beacon" the coordinates "42°20'03" N., 75°22'10" W.".

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

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

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

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the DeLancey, N.Y., transition area and insert in lieu thereof:

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Sidney, N.Y., transition area described as follows:

SIDNEY, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°18'30" N., 75°24'45" W. of Sidney Airport, Sidney, N.Y.; within 2 miles each side of the Rockdale VOR 219° radial extending from the 5-mile radius to the VOR; within 2 miles each side of a bearing 048° from the Sidney radio beacon 42°20'03" N., 75°22'10" W. extending from the 5-mile radius to 8 miles NE of the radio beacon.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Cooperstown, N.Y., transition area described as follows:

COOPERSTOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°42'45" N., 74°56'30" W. of Cooperstown Airport, Cooperstown, N.Y., effective from sunrise to sunset, daily.

[F.R. Doc. 65-6557; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-22]

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

Designation of Transition Area

On pages 4139 and 4140 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot transition area over Pitman Airport, Pitman, N.J.

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

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

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

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

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

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Pitman, N.J., transition area described as follows:

PITMAN, N.J.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°45'00" N., 75°08'00" W. of Pitman Airport, Pitman, N.J., and within 2 miles each side of the Woodstown, N.J., VOR 047° radial extending from the 4-mile radius area to the VOR, excluding that portion within the Philadelphia, Pa., transition area, effective from sunrise to sunset, daily.

[F.R. Doc. 65-6558; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. 6227; Amdt. 151-8]

PART 151—FEDERAL AID TO AIRPORTS

Miscellaneous Amendments

The purposes of this amendment to Part 151 of the Federal Aviation Regulations are to reflect the amendments to the Federal Airport Act (49 U.S.C. 1101-1120) made by P.L. 88-280, and to limit the eligibility of field maintenance equipment buildings as items included in an airport development project under the Federal-aid airport program, as required by section 13(b) of that act. This action is taken on the basis of notice of proposed rule making 64-44 that was published in the FEDERAL REGISTER on October 7, 1964 (29 F.R. 13129).

The majority of the comments received in response to the notice approved the proposed amendments implementing P.L. 88–280. As stated in the notice, P.L. 88–280 provides for grants for advance planning and engineering; adds Guam to the areas eligible for Federal aid; requires proposals and projects to be reasonably consistent with plans of public agencies for the development of the area; requires sponsor assurances as to restricting the use of land adjacent to the airport to purposes compatible with airport operations; authorizes record keeping requirements; and provides for access to sponsor records for audit and examination. The Federal Aviation Agency proposed to implement P.L. 88–280 by adding to Part 151 a new Subpart D—Rules and Procedures for Advance Planning and Engineering Proposals, and a new § 151.26, *Procedures: application; compatible land use information;* and by amending several existing sections of Part 151. Several editorial changes to affected sections were also proposed.

Several comments dealt with amendments affecting existing sections of Part 151. Proposed § 151.3 was objected to because it limits the eligibility for Federal-aid airport program grants to work at an airport included in the National Airport Plan. However, under section 9(a) of the act, only work at an airport that is listed in the National Airport Plan is eligible for a Federal-aid airport program grant.

One comment objected that the proposed provisions of § 151.5(d) relating to stage construction and those of § 151.7 (b) relating to consolidation of small projects are inconsistent. These provisions as proposed in the notice are substantively the same as they were before. Section 151.7(b) requires consolidation of small projects to save administrative expense. Section 151.5(d) provides for the division of projects, not into smaller projects but into successive stages of development over 2 or more fiscal years because Federal funds appropriated for aid to airports in any year should not be tied up for payments to become due on a project in later years but should, if possible, be used in that year for other projects. Thus, there is no inconsistency.

Amended section 9(d)(1) of the Federal Airport Act states: "All such projects and advance planning and engineering proposals shall be subject to the approval of the Administrator, which approval shall be given only if he is satisfied that the project or advance planning and engineering proposal is reasonably consistent with plans (existing at the time of approval of the project or advance planning and engineering proposal) of public agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this Act * * *." The Agency proposed to implement the statutory requirement by adding new subparagraph (4) to § 151.39(a), and by a new § 151.129 (b) in new Subpart D. One comment suggested that a better course for the Agency would be to require local agencies to tailor their plans to the airport development program. While such voluntary action by local agencies may bring about the consistency contemplated by the act, section 9(d)(1) does not authorize the Agency to "require" it. However, §§ 151.39(a)(4) and 151.129(b) are modified from the proposed provision to reflect all of the language quoted above from section 9(d)(1). These sections are otherwise unchanged.

Several comments were received on proposed new Subpart D that relates exclusively to advance planning and engineering grants now authorized by new section 8 of the act. Some comments object to proposed § 151.111(c)(1), that excludes airports identified in the National Airport Plan as large or medium hubs served by air carrier service from eligibility for advance planning and engineering grants. The Agency adheres to its determination that grants for advance planning and engineering be limited to airports in smaller communities that may otherwise find it difficult to properly plan an airport development project because of the limited availability of necessary funds. Sponsors of airport development projects at large or medium hub airports can be expected to advance these initial costs of planning and engineering. Most advance planning and engineering costs are eligible for inclusion in the resulting airport development project under § 151.41, if there was no advance planning and engineering grant.

New § 151.121 states in full sponsor's assurance that it will comply with the exclusive rights provision of section 308 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)). This section was not proposed in its present form in Notice 64–44, but, in proposed § 151.119(b)(1) (renumbered as § 151.131(b)(1) herein), the Agency stated that sponsors of advance planning and engineering proposals would be required to give this assurance in Part I of the Advance Planning Agreement, FAA Form 3732. Since the assurance is stated in full here, it can be incorporated by reference into Part I of the Advance Planning Agreement. Thus, there is no substantive change from the notice.

Section 151.123 is adopted as proposed in the notice. One comment expressed concern that § 151.123(a) might prevent the inclusion of advance planning and engineering costs in airport development projects under § 151.41. Of course, advance planning costs will not be eligible for inclusion in an airport development project if they were included in an advance planning and engineering proposal grant. However, where the sponsor is not eligible, or has not applied, for an advance planning and engineering grant, advance planning costs are eligible for inclusion in an airport development project grant under § 151.41. It may bear re-emphasizing that costs incurred before the advance planning agreement is executed are not eligible for inclusion in the advance planning grant.

Several comments suggested that certain additional advance planning cost items be listed in § 151.125(b). These cost items were airport location studies to assure compatibility with air traffic control and navigation aid requirements, airport capacity and delay analyses at the planning stage, property line surveys, and aerial surveys. All these specific items are deemed to be included in the general categories of allowable costs stated in § 151.125(b), as adopted. The list is not an exclusive enumeration. However, the Agency has added a new subparagraph (6) to § 151.125(b) to make incidental costs eligible, that would not have been incurred otherwise, and that are necessary to accomplish the proposal. Except for this addition, § 151.125 is adopted as proposed in the notice.

The Agency has added a reference in § 151.131(a) to the sponsor's representation that it will comply with new Part 15 of the Federal Aviation Regulations, Part 15, *Nondiscrimination in Federally Assisted Programs of the Federal Aviation Agency—Effectuation of Title VI of the Civil Rights Act of 1964*, adopted by the Administrator and approved by the President, was effective on January 30, 1965 (29 F.R. 19238). Section 15.7 requires each sponsor to give an assurance at the time of application for Federal financial assistance that it will comply with Part 15. This assurance is contained in Part II of the Advance Planning Proposal, FAA Form 3731. This reference does not involve any substantive change.

Other editorial changes not involving any substantive amendments are included in the amendments implementing P.L. 88–280. For example, the sections in new Subpart D are renumbered, and an unnecessary citation in § 151.57(b) is deleted.

Also contained in notice 64–44 was a proposed amendment to § 151.93(a) which would make field maintenance equipment buildings eligible items for inclusion in airport development projects in only 15 specific States listed. Several comments objected to the idea of limiting in any way Federal-aid airport program participation in the construction of field maintenance equipment buildings. However, section 13(b) of the act, as amended, provides: "* * * The following shall not be allowable project costs: * * * (2) The cost of construction of any part of an airport building except such of those buildings intended to house facilities or activities directly related to the safety of persons at the airport." Applied to field maintenance equipment buildings, this Congressional mandate makes them eligible items only to the extent that they house snow removal and abrasive spreading equipment and provide minimum protection for sand and other abrasive material, and only where the climate is such that, unless the equipment and abrasives are housed, immediate availability under extreme weather conditions is not assured. Otherwise, the direct relation to the safety of persons at the airport, which the act requires, does not exist. Fire and rescue equipment buildings continue to be eligible items in any airport development project, but any buildings are ineligible that do not relate directly to the safety of persons at the airport.

One comment suggested that the Agency should use an additional criterion based on snowfall. However, while the amount of snowfall in an area deter-

mines the need for the snow removal and abrasive spreading equipment, and for the abrasive material, it is the extreme low temperature in an area that causes the need for housing the equipment and material to assure its immediate availability. Therefore, the Agency retains the criterion stated in the notice as the sole criterion.

However, the Agency has adopted another amendment urged in several comments to § 151.93(a). These comments argued that by basing eligibility of airports on the mean daily minimum temperature of entire States, the Agency failed to take into account that local areas, in States not eligible in their entirety, may meet or exceed the climatic criterion. Several States have winter climates that vary from relatively mild areas to severly cold areas. Accordingly, the Agency has added a provision that permits field maintenance equipment buildings to be included in an airport development project on any airport located in an area that meets the temperature criterion. The sponsor must show that the area had a mean daily minimum temperature of zero degrees Fahrenheit, or less, for at least 20 days each year for the 5 years preceding its application. This showing is based on U.S. Department of Commerce Weather Bureau statistics if they are available, or, if these statistics are not available, upon other evidence satisfactory to the Administrator.

In consideration of the foregoing, effect July 23, 1965, Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended as hereinafter set forth.

(Secs. 1-15 and 17-21, Federal Airport Act; 49 U.S.C. 1101-1114, and 1116-1120, and sec. 308(a), Federal Aviation Act of 1958; 49 U.S.C. 1349(a))

Issued in Washington, D.C., on June 16, 1965.

N. E. HALABY,
Administrator.

1. By amending § 151.3 to read as follows:

§ 151.3 National airport plan.

(a) Under the Federal Airport Act, the FAA prepares each year a "National Airport Plan" for developing public airports in the United States, Puerto Rico, the Virgin Islands, and Guam. In terms of general location and type of development, the National Airport Plan specifies the maximum limits of airport development that is necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

(b) If, within the forecast period, an airport will have a substantial aeronautical necessity, it may be included in the National Airport Plan. Only work on an airport included in the current Plan is eligible for inclusion in the Federal-aid Airport Program to be undertaken within currently available appropriations and authorizations. However, the inclusion of an airport in the National Airport Plan does not commit the United States to include it in the Federal-aid Airport Program. In addition, the local community concerned is not required to proceed with planning or development of an airport included in the National Airport Plan.

2. By amending § 151.5 to read as follows:

§ 151.5 General policies.

(a) *Airport layout plan.* As used in this part, "airport layout plan" means the basic plan for the layout of an eligible airport that shows, as a minimum—

(1) The present boundaries of the airport and of the offsite areas that the sponsor owns or controls for airport purposes, and of their proposed additions;

(2) The location and nature of existing and proposed airport facilities (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and of their proposed modifications and extensions; and

(3) The location of existing and proposed non-aviation areas, and of their existing improvements.

All airport development under the Federal-aid Airport Program must be done in accordance with an approved airport layout plan. Each airport layout plan, and any change in it, is subject to FAA approval. The Administrator's signature on the face of an original airport layout plan, or of any change in it, indicates FAA approval. The FAA approves an airport layout plan only if the airport development is sound and meets applicable requirements.

(b) *Safe, useful, and usable unit.* Except as provided in paragraph (d) of this section, each advance planning and engineering proposal or airport development project must provide for the planning or development of—

(1) An airport or unit of an airport that is safe, useful, and usable; or

(2) An additional facility that increases the safety, usefulness, or usability of an airport.

(c) *National defense needs.* The needs of national defense are fully considered in administering the Federal-aid Airport Program. However, approval of an advance planning and engineering proposal or a project application is limited to planning or airport development necessary for civil aviation.

(d) *Stage development.* In any case in which airport development can be accomplished more economically under stage construction, federal funds may be programmed in advance for the development over two or more years under two or more grant agreements. In such a case, the FAA makes a tentative allocation of funds for both the current and future fiscal years, rather than allocating the entire federal share in one fiscal year. A grant agreement is made only during the fiscal year in which funds are authorized to be obligated. Advance planning and engineering grants are not made under this paragraph.

3. By amending § 151.7 to read as follows:

§ 151.7 Grants of funds: general policies.

(a) *Compliance with sponsorship requirements.* The FAA authorizes the expenditure of funds under the Federal-aid Airport Program for airport planning and engineering or for airport development only if the Administrator is satisfied that the sponsorship requirements have been or will be met under existing and proposed agreements with the United States with respect to the airport involved.

(b) *Small proposals and projects.* Unless there is otherwise a special need for United States participation, the FAA includes an advance planning and engineering proposal or an airport development project in the Federal-aid Airport Program only if—

(1) The advance planning and engineering proposal involves more than $1,000 in United States funds; and

(2) The project application involves more than $5,000 in United States funds.

Whenever possible, the sponsor must consolidate small projects on a single airport in one grant agreement even though the airport development is to be accomplished over a period of years.

(c) *Previously obligated work.* Unless the Administrator specifically authorizes it, no advance planning and engineering proposal or project application may include any planning, engineering, or construction work included in a prior agreement with the United States obligating the sponsor or any other non-United States public agency to do the work, and entitling the sponsor or any other non-United States public agency to payment of United States funds for all or part of the work.

4. By amending the heading of Subpart B to read as follows:

Subpart B—Rules and Procedures for Airport Development Projects

5. By adding a new § 151.26 to Subpart B, to read as follows:

§ 151.26 Procedures: applications: compatible land use information.

Each sponsor must state in its application the action that it has taken to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft. The sponsor's statement must include information on—

(a) Any property interests (such as airspace easements or title to airspace) acquired by the sponsor to assure compatible land use, or to protect or control aerial approaches;

(b) Any zoning laws enacted or in force restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, whether or not enacted by the sponsor; and

(c) Any action taken by the sponsor to induce the appropriate government authority to enact zoning laws restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, when the sponsor lacks the power to zone the land.

§ 151.27 [Amended]

6. By amending paragraph (b) of § 151.27 as follows:

a. By striking out the words "master plan layout" in subparagraphs (1) and (2) and inserting the words "airport layout plan" in place thereof.

b. By striking out the words "this Part" in subparagraph (2) and inserting the words "Subparts B and C" in place thereof.

§§ 151.31, 151.33, 151.41, 151.54, 151.67 [Amended]

7. By amending §§ 151.31, 151.33, 151.41, 151.54, and 151.67, by striking out the words "this Part" wherever they appear therein and inserting the words "Subparts B and C" in place thereof.

§ 151.35 [Amended]

8. By amending § 151.35 as follows:

a. By amending the heading to read as follows:

§ 151.35 *Airport development and facilities to which Subparts B and C apply.*

b. By striking out the words "this Part" in paragraphs (a) and (b) and inserting the words "Subparts B and C" in place thereof.

§ 151.37 [Amended]

9. By amending § 151.37 as follows:

a. By striking out the words "the Virgin Islands," in paragraph (a) and inserting the words "the Virgin Islands, Guam," in place thereof.

b. By striking out the words "this Part" in subparagraph (3) of paragraph (b) and inserting the words "Subparts B and C" in place thereof.

c. By amending the last sentence of the section to read as follows:

For the purpose of paragraph (a) of this section, the United States, or an agency thereof, is not eligible for a project under Subparts B and C, unless the project—

(1) Is located in Puerto Rico, the Virgin Islands, or Guam;

(2) Is in or is in close proximity to a national park, a national recreation area, or a national monument; or

(3) Is in a national forest or a special reservation for United States purposes.

§ 151.39 [Amended]

10. By amending § 151.39 as follows:

a. By redesignating subparagraphs (4) and (5) of paragraph (a) as subparagraphs (5) and (6).

b. By adding new subparagraph (4) to paragraph (a) to read as follows:

(4) The Administrator is satisfied that the project is reasonably consistent with existing plans of public agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of the Federal-aid Airport Program;

c. By striking out the words "this Part" in paragraphs (a) and (b) and inserting the words "Subparts B and C" in place thereof.

d. By adding a new paragraph (c) to read as follows:

(c) A project for acquiring land that has been or will be donated to the sponsor is not eligible for inclusion in the Federal-aid Airport Program, unless the project also includes other items of airport development that would require a sponsor's contribution equal to or more than the United States share of the estimated value of the donated land.

§ 151.55 [Amended]

11. By amending § 151.55(d) to read as follows:

(d) The sponsor shall allow the Administrator and the Comptroller General of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and records that are pertinent to grants received under the Federal-aid Airport Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If work is suspended on the project for an appreciable period of time, an audit will be made before any semi-final payment is made. In each case an audit is made before the final payment.

§ 151.57 [Amended]

12. By amending § 151.57 by striking out the citation "(29 CFR 5.6(a)(1))" at the end of paragraph (b).

13. By amending the heading of Subpart C to read as follows:

Subpart C—Project Programming Standards

§§ 151.73, 151.75 [Amended]

14. By amending §§ 151.73, and 151.75, and Appendices A and D, by striking out the words "master plan layout" wherever they appear therein and inserting the words "airport layout plan" in place thereof.

§ 151.87 [Amended]

15. By amending § 151.87 by striking out the reference "§ 151.25" in paragraph (d) and inserting the reference "§ 151.43(d)" in place thereof.

16. By amending paragraph (a) of § 151.93 to read as follows:

§ 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.

(a) Only buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport, including fire and rescue equipment buildings, are eligible items under the Federal-aid Airport Program. To the extent they are necessary to house snow removal and abrasive spreading equipment, and to provide minimum protection for abrasive materials, field maintenance equipment buildings are eligible items—

(1) In any airport development project in the State of Alaska, Colorado, Idaho, Iowa, Montana, Michigan, Maine, Minnesota, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, Wisconsin, or Wyoming; and

(2) In any airport development project for an airport in a location having a mean daily minimum temperature of zero degrees Fahrenheit, or less, for at least 20 days each year for the 5 years preceding the year when Federal aid is requested under § 151.21(a), based on the statistics of the U.S. Department of Commerce Weather Bureau if available, or other evidence satisfactory to the Administrator.

* * * * *

§ 151.95 [Amended]

17. By amending paragraph (g) of § 151.95 by striking out the reference "§ 151.89" in subparagraph (1) and inserting the reference "§ 151.91" in place thereof.

18. By adding a new Subpart D to read as follows:

Subpart D—Rules and Procedures for Advance Planning and Engineering Proposals

Sec.

AUTHORITY: The provisions of this Subpart D issued under secs. 1–15 and 17–21, Federal Airport Act; 49 U.S.C. 1101–1114, and 1116–1120; and sec. 308(a), Federal Aviation Act of 1958; 49 U.S.C. 1349(a).

§ 151.111 Advance planning proposals: general.

(a) Each advance planning and engineering proposal must relate to an airport layout plan or plans and specifications for the development of a new airport, or the further development of an existing airport. Each proposal must relate to a specific airport, either existing or planned, and may not be for general area planning.

(b) Each proposal for the development or further development of an airport must have as its objective either the development of an airport layout plan, under § 151.5(a), or the development of plans designed to lead to a project application, under §§ 151.21(c) and 151.27, or both.

(c) Each proposal must relate to planning and engineering for an airport that—

(1) Is in a location shown on the National Airport Plan; and

(2) Is not identified in the National Airport Plan as served by scheduled air carrier service in a large or medium hub.

(d) Each proposal must relate to future airport development projects eligible under Subparts B and C.

§ 151.113 Advance planning proposals: sponsor eligibility.

The sponsor of an advance planning and engineering proposal must be a public agency, as defined in § 151.37(a).

and must be legally, financially, and otherwise able to—

(a) Make the certifications, representations, and warranties required in the advance planning proposal, FAA Form 3731;

(b) Enter into and perform the advance planning agreement;

(c) Provide enough funds to pay all estimated proposal costs not borne by the United States; and

(d) Meet any other applicable requirements of the Federal Airport Act and this subpart.

§ 151.115 Advance planning proposals: cosponsorship and agency.

Any two or more public agencies desiring to jointly participate in an advance planning proposal may cosponsor it. The cosponsorship and agency requirements and procedures set forth in § 151.33, except § 151.33(a)(1), also apply to advance planning proposals. In addition, the sponsor eligibility requirements set forth in § 151.113 must be met by each participating public agency.

§ 151.117 Advance planning proposals: procedures; application.

(a) Each eligible sponsor desiring to obtain federal aid for the purpose of advance planning and engineering must submit a completed FAA Form 3731, "Advance Planning Proposal", to the District Airport Engineer whose office is in the district where the sponsor is located.

(b) The airport layout plan, if in existence, must accompany the advance planning proposal. If the advance planning proposal includes preparation of plans and specifications, enough details to identify the items of development to be covered by the plans and specifications must be shown. The proposal must be accompanied by evidentiary material establishing the basis for the estimated costs under the proposal, such as an offer from an engineering firm containing a schedule of services and charges therefor.

§ 151.119 Advance planning proposals: procedures; funding.

The funding information required by § 151.23, except the last sentence, also is required in connection with an advance planning proposal. The sponsor's share of estimated proposal costs may not consist of or include the value of donated labor, materials, or equipment.

§ 151.121 Procedures: offer; sponsor assurances.

Each sponsor must adopt the following covenant implementing the exclusive rights provisions of section 308(a) of the Federal Aviation Act of 1958, that is incorporated by reference into Part I of the Advance Planning Agreement:

> The sponsor will not grant or permit any exclusive right for the use of the airport forbidden by section 308(a) of the Federal Aviation Act of 1958, and will otherwise comply with all applicable laws. In furtherance of the policy of FAA under this covenant, the sponsor agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right for the conduct of any aeronautical activities on the airport, including but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity. The sponsor further represents that it can, and agrees that it will, take positive steps to terminate any such existing exclusive right by July 17, 1967 or at the earliest renewal or cancellation date applicable to the exclusive right agreement, whichever occurs first. However, the prohibition against granting or permitting an exclusive right as set forth herein in no way alters the rights or obligations of the sponsor under a surplus property instrument of transfer pursuant to which surplus property was conveyed to the sponsor by the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. 1622(g)).

§ 151.123 Procedures: offer; amendment; acceptance; advance planning agreement.

(a) The procedures and requirements of § 151.29 also apply to approved advance planning proposals. FAA's offer and the sponsor's acceptance constitute an advance planning grant agreement between the sponsor and the United States. The United States does not pay any of the advance planning costs incurred before the advance planning grant agreement is executed.

(b) No grant is made unless the sponsor intends to begin airport development within three years after the date of sponsor's written acceptance of a grant offer. The sponsor's intention must be evidenced by an appropriate written statement in the proposal.

§ 151.125 Allowable advance planning costs.

(a) The United States' share of the allowable costs of an advance planning proposal is stated in the advance planning grant agreement, but is not more than 50 percent of the total cost of the necessary and reasonable planning and engineering services.

(b) The allowable advance planning costs consist of planning and engineering expenses necessarily incurred in effecting the advance planning proposal. Allowable cost items include—

(1) Location surveys, such as preliminary topographic and soil exploration;

(2) Site evaluation;

(3) Preliminary engineering, such as stage construction outlines, cost estimates, and cost/benefit evaluation reports;

(4) Contract drawings and specifications;

(5) Testing; and

(6) Incidental costs incurred to accomplish the proposal, that would not have been incurred otherwise.

(c) To qualify as allowable, the advance planning costs paid or incurred by the sponsor must be—

(1) Reasonably necessary and directly related to the planning or engineering included in the proposal as approved by FAA;

(2) Reasonable in amount; and

(3) Verified by sufficient evidence.

§ 151.127 Accounting and audit.

The requirements of § 151.55 relating to accounting and audit of project costs are also applicable to advance planning proposal costs. However, the requirement of segregating and grouping costs applies only to § 151.55(a) (5) and (7) classifications.

§ 151.129 Payments.

(a) The United States' share of advance planning costs is paid in two installments unless the advance planning grant agreement provides otherwise. Upon request by sponsor, the first payment may be made in an amount not more than 50 percent of the maximum obligation of the United States stipulated in the advance planning grant agreement upon certification by sponsor that 50 percent or more of the proposed work has been completed. The final payment is made upon the sponsor's request after—

(1) The conditions of the advance planning grant agreement have been met;

(2) Evidence of cost of each item has been submitted; and

(3) Audit of submitted evidence or audit of sponsor's records, if considered desirable by FAA, has been made.

(b) When the advance planning proposal relates to the selection of an airport site, the advance planning grant agreement provides that Federal funds are paid to the sponsor only after the site is selected and the Administrator is satisfied that the site selected for the airport is reasonably consistent with existing plans of public agencies for development of the area in which the site is located, and will contribute to the accomplishment of the purposes of the Federal-aid Airport Program.

§ 151.131 Forms.

The forms used for the purpose of obtaining an advance planning and engineering grant are as follows:

(a) *Advance planning proposal, FAA Form 3731* (1) *Part I.* This part of the form contains a request for the grant of Federal funds under the Federal Airport Act for the purpose of aiding in financing a proposal for the development of an airport layout plan or plans, or both, designed to lead to a project application, with spaces provided for inserting information needed for considering the request, including the location of the airport, a description of the plan or plans to be developed, and the estimate of planning and engineering costs.

(2) *Part II.* This part of the form includes the sponsor's representation that it will comply with the provisions of Part 15 of the Federal Aviation Regulations (14 CFR Part 15), and representations concerning its legal authority to undertake the proposal, the availability of funds for its share of the proposal costs, its intention to initiate construction of a safe, useful and usable airport facility shown on an airport layout plan developed under the proposal, or initiate the construction of the item or items of airport development shown on the plans

developed under the proposal and designed to lead to a project application, or both, within three years after the date of acceptance of the offer. It also includes the sponsor's representation as to the method of financing the intended construction, approval of other agencies, defaults, possible disabilities, and a statement concerning acceptance to be executed by the sponsor and certified by its attorney.

(b) *Advance planning agreement, FAA Form 3732*—(1) *Part I.* This part of the form contains an offer by the United States to pay a specified percentage not to exceed 50% of the allowable proposal costs, as described therein, on specific terms relating to the carrying out of the proposal, allowability of costs, payment of the United States' share and sponsor's agreement to comply with the exclusive rights provision of section 308(a) of the Federal Aviation Act of 1958.

(2) *Part II.* This part of the form contains the acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and the certification by the sponsor's attorney.

[F.R. Doc. 65-6560; Filed, June 22, 1965; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter V—Weather Bureau, Department of Commerce

PART 503—SCHEDULE OF CHARGES FOR SERVICES

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

§ 503.1 Charges for furnishing copies of weather records.

(a) Duplicating machine copies:

(1) Ozalid, bruning, and similar processes:	
(i) Synoptic maps and charts:	
(a) Up to 360 sq. in. (per copy)	$0.21
(b) 361 to 510 sq. in. (per copy)	.22
(c) 511 to 800 sq. in. (per copy)	.24
(d) 801 to 1,000 sq. in. (per copy)	.25
(e) 1,001 to 1,220 sq. in. (per copy)	.28
(f) Above 1,220 sq. in. $0.29 for first 1,220 sq. in. and $0.02 for each additional 144 sq. in.	
(ii) Other than synoptic maps and charts:	
8 x 10 ½ (per print)	.10
Over 8 x 10½ (per sq. ft.)	.07
(2) Photocopy prints (photostat, etc.):	
8½ x 11 or smaller	.35
9 x 12 to 12 x 17	.50
14 x 17 to 18 x 24	.85
(3) Thermofax copies or direct contact prints:	
8½ x 11	.11
Larger than 8½ x 11 (per sq. ft.)	.16
(4) Transcopy prints:	
8½ x 10	.40
10 x 12	.40
(5) Xerox copies (maximum size 9 x 14)	.12

(b) Photography:

(1) Prints, black and white:		
(i) Contact:		
8 x 10		$0.35
11 x 14		.50
14 x 17		.70
16 x 20		1.00
20 x 24		1.25
30 x 40		2.25
(ii) Enlargements by conventional processes:		
5 x 7		.45
8 x 10		.60
11 x 14		1.00
20 x 24		1.50
(iii) Enlargements from available microfilm using microfilm-printing equipment, e.g., 3M Reader-Printer, Xerox 1824 Printer:		
Up to 18 x 24		.35
(2) Microfilm:		
(i) Negative film (one or two pages to exposure on panchromatic contrast film)	35 mm	.05
Per frame or exposure	16 mm	.04
(ii) Film copy (excluding radar film printed to register and meteorological satellite film) Silver halide process, diazo process, or Kalvar process, unsprocketed, from negative of uniform density	35 mm	6.00
Per reel	16 mm	5.50

(Reels are approximately 100 ft. in length and the price includes spool and box.)

SPECIAL PRICE NOTE: A single 100-foot reel of 35 mm diazo microfilm, unsprocketed, containing a month of data of the Daily Series, Synoptic Weather Maps, Part II Northern Hemisphere Data Tabulations, will be furnished at $4.00 per reel on a current continuing subscription basis. When furnished on an irregular and/or noncurrent basis, the regular price per reel will apply.

(iii) Film copy, radar film, sprocketed, printed to register. Positive only.		
Per reel, approximately 100 ft.	35 mm	9.00
Per reel (see note on length below)	16 mm	7.00

NOTE: If copies from original photography on 16 mm camera, the length is approximately 100 feet. If reduced from original photography on 35 mm camera, the length is approximately 50 feet.

(iv) Film copy, meteorological satellite, silver halide process, sprocketed, positive or negative, per reel, approximately 100 feet	35 mm	6.50
(3) Microfiche, ozalid, negative only, 4" x 6" or 5" x 8".		

SPECIAL PRICE NOTE: A set of 5" x 8" microfiche cards, one for each day of the month, containing a month of data in the Daily Series, Synoptic Weather Maps, Part II, Northern Hemisphere Data Tabulations, will be furnished for $5.00 a month, on a current continuing subscription basis. When furnished on an irregular and/or noncurrent basis, the regular price per microfiche will apply.

(c) Time spent by field station employees in performing the following services will be charged at the rate of $4.40 per hour if services are performed during the normal working hours, or at the rate of $5.73 per hour if performed on overtime.

(1) Hand transcription of official meteorological records.

(2) Searching map or record files to assemble material.

(3) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photostat, or other reproductions.

NOTE: A minimum charge of $2.00 will be made for a single order on any of the items in this Exhibit except that this minimum charge shall not apply to single orders at a field station for preliminary Local Climatological Data prepared on government equipment.

(59 Stat. 1067, sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

Effective date. July 1, 1965.

R. C. GRUBB,
Acting Chief of Weather Bureau.

[F.R. Doc. 65-6572; Filed, June 22, 1965; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-892]

PART 13—PROHIBITED TRADE PRACTICES

Alaskan Fur Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–15 Comparative, 13.155–45 Fictitious marking, 13.155–85 Sales below cost. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: §13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* 13.1255–30 Fur Products Labeling Act; § 13.1325 *Source or Origin:* 13.1325–70 Place: 13.1325–70(e) Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—prices: § 13.1811 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40(b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Alaskan Fur Co., Inc. et al., Kansas City, Mo., Docket C-892, Apr. 15, 1965]

In the Matter of Alaskan Fur Company, Inc., a Corporation, and Meyer Finkel, Myron Wang, and M. Leonard Markel, Individually and as Officers of Said Corporation

Consent order requiring Kansas City, Mo., retailers and wholesalers of fur products to cease mislabeling, falsely invoicing, and deceptively advertising fur

products in alleged violation of the Fur Products Labeling Act, by failing to disclose on labels the country of origin of imported furs; failing to use the term "Natural" on labels, invoices, and in newspaper advertisements to describe furs which were not bleached, dyed, or artificially colored; failing to show the true animal name of furs on invoices and in advertisements; misrepresenting savings in newspaper ads and window signs through fictitious prices, and failing to maintain adequate records to support such pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Alaskan Fur Co., Inc., a corporation and its officers, and Meyer Finkel, Myron Wang and M. Leonard Markel, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or indirectly, or through any corporate or other device in connection with the introduction into commerce or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as the terms "commerce" "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures, plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of any fur product, and which:

1. Represents, directly or by implication in advertising or otherwise, that a purchase of respondents' product made at less than the ticketed price or purported regular or former price, is a reduction from or savings on such price, unless the respondents are able to establish that such price is, in fact, the regular bona fide price at which the said respondents have sold or expect to make substantial sales.

2. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

3. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

D. Making claims and representations of the types covered by subsections (a) (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 15, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6562; Filed, June 22, 1965; 8:46 a.m.]

[Docket C-891]

PART 13—PROHIBITED TRADE PRACTICES

Cyn Les Sportswear, Inc., et al.

Subpart—Misbranding or mislabeling: § 12.1185 *Composition:* 13.1185-90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Cyn Les Sportswear, Inc., et al., New York, N.Y., Docket C-891, Apr. 9, 1965]

In the Matter of Cyn Les Sportswear, Inc., a Corporation, and Jack Haber and Samuel Haber, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer of wool products to cease the alleged violations of the Wool Products Labeling Act by misbranding the fiber content of wool products, such as labeling certain sweaters as "70 percent Mohair, 30 percent Wool", when said sweaters contained substantially different fibers and amounts than represented; and using the term "Mohair" in lieu of the word "Wool" on labels to describe certain fibers that were not entitled to such designation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Cyn Les Sportswear, Inc., a corporation and its officers, and Jack Haber and Samuel Haber, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing, or delivering for shipment in commerce, wool sweaters or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939.

1. Which are falsely or deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. To which is affixed a label wherein the term "Mohair" is used in lieu of the word "Wool" in setting forth the required information on labels affixed to such wool products unless the fibers described as "Mohair" are entitled to such designation and are present in at least the amount stated.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6563; Filed, June 22, 1965; 8:46 a.m.]

[Docket 8630]

PART 13—PROHIBITED TRADE PRACTICES

Nancy Greer, Inc.

Supbpart—Discriminating in price under Sec. 2, Clayton Act—payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526, as amended; 15 U.S.C. 13) [Cease and desist order, Nancy Greer, Inc., New York, N.Y., Docket 8630, Apr. 9, 1965]

Consent order requiring a New York City manufacturer of wearing apparel products, having sales in excess of $4,900,000 in 1960, to cease making discriminatory payments for advertising, promotional services, and other facilities and services to certain favored customers as compensation for promoting the sale of its wearing apparel products—such as paying promotional allowances of $4,499 during 1961 and $3,951 during 1962 to a favored customer in Philadelphia, while not making such payments available on proportionally equal terms to all customers competing

with favored customer in the sale of such products of respondent, and postponing effective date of the order until further order of the Commission.

The order to cease and desist, including further order postponing effective date of said order, is as follows:

It is ordered, That respondent Nancy Greer, Inc., a corporation, its officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of the order to cease and desist be, and it hereby is, postponed until further order of the Commission.

Issued: April 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6564; Filed, June 22, 1965; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6829]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Tax Adjustments in Determining Earnings and Profits of Certain Foreign Corporations

In order to extend the time within which the Director of International Operations may notify other United States shareholders of certain accounting actions taken on behalf of a foreign corporation by controlling United States shareholders, § 1.964-1 of the Income Tax Regulations (26 CFR Part 1) is amended by revising subdivision (iv) of paragraph (c)(4) to read as follows:

§ 1.964-1 Determination of the earnings and profits of a foreign corporation.

* * * * *

(c) *Tax adjustments.* * * *

(4) *Effect of action by controlling United States shareholders.* * * *

(iv) Was notified by the Director of International Operations of the action taken—

(*a*) Within 61 days after the last day (including extensions of time) prescribed with respect to the taxable year of the foreign corporation by subparagraph (3)(ii) of this paragraph for filing the written statement described in such subparagraph, or

(*b*) Within 180 days after the close of the first taxable year in which such shareholder becomes a United States shareholder,

whichever is later.

* * * * *

Because this Treasury decision amends existing regulations merely by extending the time within which certain actions may be taken, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of such Act.

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

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

Approved: June 17, 1965.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

[F.R. Doc. 65-6582; Filed, June 22, 1965; 8:47 a.m.]

[T.D. 6830]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Dividends Received Deduction for Certain Dividends Paid by Foreign Corporations

On March 30, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4133) with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations under sections 243, 245, and 861 of the Internal Revenue Code of 1954 to section 3 of the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 998), and to conform the regulations under section 243 in part to section 214(a) of the Revenue Act of 1964 (78 Stat. 52). The amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.243-3, as set forth in paragraph 2 to the notice of proposed rule making, is changed by revising paragraphs (c) and (d).

PAR. 2. Paragraph (a) of § 1.861-3, as set forth in paragraph 5 to the notice of proposed rule making, is changed by revising subparagraph (3) thereof.

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

Approved: June 17, 1965.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 243, 245, and 861 of the Internal Revenue Code of 1954 to section 3 of the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 998), and to conform the regulations under section 243 in part to section 214(a) of the Revenue Act of 1964 (78 Stat. 52), such regulations are amended as follows:

PARAGRAPH 1. Section 1.243 is amended by revising section 243 and the historical note to read as follows:

§ 1.243 Statutory provisions; dividends received by corporations.

SEC. 243. *Dividends received by corporations*—(a) *General rule.* In the case of a corporation, there shall be allowed as a deduction an amount equal to the following percentages of the amount received as dividends from a domestic corporation which is subject to taxation under this chapter:

(1) 85 percent, in the case of dividends other than dividends described in paragraph (2) or (3);

(2) 100 percent, in the case of dividends received by a small business investment company operating under the Small Business Investment Act of 1958; and

(3) 100 percent, in the case of qualifying dividends (as defined in subsection (b)(1)).

(b) *Qualifying dividends*—(1) *Definition.* For purposes of subsection (a)(3), the term "qualifying dividends" means dividends received by a corporation which, at the close of the day the dividends are received, is a member of the same affiliated group of corporations (as defined in paragraph (5)) as the corporation distributing the dividends, if—

(A) Such affiliated group has made an election under paragraph (2) which is effective for the taxable years of its members which include such day, and

(B) Such dividends are distributed out of earnings and profits of a taxable year of the distributing corporation ending after December 31, 1963—

(i) On each day of which the distributing corporation and the corporation receiving the dividends were members of such affiliated group, and

(ii) For which an election under section 1562 (relating to election of multiple surtax exemptions) is not effective.

(2) *Election.* An election under this paragraph shall be made for an affiliated group by the common parent corporation, and shall be made for any taxable year of the common parent corporation at such time and in such manner as the Secretary or his delegate by regulations prescribes. Such election may not be made for an affiliated group for any taxable year of the common parent corporation for which an election under section 1562 is effective. Each corporation which is a member of such group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation must consent to such election at such time and in such manner as the Secretary or his delegate by regulations prescribes. An election under this paragraph shall be effective—

(A) For the taxable year of each member of such affiliated group which includes the last day of the taxable year of the common parent corporation with respect to which the election is made (except that in the case of a taxable year of a member beginning in 1963 and ending in 1964, if the election is effective for the taxable year of the common parent corporation which includes the last day of such taxable year of such member, such election shall be effective for such taxable year of such member, if such member consents to such election with respect to such taxable year), and

(B) For the taxable year of each member of such affiliated group which ends after the last day of such taxable year of the common parent corporation but which does not include such date, unless the election is terminated under paragraph (4).

(3) *Effect of election.* If an election by an affiliated group is effective with respect to a taxable year of the common parent corporation, then under regulations prescribed by the Secretary or his delegate—

(A) No member of such affiliated group may consent to an election under section 1562 for such taxable year,

(B) The members of such affiliated group shall be treated as one taxpayer for purposes of making the elections under section 901(a) (relating to allowance of foreign tax credit) and section 904(b)(1) (relating to election of overall limitation), and

(C) The members of such affiliated group shall be limited to one—

(i) $100,000 minimum accumulated earnings credit under section 535(c) (2) or (3),

(ii) $100,000 limitation for exploration expenditures under section 615 (a) and (b),

(iii) $400,000 limitation for exploration expenditures under section 615(c)(1),

(iv) $25,000 limitation on small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10), and

(v) $100,000 exemption for purposes of estimated tax filing requirements under section 6016 and the addition to tax under section 6655 for failure to pay estimated tax.

(4) *Termination.* An election by an affiliated group under paragraph (2) shall terminate with respect to the taxable year of the common parent corporation and with respect to the taxable years of the members of such affiliated group which include the last day of such taxable year of the common parent corporation if—

(A) *Consent of members.* Such affiliated group files a termination of such election (at such time and in such manner as the Secretary or his delegate by regulations prescribes) with respect to such taxable year of the common parent corporation, and each corporation which is a member of such affiliated group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation consents to such termination, or

(B) *Refusal by new member to consent.* During such taxable year of the common parent corporation such affiliated group includes a member which—

(i) Was not a member of such group during such common parent corporation's immediately preceding taxable year, and

(ii) Such member files a statement that it does not consent to the election at such time and in such manner as the Secretary or his delegate by regulations prescribes.

(5) *Definition of affiliated group.* For purposes of this subsection, the term "affiliated group" has the meaning assigned to it by section 1504(a), except that for such purposes sections 1504(b)(2) and 1504(c) shall not apply.

(6) *Special rules for insurance companies.* If an election under this subsection is effective for the taxable year of an insurance company subject to taxation under section 802 or 821—

(A) Part II of subchapter B of chapter 6 (relating to certain controlled corporations) shall be applied without regard to section 1563(a)(4) (relating to certain insurance companies) and section 1563(b)(2)(D) (relating to certain excluded members) with respect to such company and the other corporations which are members of the controlled group of corporations (as determined under section 1563 without regard to subsections (a)(4) and (b)(2)(D)) of which such company is a member, and

(B) For purposes of paragraph (1), a distribution by such company out of earnings and profits of a taxable year for which an election under this subsection was not effective, and for which such company was not a component member of a controlled group of corporations within the meaning of section 1563 solely by reason of section 1563(b)(2)(D), shall not be a qualifying dividend.

(c) *Special rules for certain distributions.* For purposes of subsection (a)—

(1) Any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

(3) Any dividend received from a real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (section 856 and following) shall not be treated as a dividend.

(4) Any dividend received which is described in section 244 (relating to dividends received on preferred stock of a public utility) shall not be treated as a dividend.

(d) *Certain dividends from foreign corporations.* For purposes of subsection (a) and for purposes of section 245, any dividend from a foreign corporation from earnings and profits accumulated by a domestic corporation during a period with respect to which such domestic corporation was subject to taxation under this chapter (or corresponding provisions of prior law) shall be treated as a dividend from a domestic corporation which is subject to taxation under this chapter.

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645); secs. 3(a) and 10(g), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 998, 1009); sec. 214(a) Rev. Act 1964 (78 Stat. 52)]

PAR. 2. The following new section is inserted immediately after § 1.243-2:

§ 1.243-3 Certain dividends from foreign corporations.

(a) *In general.* (1) In determining the deduction provided in section 243(a), section 243(d) provides that a dividend received from a foreign corporation after December 31, 1959, shall be treated as a dividend from a domestic corporation which is subject to taxation under chapter 1 of the Code, but only to the extent that such dividend is out of earnings and profits accumulated by a domestic corporation during a period with respect to which such domestic corporation was subject to taxation under chapter 1 of the Code (or corresponding provisions of prior law). Thus, for example, if a domestic corporation accumulates earnings and profits during a period or periods with respect to which it is subject to taxation under chapter 1 of the Code (or corresponding provisions of prior law) and subsequently such domestic corporation reincorporates in a foreign country, any dividends paid out of such earnings and profits after such reincorporation are eligible for the deduction provided in section 243(a) (1) and (2).

(2) Section 243(d) and this section do not apply to dividends paid out of earnings and profits accumulated (i) by a corporation organized under the China Trade Act, 1922, (ii) by a domestic corporation during any period with respect to which such corporation was exempt from taxation under section 501 (relating to certain charitable, etc. organizations) or 521 (relating to farmers' cooperative associations), or (iii) by a domestic corporation during any period to which section 931 (relating to income from sources within possessions of the United States) applied.

(b) *Establishing separate earnings and profits accounts.* A foreign corporation shall, for purposes of section 243(d), maintain a separate account for earnings and profits to which it succeeds which were accumulated by a domestic corporation, and such foreign corporation shall treat such earnings and profits as having been accumulated during the accounting periods in which earned by such domestic corporation. Such foreign corporation shall also maintain such a separate account for the earnings and profits, or deficit in earnings and profits, accumulated by it or accumulated by any other corporations to the earnings and profits of which it succeeds.

(c) *Effect of dividends on earnings and profits accounts.* Dividends paid out of the accumulated earnings and profits (see section 316(a)(1)) of such foreign corporation shall be treated as having been paid out of the most recently accumulated earnings and profits of such corporation. A deficit in an earnings and profits account for any accounting period shall reduce the most recently accumulated earnings and profits for a prior accounting period in such account. If there are no accumulated earnings and profits in an earnings and profits account because of a deficit incurred in a prior accounting period, such deficit must be restored before earnings and profits can be accumulated in a subsequent accounting period. If a dividend is paid out of earnings and profits of a foreign corporation which maintains two or more accounts (established under the provisions of paragraph (b) of this section) with respect to two or more accounting periods ending on the same day, then the portion of such dividend considered as paid out of each account shall be the same proportion of the total dividend as the amount of earnings and profits in that account bears to the sum of the earnings and profits in all such accounts.

(d) *Illustration.* The application of the principles of this section in the determination of the amount of the dividends received deduction may be illustrated by the following example:

Example. On December 31, 1960, corporation X, a calendar-year corporation organized in the United States on January 1, 1958, consolidated with corporation Y, a foreign corporation organized on January 1, 1958, which used an annual accounting period based on the calendar year, to form corporation Z, a foreign corporation not engaged in trade or business within the United States. Corporation Z is a wholly-owned subsidiary of corporation M, a domestic corporation. On January 1, 1961, corporation Z's accumulated earnings and profits of $31,000 are, under the provisions of paragraph (b) of this section, maintained in separate earnings and profits accounts containing the following amounts:

Earnings and profits accumulated for—	Domestic corporation X	Foreign corporation Y
1958	($1,000)	$11,000
1959	10,000	9,000
1960	5,000	(3,000)

Corporation Z had earnings and profits of $10,000 in each of the years 1961, 1962, and 1963 and makes distributions with respect to its stock to corporation M for such years in the following amounts:

1961	$14,000
1962	23,000
1963	16,000

(1) For 1961, a deduction of $3,400 is allowable to M with respect to the $14,000 distribution from Z, computed as follows:

(i) Dividend from current year earnings and profits (1961)	$10,000
(ii) Dividend from earnings and profits of corporation X accumulated for 1960	4,000
(iii) Deduction: 85 percent of $4,000 (the amount distributed from the accumulated earnings and profits of corporation X)	3,400

(2) For 1962, a deduction of $6,970 is allowable to corporation M with respect to the $23,000 distribution from corporation Z, computed as follows:

(i) Dividend from current year earnings and profits (1962)		$10,000
(ii) Dividend from earnings and profits of corporation X accumulated for:		
1960	$1,000	
1959: $9,000 (i.e., $10,000 − $1,000) divided by $15,000 (i.e., $9,000+$9,000 −$3,000) multiplied by $12,000 (i.e., $23,000−$11,000)	7,200	
Total		8,200
(iii) Dividend from earnings and profits of corporation Y accumulated for: 1959: $6,000/$15,000×$12,000		4,800
(iv) Deduction: 85 percent of $8,200 (the amount distributed from the accumulated earnings and profits of corporation X)		6,970

(3) For 1963, a deduction of $1,530 is allowable to M with respect to the $16,000 distribution from Z, computed as follows:

(i) Dividend from current year earnings and profits (1963)		$10,000
(ii) Dividend from earnings and profits of corporation X accumulated for 1959: Earnings and profits remaining after 1962 distribution (i.e., $9,000−$7,200)		1,800
(iii) Dividend from earnings and profits of corporation Y accumulated for 1959: Earnings and profits remaining after 1962 distribution (i.e., $6,000−$4,800)		1,200
1958		3,000
(iv) Deduction: 85 percent of $1,800 (the amount distributed from the accumulated earnings and profits of corporation X)		1,530

PAR. 3. Section 1.245–1 is amended by revising paragraph (a) to read as follows:

§ 1.245–1 Deduction for dividends received from certain foreign corporations.

(a) (1) A corporation is allowed a deduction under section 245 for dividends received from a foreign corporation (other than a foreign personal holding company as defined in section 552) which is subject to taxation under chapter 1 of the Code if, for an uninterrupted period of not less than 36 months ending with the close of the foreign corporation's taxable year in which the dividends are paid, such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from sources within the United States. If the foreign corporation has been in existence less than 36 months as of the close of the taxable year in which the dividends are paid, then the applicable uninterrupted period to be taken into consideration in lieu of the uninterrupted period of 36 or more months is the entire period such corporation has been in existence as of the close of such taxable year. An uninterrupted period which satisfies the twofold requirement with respect to business activity and gross income may start at a date later than the date on which the foreign corporation first commenced an uninterrupted period of engaging in trade or business within the United States, but the applicable uninterrupted period is in any event the longest uninterrupted period which satisfies such twofold requirement.

(2) To the extent that a dividend received from a foreign corporation is treated as a dividend from a domestic corporation in accordance with section 243(d) and § 1.243–3, it shall not be treated as a dividend received from a foreign corporation for purposes of this section.

* * * * *

PAR. 4. Section 1.861 is amended by revising subparagraph (B) of, and by adding a subparagraph (C) to, subsection (a)(2) and by revising the historical note. These revised and added provisions read as follows:

§ 1.861 Statutory provisions; income from sources within the United States.

SEC. 861. *Income from sources within the United States*—(a) *Gross income from sources within the United States.* * * *

(2) *Dividends.* * * *

(B) From a foreign corporation unless less than 50 percent of the gross income of such foreign corporation for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this part; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources; but dividends from a foreign corporation shall, for purposes of subpart A of part III (relating to foreign tax credit), be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividends, or

(C) From a foreign corporation to the extent that such amount is required by section 243(d) (relating to certain dividends from foreign corporations) to be treated as dividends from a domestic corporation which is subject to taxation under this chapter, and to such extent subparagraph (B) shall not apply to such amount.

* * * * *

[Sec. 861 as amended by sec. 3(b), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 998)]

PAR. 5. Paragraph (a) of § 1.861–3 is amended to read as follows:

§ 1.861–3 Dividends.

(a) *General*—(1) *Dividends included in gross income.* Gross income from sources within the United States includes a dividend (as defined by section 316 and the regulations thereunder) described in subparagraph (2), (3), or (4) of this paragraph.

(2) *Dividend from a domestic corporation.* A dividend described in this subparagraph is a dividend from a domestic corporation other than a domestic corporation entitled to the benefits of section 931, and other than a domestic corporation less than 20 percent of the gross income of which is shown to the satisfaction of the district director (or, if applicable, the Director of International Operations) to have been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, for the 3-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividend, or for such part of such period as the corporation has been in existence.

(3) *Dividend from a foreign corporation.* A dividend described in this subparagraph is a dividend from a foreign corporation (other than a dividend to which subparagraph (4) of this paragraph applies) unless less than 50 percent of such foreign corporation's gross income for the 3-year period ending with the close of its taxable year preceding the declaration of such dividend, or for such part of such period as it has been in existence, was derived from sources within the United States, as determined under the provisions of part I (section 861 and following), subchapter N, chapter 1 of the Code, and the regulations thereunder; but only in an amount which bears the same ratio to such dividend as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources. However, for purposes of sections 901 to 905, inclusive, and the regulations thereunder, relating to the foreign tax credit, a dividend from a foreign corporation shall be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividend.

(4) *Dividend from a foreign corporation succeeding to earnings of a domestic corporation.* A dividend described in this subparagraph is a dividend from a foreign corporation, if such dividend is received by a corporation after December 31, 1959, but only to the extent that such dividend is treated by such recipient corporation under the provisions of § 1.243–3 as a dividend from a domestic corporation subject to taxation under chapter 1 of the Code. To the extent that this sub-

paragraph applies to a dividend received from a foreign corporation, subparagraph (3) of this paragraph shall not apply to such dividend.

* * * * *

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

[F.R. Doc. 65-6583; Filed, June 22, 1965; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In Part 6, §§ 6.19 and 6.96 are revised to read as follows:

§ 6.19 Revival of insurance.

(a) If the sole reason death, total permanent disability or total disability benefits under a policy of U.S. Government life insurance cannot be granted is because the policy was lapsed, such policy shall be deemed to have been in force by payment of premiums if (1) the policyholder died or became totally and permanently disabled or totally disabled, on or after date of promulgation (Mar. 5, 1964) and before the next anniversary date of his policy following the date of lapse, and (2) regular dividends, accruing on such policy as the result of premiums paid since the last anniversary date, which are not payable until after the date of death, total permanent disability or total disability of the policyholder, are sufficient to have maintained that policy in force on a premium-paying basis to the required date so that death benefits in case of death or total permanent disability benefits in the case of total permanent disability or total disability benefits in the case of total disability, which otherwise could be granted under the provisions of the contract except for the lapse, may be granted. No total disability provision or total permanent disability provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both the life insurance and the disability provision attached thereto are placed in force under this paragraph and benefits may be granted under the terms of such provision. The unpaid premiums on such insurance shall be collected from such dividends and from any other benefits payable under the policy.

(b) If the sole reason death, total permanent disability or total disability benefits under a policy of U.S. Government life insurance cannot be granted is because the policy was lapsed and there was due and payable to the policyholder on the date of lapse unpaid dividends, refundable premiums, pure insurance risk credits, other refundable credits, or total permanent disability or total disability benefit payments, resulting from the policyholder's U.S. Government life insurance which are of sufficient amount to maintain the insurance in force on a premium-paying basis to the date of death or the beginning of total permanent disability or total disability the unpaid monies will be applied to pay premiums. However, the unpaid monies will not be applied in such cases unless death benefits, total permanent disability or total disability benefits may be granted under the provisions of the contract. No total disability provision or total permanent disability provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both the life insurance and the disability provision attached thereto are placed in force under this paragraph and disability benefits may be granted under the terms of such provision. This paragraph shall be applicable only in cases where the policyholder dies or becomes totally disabled or totally and permanently disabled on or after June 1, 1965.

(c) If the sole reason death benefits under a United States Government life insurance contract cannot be granted is because the life insurance was lapsed, such insurance shall be deemed to have been in force on the date of death if (1) the policyholder died within 61 days of the due date of the premium in default and (2) the contract prior to such lapse had been in force for five years or more. In such cases the unpaid premium or premiums shall be deducted from the amount of insurance payable. This paragraph shall be applicable only in cases where the policyholder dies on or after June 1, 1965.

§ 6.96 Special dividends.

Any special U.S. Government life insurance dividend that may be declared shall be paid in cash. Such special dividends shall not be accepted to accumulate on deposit or as a dividend credit. Except as provided in § 6.19(b), unpaid special dividends shall not be available to pay premiums.

2. In § 6.168, paragraph (D) is amended to read as follows:

§ 6.168 Total permanent disability provision for U.S. Government life insurance on the special endowment at age 96 plan policy.

* * * * *

(D) Premiums paid to cover a period during which waiver is effective shall be refunded in cash, without interest, and, except as provided in § 6.19(b), no part of such amount will be used to pay premiums unless specifically authorized in writing by the insured prior to lapse and then only to pay premiums falling due after such authorization. The premiums refundable under this provision shall be paid to the insured, if living, otherwise to the person entitled to the proceeds of this policy.

* * * * *

3. In Part 8, §§ 8.7c and 8.26a are revised to read as follows:

§ 8.7c Revival of insurance.

(a) If the sole reason death or total disability benefits under a participating policy of National Service life insurance cannot be granted is because the policy was lapsed, such policy shall be deemed to have been in force under premium-paying conditions if (1) the policyholder died or became totally disabled, on or after date of promulgation (Mar. 5, 1964) and before the next anniversary date of his policy following the date of lapse, and (2) regular dividends, accruing on such policy as the result of premiums paid since the last anniversary date which are not payable until after the date of death or total disability of the policyholder, are sufficient to have maintained that policy in force on a premium-paying basis to the required date so that death benefits in the case of death or total disability benefits in the case of total disability, which otherwise could be granted under the provisions of the contract except for the lapse, may be granted. No total disability income provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both are placed in force under this paragraph and benefits may be granted under the terms of such provision. The unpaid premiums on such insurance shall be collected from such dividends and from any other benefits payable under the policy.

(b) If the sole reason death or total disability benefits under a policy of National Service life insurance cannot be granted is because the policy was lapsed and there was due and payable to the policyholder on the date of lapse unpaid dividends, refundable premiums, pure insurance risk credits, other refundable credits, or total disability benefit payments, resulting from the policyholder's National Service life insurance which are of sufficient amount to maintain the insurance in force on a premium-paying basis to the date of death or the beginning of total disability the unpaid monies will be applied to pay premiums. However, the unpaid monies will not be applied in such cases unless death benefits or total disability benefits may be granted under the provisions of the contract. No total disability income provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both are placed in force under this paragraph and disability benefits may be granted under the terms of such provision. This paragraph shall be applicable only in cases where the policyholder dies or becomes totally disabled on or after June 1, 1965.

(c) If the sole reason death benefits under a National Service life insurance contract cannot be granted is because the life insurance was lapsed, such insurance shall be deemed to have been in force on the date of death if (1) the policyholder died within 61 days of the due date of the premium in default and (2) the contract prior to such lapse had been in force for five years or more. In such cases the unpaid premium or premiums shall be deducted from the amount of insurance payable. This paragraph shall be applicable only in cases where the policyholder dies on or after June 1, 1965.

§ 8.26a Special dividends.

Any special National Service life insurance dividend declared prior to January 1, 1952, shall be paid in cash. Such special dividends shall not be accepted

to accumulate on deposit and, except as provided in § 8.7c(b), shall not be available to pay premiums.

4. In § 8.41, paragraph (c) is amended to read as follows:

§ 8.41 Effective date of premium waiver.

* * * * *

(c) Premiums paid to cover a period during which the waiver is effective shall be refunded in cash, without interest, and, except as provided in § 8.7c(b), no part of such amount will be used to pay premiums unless specifically authorized in writing by the insured prior to lapse and then only to pay premiums falling due after such authorization.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective June 1, 1965.

Approved: June 17, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-6584; Filed, June 22, 1965; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

What May Be Mailed at Second Class Rates; Supplements

Regulations contained in § 22.4(d) of Title 39, Code of Federal Regulations, as amended by 29 F.R. 16252, which relate to supplements to publications with second-class mailing privileges, are hereby amended for the purpose of providing additional guidelines for publishers.

Problems have arisen lately at many post offices relating to the acceptance of preprinted advertising supplements. The increased use of this type of material and conflicting rulings by various post offices make it essential that this matter be promptly clarified through a revision of existing regulations. Advance notice would delay clarification for publishers and postmasters and in some instances would penalize mailers who meet the requirements. Therefore, it is necessary to make these regulations effective upon publication in the FEDERAL REGISTER.

The amendments made in this document will be effective upon publication in the FEDERAL REGISTER and remain in effect for a period of 90 days. As so amended, § 22.4(d) reads as follows:

§ 22.4 What may be mailed at the second-class rates.

* * * * *

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) Publishers must be paid at advertising rates and charges for carrying preprinted advertising supplements germane to the issue which are furnished to them by advertisers or others.

(3) Publications which are distinct from and independent of the regular issue, such as catalogs, circulars, handbills, posters, and other special advertisements, and which are, therefore, not germane to the issue, may not be inserted as supplements.

(4) A supplement must bear the title of the publication preceded by the words "Supplement to."

(5) Supplements must be folded and mailed with the regular issue.

(6) Bound periodicals must observe the provisions of paragraph (h) of this section.

* * * * *

NOTE: The corresponding Postal Manual section is 132.44.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351-4370)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-6580; Filed, June 22, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15970, RM 719; FCC 65-541]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations, Albion and Marshall, Mich.

Report and order. 1. The Commission has under consideration its notice of proposed rule making, FCC 65-327, issued on April 22, 1965, and printed in the FEDERAL REGISTER on April 27, 1965 (30 F.R. 5860) inviting comments on a proposal advanced by Triad Stations, Inc., to amend the FM Table of Assignments so as to add Channel 244A to Albion, Mich., as follows:

City	Channel No.	
	Present	Proposed
Albion, Mich.	285A	244A, 285A

2. Albion is a community of 12,749 persons and is located in Calhoun County, which has a population of 138,858 persons. It has an unlimited time AM station and one Class A FM assignment, Channel 285A. Marshall, a community of 6,736 persons, also in Calhoun County and its county seat, has no FM channel assigned. The largest city in the county is Battle Creek, which has one Class B assignment. The licensees of the two AM stations at Albion and Marshall (WALM and WMBR respectively) have filed applications for the sole FM assignment, both specifying Marshall as the station location under the "25 mile rule". These applications, BPH-4131, Docket 15548 and BPH-4327, Docket 15614, have been designated for a comparative hearing.

3. Triad Stations, Inc., urges that the proposal would provide Marshall with its first local nighttime service, that it would provide the area with a choice of services, would eliminate the delay in the inauguration of FM service, and that it would conform to all the rules. Since Channel 244A is technically feasible in a rather large area the notice invited comments on its possible use elsewhere. No comments were directed to this matter. No oppositions were filed to the proposal.

4. The Commission is of the view that the proposed addition of a second Class A assignment to Albion would serve the public interest since it would provide the area with multiple FM services, conform to all the rules, expedite the institution of new radio services in the area, and would not adversely affect any other station or assignment.

5. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective July 26, 1965, the FM Table of Assignments, § 73.202 of the rules and regulations, is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Albion, Mich.	244A, 285A

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

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

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6595; Filed, June 22, 1965; 8:48 a.m.]

[1] Commissioner Cox absent.

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 22]

SUPPLEMENTS TO PUBLICATIONS WITH SECOND-CLASS MAILING PRIVILEGES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a proposed revision of paragraph (d) of § 22.4 of Title 39, Code of Federal Regulations, for the purpose of providing additional guidelines for publishers regarding the acceptance of preprinted advertising supplements to publications with second-class mailing privileges.

Although the procedures in 39 CFR 22.4 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the procedures. Accordingly, such written views may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C., 20260, at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed § 22.4(d) reads as follows:

§ 22.4 What may be mailed at the second-class rates.

* * * * *

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) Publishers must be paid at advertising rates and charges for carrying preprinted advertising supplements germane to the issue which are furnished to them by advertisers or others.

(3) Publications which are distant from and independent of the regular issue, such as catalogs, circulars, handbills, posters, and other special advertisements, and which are, therefore, not germane to the issue, may not be inserted as supplements.

(4) A supplement must bear the title of the publication preceded by the words "Supplement to."

(5) Supplements must be folded and mailed with the regular issue.

(6) Bound periodicals must observe the provisions of paragraph (h) of this section.

* * * * *

NOTE: The corresponding Postal Manual section is 132.44.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-6581; Filed, June 22, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 28]

AMERICAN UPLAND COTTON

Withdrawal of Notice of Proposed Rule Making

On May 5, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6255) regarding the proposed 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 U.S. 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 withdrawal of proposed standards. The proposed physical standard for Strict Good Ordinary Spotted cotton was displayed for interested persons at numerous locations in the United States during April and May. This proposed standard was also displayed at oversea locations by Signatory Associations to the Universal Cotton Standards Agreement.

Interested persons and cotton associations were given an opportunity to submit written data, views, and arguments in connection with the proposed standards to the Hearing Clerk of the U.S. Department of Agriculture not later than June 7, 1965. Written and oral data, views, and arguments were also received at the Universal Cotton Standards Conference held in Memphis, Tenn. on June 3–4, 1965. Cotton shipper associations, cotton exchanges, cotton manufacturing associations, cotton producer associations, cotton ginner associations, and oversea Signatory Associations of the Universal Cotton Standards Agreement were represented at this conference. All these segments of the cotton industry except cotton producer associations and cotton ginner associations oppose promulgation of the proposed new standards. Due to the unacceptability of these standards to so many segments of the industry, it is concluded that they would serve little useful purpose at this time in promoting orderly and efficient marketing of cotton. Therefore, the proposal as issued in the FEDERAL REGISTER on May 5, 1965 (30 F.R. 6255) is hereby withdrawn in its entirety.

Dated: June 17, 1965.

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

[F.R. Doc. 65-6578; Filed, June 22, 1965; 8:47 a.m.]

[7 CFR Part 1136]

MILK IN GREAT BASIN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Great Basin marketing area is being considered for the months of June and July 1965.

The provision proposed to be suspended is "there is disposed of on routes fluid milk products equal to not less than 40 percent of the receipts during the month at such plant of producer milk and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and", appearing in § 1136.11(a), relating to pool plant qualifications for an approved plant which disposes of fluid milk products on routes in the marketing area.

This action was requested by the major cooperative associations in the marketing area. Petitioners stated that this suspension is necessary to enable cooperative associations to maintain pool plant status during the months of June and July in view of the necessity for the cooperatives to handle the reserve milk supplies for the other handlers in the marketing area.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (§ 1.27(b)).

Signed at Washington, D.C., on June 18, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-6608; Filed, June 22, 1965; 8:49 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335-A4]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), a public hearing was held at Albuquerque, on March 31 and April 1, 1965, pursuant to notice thereof issued on March 18, 1965 (30 F.R. 3781).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on May 28, 1965 (30 F.R. 7288; F.R. Doc. 65-5736), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opporunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 7288; F.R. Doc. 65-5736) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Pricing of diverted milk;
2. A cooperative association as a handler of milk delivered in farm bulk tanks to pool plants;
3. The Class I price and location differentials;
4. A fall incentive or "Louisville" plan of payments to producers;
5. Payments to producers on a base and excess plan; and
6. Miscellaneous and conforming changes.

This decision is concerned with issues No. 3 through No. 6. Issues No. 1 and No. 2 were dealt with in an earlier decision. No evidence was received pertaining to proposals in the hearing notice to revise the producer butterfat differentials and modify the method of classifying inventory. Therefore, no further action on these matters will be taken.

Findings and conclusions. The following findings and conclusions pertaining to issues No. 3 through No. 6 are based on evidence presented at the hearing and the record thereof.

3. *The Class I price and location differentials.* The seasonal Class I price differentials in the Rio Grande Valley order through February 1967 should be at the rate of $2.25 during the months of July through February and $1.95 during the months of March through June. Three pricing zones should be provided within the marketing area. The Class I differentials stated above would be applicable in Zone I which includes 20 New Mexico counties and El Paso County, Tex., in which the cities of Albuquerque, Alamogordo, Las Cruces, Santa Fe, and El Paso are located. The Class I differentials in each of the remaining zones should be 15 cents less than those for Zone I. The Class I price should be adjusted during this period by a supply-demand adjustor equal to the simple average of the supply-demand adjustments effective for the same month under the orders for the Wichita, Oklahoma Metropolitan, North Texas, Central Arizona, Great Basin, and Eastern Colorado marketing areas. The Class I milk price should be reduced 15 cents at pool plants located outside the marketing area more than 100 miles from the nearest of the county courthouses in Bernalillo and Santa Fe Counties, N. Mex., and El Paso, Tex. The present rate of 1 cent for each 10 miles, or fraction thereof, beyond 110 miles should be retained.

The Class I differentials above the basic formula price are currently $2.35 for the months of July through February and $2.05 March through June at Albuquerque and Santa Fe and 10 cents higher at El Paso, Tex. The Class I milk price at a plant located more than 100 miles from each of the county courthouses in Albuquerque and Santa Fe, N. Mex., or El Paso, Tex., is reduced 15 cents, plus 1 cent for each 10 miles, or fraction thereof, that such plant is more than 110 miles from the nearest of the respective courthouses. Location differentials are computed from Albuquerque or Santa Fe, N. Mex., except that if the resulting Class I milk price is greater, location adjustments are computed from El Paso. The Class I price at present is further adjusted by the simple average of the supply-demand adjustments effective for the same month in the North Texas, Oklahoma Metropolitan and Wichita milk orders.

Testimony was received on several proposals affecting the Class I milk price and location adjustments to handlers and producers. Proposals with respect to the Class I milk price were (1) to extend the present pricing scheme indefinitely; (2) provide a uniform monthly differential of $2.25 above the basic formula price; (3) increase the price at El Paso by 22 cents per hundredweight; and (4) further adjust the Class I milk price by using the simple average of supply-demand adjustments in six markets (Lubbock-Plainview, Texas Panhandle, and Central Arizona in addition to the three markets now used). Proposals affecting location adjustments provided for eliminating all minus adjustments to the east and south of Albuquerque or merely to review present adjustments to handlers and producers at each pool plant location to determine their continued feasibility.

Producer milk classified as Class I (including inventory reclassified) approximated 264 million pounds of milk during 1963 and was about 265 million pounds in 1964. Total receipts from all producers were 310 million pounds in 1963 and 320 million pounds in 1964. Producers located in the marketing area produced from 85 to 90 percent of this milk while producers located outside the marketing area in the States of Arizona, Colorado, Kansas, and Utah produced from 10 to 15 percent of the producer milk supply for the Rio Grande Valley market. (Official notice is taken of the June 1964 issue of the Market Administrator Bulletin showing producer milk production by area.)

Receipts of other source fluid milk were about 36 million pounds each year during 1963-1964. Approximately 31 million pounds of this other source milk was allocated to Class I milk. The total amount of milk diverted or transferred to nonpool plants for surplus disposal also was 31 million pounds each year.

On the basis of the facts found hereafter, it is concluded that prices at pool plants within the Rio Grande Valley marketing area should be determined by pricing zones rather than by mileages from central points as presently provided. Zone I should include 20 New Mexico counties and El Paso County, Tex., in which are located the principal cities of Albuquerque, Santa Fe, and El Paso. Zone II should include San Juan County, N. Mex., and the three Colorado counties in the marketing area. Zone III should include the seven New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt. While identical price treatment is provided herein for Zones II and III, these zones are separated by Zone I; Zone II lies northwest of Zone I while Zone III lies east of Zone I.

The population of Zone I is approximately 1 million. The principal centers of population are Santa Fe, Albuquerque, Alamogordo, Las Cruces, and El Paso. Consumers in Zone I are served by 12 handlers, 5 of which are located in El Paso, 4 in Albuquerque and 1 each in Alamogordo, Las Cruces, and Santa Fe. The Class I price at these plants is presently 10 cents per hundredweight higher than at plants located in Albuquerque and Santa Fe. It is at pool plants located in Zone I that milk directly from farms located outside the marketing area in the States of Arizona, Colorado, Kansas, and Utah has been received. The milk from Colorado farms was no longer being received at pool plants at the time of the hearing. Bulk milk from Waterloo, Iowa, 1,250 miles distance from El Paso, Tex., is received regularly at a pool plant in El Paso. It is at pool plants in this zone where almost all of the 31 million pounds of other source fluid milk is received and from which 21 million pounds of producer milk were diverted or transferred long distances to nonpool plants.

The population of Zone II is about 90 thousand. Pool plants are located at Aztec and Farmington, N. Mex., and Durango, Colo., from 180 to 220 miles northwest of Albuquerque and Santa Fe. From these three plants approximately five million pounds of milk were diverted and/or transferred to nonpool plants. Packaged fluid milk products from a plant regulated under the Great Basin Federal milk order are distributed in this zone. Location differentials at these plants now range from 23 to 26 cents per hundredweight.

Zone III has a population of 226 thousand with the principal centers located at Artesia, Carlsbad, Clovis, Hobbs, Lovington, Portales, Roswell, and Tucumcari, N. Mex. There are four pool plants located in this zone. Location adjustments at these pool plants are presently a minus 15 cents at Roswell,

22 cents at Tucumcari and 26 cents at the two plants in Clovis. These plants are located 170 to 200 miles from Albuquerque and Santa Fe. The two plants in Clovis are 300 miles and the plant in Roswell is 200 miles from El Paso. It is approximately 100 miles from Clovis to plants regulated by other Federal milk orders in Amarillo and Lubbock, Tex. Packaged fluid milk products move extensively in and out of Zone III. A pool distributing plant in Santa Fe (Zone I) maintains distribution points in Hobbs and Roswell.

A new pool distributing plant was established at Clovis in May 1963 from which fluid milk products are now distributed in Albuquerque, N. Mex., and El Paso, Tex., in Zone I. Distribution also is made from this plant in Amarillo, Lubbock, and as far east as Midland, Tex. Handlers located in Amarillo and Lubbock also distribute fluid milk products in Zone III. Dairy farmers located in Roosevelt County, N. Mex., directly south of Clovis, are a source of supply for plants regulated by this order as well as for plants regulated by the Texas Panhandle and Lubbock-Plainview Federal milk orders. Approximately the same amount of milk as in Zone II, five million pounds, has been moved from plants located in Zone III to nonpool plants, although the total volume of milk produced in Zone III is three times that in Zone II.

Since the establishment in May 1963 of a new distributing plant at Clovis, N. Mex., very little, if any, milk from farms in Roosevelt County has been shipped to pool plants in El Paso. This record also discloses that the pool plant located at Roswell does not move milk either in bulk or packaged form into El Paso but does have route disposition throughout most of Zone III. The plant at Roswell is now associated both from the standpoint of supply and sales area with other plants in Zone III. It is for this reason that Chaves County, in which the city of Roswell is located, is included as a part of Zone III.

Thus, even though local production of milk was only about 90 percent of the Class I sales of the market in 1964, more than 10 percent of locally produced milk was moved to distant manufacturing plants while producer milk and other source milk from distant points were being received in the market. It is at the principal population centers of Albuquerque, Santa Fe, and El Paso (Zone I) that nearby production is least adequate for Class I needs, but these are also the areas from which more than two-thirds of diversions for manufacturing use occur and at which nearly all the distant supplies are received for fluid use. It is obvious that these are extensive uneconomic movements of milk with respect to the supply of the Rio Grande Valley market.

While the record does not establish the fact that the uneconomic movements of milk are a direct result of improper Class I pricing, it is important under present circumstances that order pricing be such as not to price locally produced milk out of the Class I market, thus causing its uneconomic movement to manufacturing while more distant supplies are acquired by handlers in replacement. Since such movements have been associated with the supply for Zone I plants, it is in the pricing for this area that price reductions are indicated.

A decrease of 10 cents per hundredweight in the Class I price at plants located in Albuquerque, Santa Fe, and Roswell and 20 cents at plants located at Alamogordo, Las Cruces, and El Paso, with only minor changes in Class I prices at plant locations in Zones II and III, will provide an alignment of prices at various plants both within and outside the marketing area which should be conducive to the maximum use of local supplies of milk for Class I use. With these price adjustments, it is possible that the utilization of producer milk in Class I can be increased to a level that will provide returns to producers at the uniform prices producers have been receiving during the past 2 years. Producer returns would then be increased by savings in the excessive transportation costs now incurred with respect to their milk.

There are no significant changes in the Class I prices for plants located in Zones II and III, except for that already noted for Roswell. The annual average Class I differential for the four pool plants in these two zones is $1.99. As provided herein, the average annual Class I differential for all plants located in Zones II and III would be $2.00. The alignment of prices with nearby Federal orders makes it necessary to maintain about the present price level for plants in Zones II and III. Class I and blend prices at Clovis, N. Mex., are in close alignment with the Class I and blend prices under the Texas Panhandle order. While some greater variations are shown in comparison with Class I and blend prices under the Lubbock-Plainview order, prices at Clovis, N. Mex., are presently in reasonable alignment with such prices.

Seasonal pricing should be retained. Substantial supplies of milk are received at pool plants from two different sources with seasonal price variations amounting to 45 cents per hundredweight, as compared to 30 cents in this market. In order that local milk may be competitive the Class I price should continue to be adjusted downward during the four months of March through June. Moreover, it is provided that another look should be taken at the level of the Class I price, as well as seasonal and supply-demand adjustments, sometime before March 1, 1967. This period of time should provide sufficient basic data by late 1966 for a hearing to determine any necessary adjustments to the price to be effective March 1, 1967.

The Class I price should continue to be adjusted by the supply-demand adjustments in the Wichita, Kansas, North Texas, and Oklahoma Metropolitan milk orders. These three markets continue either directly or indirectly to influence both the supply of milk and the competitive sales conditions in the Rio Grande Valley market. It is appropriate, however, to include, in addition, the supply-demand adjustments of the Great Basin, Eastern Colorado, and Central Arizona milk orders. Milk produced in the supply areas of each of these markets has recently been received as producer milk under the Rio Grande Valley order. Also, packaged fluid milk products priced under the Great Basin order are distributed in the Rio Grande Valley marketing area. Producer price changes in these markets affect the availability of supplies for the Rio Grande Valley market. It is expected that the influence of the simple average of the supply-demand adjustments in these six markets will tend to level out any large adjustment that might occur in any one market and thus provide a reasonable but effective adjustment to the Class I price for this market. On the basis of adjustments effective for the past 2 years, future supply-demand adjustments to the Class I price in the Rio Grande Valley market should be somewhat more appropriate. The proposal to use supply-demand adjustments of the Texas Panhandle and Lubbock-Plainview orders is not practical because the Panhandle order does not have a supply-demand factor and such adjustment of the Lubbock-Plainview price is already considered in this order through use of the North Texas order adjustment.

Conditions that so far have prevailed in the Rio Grande Valley market have been such that local supply-demand relationships have not provided a sufficiently accurate basis for adjustment of future prices. For that reason, the Rio Grande Valley price should continue to be adjusted on the basis of price adjustments in other markets which influence the availability of supplies of milk and competitive sales conditions in the Rio Grande Valley market.

Location differentials applying to plants located outside the marketing area and more than 100 miles from the nearest of the county courthouses in Bernalillo and Santa Fe Counties, N. Mex., and El Paso, Tex., should be 15 cents per hundredweight. The present rate of 1 cent for every 10 miles, or fraction thereof, beyond 110 miles should be retained. This rate represents the approximate cost of hauling milk over long distances. On the basis of the facts previously stated, the proposals to eliminate all minus location differentials to the east and south of Albuquerque and Santa Fe and to increase the Class I price at El Paso by 22 cents per hundredweight are denied.

Location adjustments to producers for milk received at pool plants located in Zones II and III or at pool plants located outside the marketing area and more than 110 miles from the three basing points of Albuquerque, Santa Fe, and El Paso should be at the same rate as those provided for handlers.

4. *A fall incentive or "Louisville" plan of payments to producers.* A fall incentive (or "Louisville") plan of payment to producers should not be adopted at this time.

A handler who proposed that the Class I differential of the order should be the same in all months of the year also proposed that under this system payments to producers be varied seasonally by a fall incentive payment plan. The uniform price to producers would be reduced 20 cents per hundredweight March

through June. This money would be withheld and the funds thus accumulated would be distributed to producers in the uniform prices for the months of September through December.

Producer groups generally opposed the adoption of such a payment plan for producers and requested that if consideration should be given to the adoption of such a proposal that it should be deferred until at least March 1, 1966.

Since it has already been concluded in this decision under the findings with respect to Class I prices that seasonal pricing should be maintained, it is concluded that a "take-out" and "pay-back" plan for paying producers is not necessary to provide additional seasonality of returns to producers at this time.

5. *Payments to producers on a base and excess plan.* A system of paying producers on a base and excess plan should not be adopted.

A proposal for use of a base-excess plan was made by one cooperative association. Support for the proposal was offered by another association on condition that satisfactory arrangements could be negotiated with respect to matters not connected with the plan.

Due to substantial changes in producer members and the groups of producers supplying the market, it is impossible to determine the extent to which seasonal variation in production per farm has affected market supplies of milk. Evidence was presented to show that a group of producers, representative of those who had supplied the market continuously since 1962, had varied seasonal patterns of production. These data, however, may not be representative of all producers now supplying the market. Neither were the data extensive enough to determine the provisions appropriate for a base-excess plan for this market.

Further consideration of a base-excess plan should be deferred until more complete data concerning seasonal patterns of production are available and producer acceptance of such a plan is more clear-cut.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rio Grande Valley Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 18, 1965.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

APPLICATION OF PROVISIONS

DETERMINATION OF UNIFORM PRICE

PAYMENTS

[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 marketing orders have been met.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

Sec.
1138.90 Effective time.
1138.91 Suspension or termination.
1138.92 Continuing obligations.
1138.93 Liquidation.

MISCELLANEOUS PROVISIONS

1138.100 Agents.
1138.101 Separability of provisions.

AUTHORITY: The provisions of this Part 1138 issued under secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on May 28, 1965 (30 F.R. 7288; F.R. Doc. 65–5736), shall be and are the terms and provisions of this order, and are set forth in full in the following complete amended order. The provisions affected by this decision are: §§ 1138.51 (a), 1138.52, and 1138.81.

DEFINITIONS

§ 1138.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1138.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1138.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1138.4 Person.

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

§ 1138.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1138.6 Rio Grande Valley marketing area.

"Rio Grande Valley marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Bernalillo, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Valencia, all in the State of New Mexico; El Paso in the State of Texas; and Archuleta, Montezuma, and La Plata, in the State of Colorado.

§ 1138.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant except a plant at which such milk is classified and priced under the provisions of another order issued pursuant to the Act, for the account of the diverting handler, subject to the following conditions:

(1) A cooperative association may divert for its account the milk of any member producer, whose milk is received at a distributing pool plant for at least three days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 25 percent in the months of March, April, May, June, July, and December and 15 percent in other months of its member producer milk received at all pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers provided each association has filed such a request in writing with the market administrator.

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at his pool plant for at least 3 days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 25 percent in the months of March, April, May, June, July, and December and 15 percent in other months of the milk received at such pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Divisions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk;

(3) For purposes of the requirements of § 1138.10, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(4) For the purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted when the farm on which the milk is produced is located within the marketing area and at the location of the nonpool plant where received when the farm on which the milk is produced is located outside the marketing area.

§ 1138.8 Producer-handler.

(a) "Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant and receipts from pool plants shall not be in excess of

11,000 pounds per month or, any person who processes and packages certified milk from his own farm production and disposes of such milk to another plant and who receives no milk from any source except his certified herd: *Provided*, That any person who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of the same person.

(b) In the case of a producer-handler of certified milk, the certified dairy herd and the milk plant in which the certified milk is handled shall be considered one business unit and shall not include milk which is delivered to other handlers' plants from a non-certified herd maintained on the same farm.

(c) A governmental agency which operates a milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1138.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area, or from which Grade A milk is shipped to a pool plant pursuant to § 1138.10(a).

(b) A cooperative association with respect to the milk of any member producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be a handler for such milk. For purposes of location adjustments to producers such milk is considered to have been received from producers by the cooperative association at the location of the pool plant to which it is delivered.

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61.

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which not less than 15 percent of the total Class I sales of such plant or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided*, That the total quantity of Class I milk disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to plants from each of which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less.

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a pool plant qualified pursuant to § 1138.10 and which is not an other order plant nor a producer-handler plant.

§ 1138.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 1138.7.

§ 1138.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plant, (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label.

§ 1138.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 1138.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 1138.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

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

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1138.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1138.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1138.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1138.30 to 1138.33, or (2) payments pursuant to §§ 1138.80 to 1138.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1138.51(a) and 1138.53(a), respectively;

(2) On or before the 5th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 1138.51(b) and 1138.53(b), respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 1138.71, and the butterfat differential computed pursuant to § 1138.82, for the preceding month;

(j) On or before the 13th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1138.46(a)(8) and the corresponding step of § 1138.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1138.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Reports, Records and Facilities

§ 1138.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) Each handler who operates pool plant(s) shall report:

(1) The receipts of producer milk, the average butterfat test, and the pounds of butterfat contained therein;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(6) The disposition of fluid milk products in the marketing area on routes; and

(7) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to either § 1138.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat for which it is the handler pursuant to § 1138.9(b);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1138.9(c);

(4) The name and number of days of delivery, with the address of any producer not previously reported, the total pounds of milk and the pounds of butterfat received from each producer; and

(5) Such other information as the market administrator may require.

§ 1138.31 Payroll reports.

(a) On or before the 20th day of each month, each handler who operates pool plant(s) and each handler who operates nonpool plants and has elected to make payments pursuant to § 1138.62(a) shall submit to the market administrator his payroll for receipts during the preceding month which shall show:

(1) The name and the days of delivery of each producer with the address of any producer for whom such information was not furnished previously;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(3) The amount of payment to each producer and cooperative association;

(4) The nature and amount of any deduction or charges involved in such payments; and

(5) Each handler making payments pursuant to § 1138.62(a) shall report the information required pursuant to paragraph (a) of this section. In such reports receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

§ 1138.32 Other reports.

Each producer-handler, each handler operating a nonpool plant other than a handler making payments pursuant to § 1138.62(a), and each handler required to report pursuant to § 1138.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1138.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 1138.80(c) shall report on or before the 8th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 1138.86.

§ 1138.34 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify

or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1138.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(a) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1138.36 Accounting periods.

A handler may account for receipts, utilization and classification of milk at his pool plant(s) for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not less than twenty-four hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1138.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1138.30 shall be classified by the market administrator, pursuant to the provisions of §§ 1138.41 through 1138.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 1138.41 Classes of utilization.

Subject to the conditions set forth in §§ 1138.42 through 1138.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to subparagraphs (2), (3), (5), and (6) of paragraph (b) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) In inventory of fluid milk products on hand at the end of the month;

(5) The weight of skim milk in fluid milk products which is exempted from Class I pursuant to paragraph (a)(1)(ii) of this section;

(6) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(7) In shrinkage allocated to receipts of skim milk and butterfat pursuant to § 1138.42(b)(1) but not in excess of:

(i) 2 percent of receipts of milk received directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1138.9(c), except that if the handler operating the pool plant notifies the market administrator that he is purchasing such milk on the basis of farm weights determined from farm bulk tank calibrations and individual producer tests, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts of milk received in bulk tank lots from other pool plants; plus

(iv) 1.5 percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of milk disposed of in bulk tank lots to pool plants (when the exceptions specified in subdivision (ii) of this subparagraph applies, the applicable percentage shall be two percent); and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1138.42(b)(2).

§ 1138.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1138.41(b)(7) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk exclusive of that specified in § 1138.41(b)(7).

§ 1138.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(c) For the purposes of §§ 1138.41 through 1138.46, 1138.50 through 1138.54, and 1138.70 through 1138.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1138.70. For purposes of location adjustments pursuant to § 1138.52 and administrative expense pursuant to § 1138.88, such milk shall be treated as producer milk of the receiving handler.

§ 1138.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day after the end of the delivery period within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1138.46(a)(8) and the corresponding step of § 1138.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1138.46(a)(7) and (8) and the corresponding steps of § 1138.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in consumer packages to a nonpool plant which is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that

is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1138.30 for the month within which such transaction occurred:

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitue regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1138.41.

§ 1138.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1138.30 and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45, the market administrator shall determine the classification of producer milk received at each pool plant for each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1138.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class as follows:

(i) From Class I milk, the pounds of skim milk that were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(ii) From Class II milk, with respect to the pounds of skim milk in fluid milk products received in packaged form from other order plants, the lesser of the pounds remaining or two percent of such receipts; and

(iii) From Class I milk, the remainder of the receipts specified in subdivision (ii) of this subparagraph;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, except that subtracted pursuant to subparagraph (2)(i) of this paragraph;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series

beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1138.22(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1138.44; and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1138.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1138.51 Class prices.

Subject to the provisions of §§ 1138.52 and 1138.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* During the period from the effective date of this order until March 1, 1967, the price for Class I milk at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.25 during each of the months July through February and plus $1.95 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kans. (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); North Texas (Part 1126 of this chapter); Central Arizona (Part 1131 of this chapter); Great Basin (Part 1136 of this chapter); and Eastern Colorado (Part 1137 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

(b) *Class II milk.* For the months of July through February, the price per hundredweight for Class II milk shall be obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph, and for the months of March through June shall be such total less 13 cents:

(1) Subtract 3 cents from the average butter price specified in § 1138.50 and multiply the remainder by 4.2; and

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply the remainder by 8.16.

§ 1138.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located in Zone II (comprising the counties of Archuleta, La Plata, and Montezuma, Colo., and San Juan, N. Mex.) and in Zone III (comprising the counties of Eddy, Chaves, Curry, De Baca, Lea, Quay, and Roosevelt, N. Mex.) which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section, and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents;

(b) For milk received from producers at a pool plant located outside the marketing area and more than 100 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the county courthouses in Bernalillo or Santa Fe Counties, N. Mex., or El Paso, Tex., and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents and by an additional cent for each 10 miles or fraction thereof, that such distance calculated from the Bernalillo, Santa Fe or El Paso County Courthouse, whichever is nearer, exceeds 110 miles;

(c) For purposes of calculating such adjustment, bulk transfers of fluid milk products between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1138.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices

pursuant to § 1138.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1138.50 for the preceding month by 1.25 and divide the result by 10, and

(b) *Class II milk.* Multiply the butter price specified in § 1138.50 by 1.15 and divide the result by 10.

§ 1138.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1138.60 Producer-handlers.

Sections 1138.40 through 1138.47, 1138.50 through 1138.54, 1138.70 through 1138.72, and 1138.80 through 1138.88 shall not apply to a producer-handler.

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order; and

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 1138.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1138.30(h) and 1138.31 the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1138.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1138.70(e) and a credit in the amount specified in § 1138.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1138.30(h) and 1138.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1138.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant;

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

DETERMINATION OF UNIFORM PRICE

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9 (b) or (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1138.46(c), by the applicable class prices (adjusted pursuant to §§ 1138.52 and 1138.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1138.46(a)(10) and the corresponding step of § 1138.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(7) and the corresponding step of § 1138.46(b).

§ 1138.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1138.70 for all handlers who filed the reports prescribed by § 1138.30 for the month and who made the payments pursuant to §§ 1138.80 and 1138.84 for the preceding month;

(b) Add an amount equal to the sum of the deductions for location differentials computed pursuant to § 1138.81;

(c) Subtract an amount equal to the sum of the amounts to be added for location differentials computed pursuant to § 1138.81;

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1138.82 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance

in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1138.70(e); and

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1138.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 1138.71 and the producer location and butterfat differentials computed pursuant to §§ 1138.81 and 1138.82; and

(c) The amounts to be paid by such handler pursuant to §§ 1138.84, 1138.86, 1138.87, and 1138.88 and the amount due such handler pursuant to § 1138.85.

PAYMENTS

§ 1138.80 Payment to producers.

Except as provided in paragraphs (c) and (e) of this section, each handler, except a cooperative association, shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts and less authorized deductions;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the applicable uniform price per hundredweight pursuant to § 1138.71, subject to the butterfat differential computed pursuant to § 1138.82 and location adjustment computed pursuant to § 1138.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1138.87 and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1138.85 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1138.9(c), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of advance payment made on such milk.

§ 1138.81 Location differential to producers.

(a) For producer milk received at pool plants located in Zones II and III or at pool plants located outside the marketing area and more than 100 miles, as determined by the market administrator, from the nearest of the county courthouses in El Paso County, Tex., or Bernalillo, or Santa Fe Counties, N. Mex., there shall be deducted an adjustment for each such plant for all milk at the rates specified in pursuant to § 1138.52;

(b) For purposes of computations pursuant to §§ 1138.84 and 1138.85, the uniform price shall be adjusted at the rates set forth in § 1138.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1138.82 Butterfat differential to producers.

In making payments pursuant to § 1138.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1138.53, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.62, 1138.84, and 1138.86 and out of which he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

§ 1138.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1138.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1138.80(e); and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1138.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for

which a value is computed pursuant to § 1138.70(e).

§ 1138.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1138.84(b) exceeds the amount computed pursuant to § 1138.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1138.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1138.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself for milk pursuant to § 1138.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deduction and the quantity of milk on which the deduction was computed from each producer.

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1138.46(a)(2)(i), (3) and (7) and the corresponding steps of § 1138.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided*, That if such handler elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

§ 1138.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1138.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1138.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1138.92 Continuing obligations.

If upon suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1138.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secertary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

(b) If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be trans-

ferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1138.100 Agents.

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

§ 1138.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 65-6609; Filed, June 22, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6726]

AIRWORTHINESS DIRECTIVES

Boeing Models 707B, 707C, and 720B Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing 707B, 707C, and 720B Series airplanes requiring modification of the forward thrust reverser indicating light switch striker bracket. There have been failures of the brackets on the subject aircraft resulting in false indication of reverser operation. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require replacement of the existing bracket on the subject model aircraft.

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 July 23, 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 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Models 707B, 707C, and 720B Series Aircraft.

Compliance required within the next 1,200 hours' time in service after the effective date of this AD unless already accomplished.

The forward thrust reverser indicating light switch striker bracket may be distorted by reverser actuation impact loads resulting in false indications of reverser operation. To correct this condition, accomplish the following:

(a) Replace existing sheet metal striker brackets, P/N 66-11396-1, with cast striker bracket, P/N 69-31381-1 or equivalent in accordance with Boeing Service Bulletin 2039 dated December 21, 1964, or later FAA approved revisions.

(b) Approval of any equivalent means shall be processed through the Aircraft Engineering Division, FAA Western Region, Los Angeles, Calif.

Issued in Washington, D.C., on June 16, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6561; Filed, June 22, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 214]

[Economic Regs. Docket No. 16266]

TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Notice of Proposed Rule Making

JUNE 18, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to its Economic Regulations (14 CFR 200 et seq.) to promulgate a new Part 214 governing charter foreign air transportation of persons pursuant to a foreign air carrier permit authorizing charter transportation only.

The principal features of the proposed amendments are described in the Explanatory Statement set forth below. The amendments are proposed under the authority of sections 204(a) and 402 of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 757, 49 U.S.C. 1372).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before July 23, 1965, will be considered by the Board. Copies of all such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., 20428, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Passenger charters by foreign air carriers authorized to engage in charter transportation only (hereinafter, foreign charter carriers) are presently governed by Part 295 of the Board's Economic Regulations—a regulation which also governs transatlantic passenger charters by supplemental carriers.[1] In the foreign charter carriers' permits it is stated that the Board's use of Part 295 is not necessarily permanent and that at some future date the Board may deem it appropriate to adopt a new regulation applying only to the foreign charter carriers.

The Board has tentatively concluded that some of the provisions of Part 295 should not apply to the foreign charter carriers, and that other provisions of Part 295 should be modified insofar as they apply to the foreign charter carriers. Rather than unduly complicating Part 295 by these modifications, it now seems appropriate to promulgate a new regulation applying only to passenger charters by foreign charter carriers. The proposed rule set forth below, a new Part 214, would regulate the foreign charter carriers on the basis of the provisions of Part 295, subject to the following modifications.[2]

1. *Reporting and record retention.* The foreign charter carriers, unlike the transatlantic supplemental carriers, are subject to a limitation on the number of U.S. originated flights they may operate in relation to the number of charter flights they operate from their country of registry. To insure effective monitoring of this restriction it is necessary that the carriers be required to file an annual report giving pertinent information about each charter flight operated.[3] However, it also appears possible to eliminate the Statement of Supporting Information which §§ 295.5, 295.22, and 295.36 now require be completed for every flight. Since the proposed annual report requires less information than would a Statement of Supporting Information for each flight, the result of these proposals will be a reduction in the carriers' reporting obligations.

The proposed § 214.6 would shift from Part 249 to the new Part 214 the record retention requirements to which the foreign charter carriers are now subject. The foreign charter carriers would be required to retain their records at a place within the United States where the records could be inspected by an authorized representative of the Board or the Federal Aviation Agency. A similar requirement is imposed on foreign air carriers

[1] See the permits of Caledonian Airways (Prestwick), Ltd. (Caledonian), Order E-19710 (June 18, 1963); British Eagle International Airlines, Ltd. (British Eagle), Order E-20617 (Mar. 27, 1964); KAR-AIR oy, Order E-21684 (Jan. 15, 1965); Sudflug, Sudeutsche Fluggesellschaft mbH Order E-22116 (May 3, 1965), (Sudflug); Adria Airways, Order E-22117 (May 3, 1965) (Adria).

[2] In addition to the modifications discussed below, certain editorial changes are required by the fact that the new regulation will govern a different class of carrier and somewhat different geographical areas than does Part 295.

[3] The date, the points served, the charterer, and the number of one-way and round trip passengers carried.

operating off-route charters (see § 212.7 of the Board's Economic Regulations).

2. *"Split charter" provisions.* In view of the fact that the certificated transatlantic supplemental carriers are authorized to operate so-called "split charters" (see Transatlantic Charter Investigation, Orders E–20530, E–20531, February 24, 1964), the definition of "charter flights" in § 295.2 includes a definition of split charters.[4] In the new Part 214 it would not be appropriate to have an unrestricted definition of split charters because the first three foreign charter carriers to be issued permits were not granted split charter authority.[5] On the other hand, a definition of split charters is desirable because Sudflug and Adria were granted split charter authority and their permits contemplate that split charter will be defined in the Board's regulations. In view of these considerations we have tentatively concluded that the definition of charter flight in Part 214 should encompass split charters, but that the definition should be subject to a proviso that the split charter provisions do not apply with respect to a foreign carrier whose permit states, as do the permits of Caledonian, British Eagle and KAR–AIR oy, that the carrier has authority to engage in "planeload" charter foreign air transportation of persons.

3. *Elimination of certain "terms of service" requirements.* Section 295.14(b) through (d) requires carriers to maintain specified insurance coverage, and to provide substitute transportation and pay incidental expenses with respect to delays on flights. Not all foreign charter carriers are now subject to these requirements—the permits of KAR-AIR oy, Sudflug, and Adria state that the carriers are not to be subject to § 295.14 (b), (c), and (d)—and the Board has tentatively concluded that the other foreign charter carriers should also be free of insurance and substitute transportation requirements.

The Board imposed insurance and substitute transportation requirements on the supplemental carriers in response to an expression of legislative intent in the supplemental air carrier legislation, P.L. 87–528.[6] There has been no similar expression of legislative intent with respect to the foreign charter carriers. Although we do not believe that the Board lacks statutory authority to impose insurance and substitute transportation requirements on foreign charter carriers, we have concluded that for the present these matters are best left to each carrier's home country. We will, of course, expect these carriers to make adequate provisions for the protection of passengers, and should difficulties arise in this regard, the Board will take appropriate action.

Proposed rule. It is proposed to issue a new Part 214 of the Board's Economic Regulations (14 CFR Part 214) as follows:

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation of persons pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

§ 214.2 Definitions.

(a) "Charter foreign air transportation of persons" means charter flights in air transportation performed pursuant to a permit which is issued under section 402 of the Act and which authorizes the holder to engage in charter transportation only.

(b) "Charter flight" means air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for the transportation, or in the solicitation, or sale of transportation services);

or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation, or in the solicitation, or sale of transportation services):

Provided, That the definition of "charter flight" in subparagraph (2) of this paragraph shall not apply with respect to any foreign air carrier whose permit states that it has authority to engage in "planeload" charter foreign air transportation of persons:

Provided further, That with the consent of the charterer, the direct foreign air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly, or indirectly.

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[4] See § 295.2(b) in which a charter flight is defined, in part, as "air transportation performed by a direct air carrier on a time, mileage, or trip basis where * * * one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services)."

[5] See fn. 1, supra. KAR–AIR oy's permit indicates that it was not given split charter authority. British Eagle's and Caledonian's permits authorize only "planeload" charters, and at the time these permits were issued Part 295 did not include a definition of split charters.

[6] 76 Stat. 143, July 10, 1962. The legislation made liability insurance coverage mandatory for supplemental carriers, and imposed upon the Board the duty of prescribing the terms, conditions, and amounts of such coverage. P.L. 87–528 further provided that the Board might prescribe regulations requiring supplemental carriers to make appropriate compensation to passengers when the carriers fail to perform their contractual obligations. See section 401(n) of the Federal Aviation Act of 1958, added by P.L. 87–528.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation, or in the solicitation, or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(j) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of 6 months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a formal academic study course abroad. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(l) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph:

Provided, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

§ 214.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates: *Provided,* Such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 214.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 214.5 Reporting.

(a) Thirty days after the end of each calendar year, each foreign air carrier operating pursuant to this part shall file with the Board's Bureau of Economic Regulation a report setting forth the following information pertaining to each charter flight performed during said year pursuant to this part:

(1) Date of trip;
(2) Points served;
(3) Number of round-trip and one-way passengers;
(4) Name of chartering organization.

§ 214.6 Record retention.

Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents for a period of 2 years at a place in the United States where such documents may be inspected at any proper time by an authorized representative of the Board or the Federal Aviation Agency: Every charter contract, all post-flight reports and vouchers submitted therewith, all passenger manifests including those filed by charterers, and proof of the commission paid to any travel agent by the carrier.

Subpart A—Provisions Relating to Pro Rata Charters

§ 214.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

§ 214.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly, or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

(b) A carrier shall not employ, directly, or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight.

§ 214.12 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 214.[1] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in §§ 214.34 and 214.35, and submit to each charter participant the information identified in § 214.34.

§ 214.13 Tariffs to be on file.

Prior to performing any foreign air transportation governed by this part, a foreign air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity of one or more aircraft in such foreign air transportation and showing all rules, regulation practices, and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part. A foreign air carrier which is authorized to operate charter flights as defined in § 214.2(b)(2) shall not operate any such charters in foreign air transportation until the foreign air carrier has on file with the Board a tariff showing all rates, fares, and charges for the use of one-half the capacity of one or more aircraft in such foreign air transportation and showing all rules, regulation practices, and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

§ 214.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity of one or more aircraft (in the case of foreign carriers authorized to operate charter

[1] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C., 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

flights as defined in § 214.2(b)(2) the contract may be for one-half the capacity of one or more aircraft). Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each plane-load group (or in the case of carriers authorized to operate charter flights as defined in § 214.2(b)(2) each one-half plane-load group) shall move as a unit in both directions.

§ 214.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 214.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 214.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 214.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct foreign air carrier and the charterer for the same service.

§ 214.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 214.30 Solicitation of charter participants.

As the following terms are iefined in § 214.2, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public.

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[2] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 214.14(c). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load groups (or in the case of carriers authorized to operate charter flights under § 214.2(b)(2) one-half plane-load groups) shall not be permitted and each such group must move as a unit in both directions.

§ 214.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight.

§ 214.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organizations for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 214.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be given to the carrier with the "Post Flight Report" required pursuant to § 214.34.

§ 214.34 Statements of charges.

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charter.

(b) Within 15 days after completion of each one-way or round-trip flight the charterer shall complete and supply to each charter participant and the foreign air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. The report shall be submitted in the form of, and contain such information including the above as more fully specified by, the "Post Flight Report" set forth below.

§ 214.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the foreign air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address, and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one

[2] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency or college will suffice to meet this requirement.

of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans and will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group, or from a Government agency, industrial plant, or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members or firm charter plans, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a charter composed of participants in a formal academic study course abroad.

(Signature)

Subpart B—Provisions Relating to Single Entity Charters

§ 214.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 214.40 Tariffs to be on file.

The provisions of § 214.13 shall apply to charters under this subpart.

§ 214.41 Terms of service.

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity of one or more aircraft, or, if a foreign air carrier is authorized to operate charters as defined in § 214.2(b)(2), for one-half the capacity of one or more aircraft.

§ 214.42 Commissions paid to travel agents.

No direct foreign aircarrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart C—Provisions Relating to Mixed Charters

§ 214.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 214.60 Advisory opinion.

A foreign air carrier or prospective charterer may request an advisory opinion from the Bureau of Economic Regulation, Civil Aeronautics Board, Washington, D.C., 20428, regarding the eligibility of the prospective charterer to obtain charter service in accordance with this part. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board in any proceeding in which the lawfulness of the respective charter may be in issue. Such representations should include complete information as to the chartering organization (purposes, activities, date founded, membership requirements, and fees); the purpose of the charter trip; the requirements for participation in the charter; how charter participants were solicited; and the anticipated charges to the participants.

CHARTER POST FLIGHT REPORT

Instructions:

The charterer shall complete and file a report in this form with the foreign air carrier within 15 days of each one-way or round-trip charter flight. A report in this form shall also be furnished each charter participant by the charterer within 15 days after completion of each one-way or round-trip charter flight.

1. Name of carrier: _____
2. Name of chartering organization: _____
3. Analysis of charterer's receipts:
   (a) _____ (No. of one-way passengers)
   × _____ (Charge per passenger,[1] including amounts later refunded)
   = _____
   (b) _____ (No. of round-trip passengers)
   × _____ (Charge per passenger,[1] including amounts later refunded)
   = _____
   (c) Receipts from other sources (explain) = _____
   (d) Total receipts [(a)+(b)+(c)] = _____
4. Analysis of charterer's expenditures:

Item of expenditure[2]	*Paid to*[3]	*Amount*
Total[4]		

Verification[5]

State of _____ } ss:[6]
County of _____ }

I, _____, being duly sworn, hereby (Name)
depose and say that this report has been prepared by me or under my direction, that I have carefully examined it and that to the best of my knowledge and belief it is a complete and accurate statement, and a copy hereof has been distributed to each charter participant.

_____
(Signature of person in charge of charter arrangements.)

Sworn to before me this day, the _____ of _____, 19__.

_____
(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

[1] If charter cost was not divided equally among *all* participants actually transported, indicate clearly the individual amounts collected and the number of passengers paying each such amount.

[2] As a separate item there should be listed here a total of all the amounts refunded to the charter participants; also list separately air transportation, land tour, and administrative expenses, and break down administrative expenses so as to show such items as postage and printing, and to show compensation for labor and personal expenses paid to any member of chartering organization.

[3] Disclose any relationship to chartering organization.

[4] If this item does not agree with item 3(d), submit an explanatory statement as to the reasons therefor. If the total expenditures (including among other items compensation to members of the chartering organization but exclusive of expenses for air transportation or land tours) exceed $750 per round trip, such expenditures shall be fully supported by vouchers submitted to and retained by the foreign air carrier operating the charter. Such vouchers must cover all expenditures made on behalf of the chartering group including any expenditures for banquets, gifts, local transit, etc.

[5] Whoever, having taken an oath before a competent—person—that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1621.

[6] If the verification is executed in a foreign country the name of the country should be indicated here. The verification should be before a person authorized by the laws of the jurisdiction in which the verification is executed to administer oaths or affirmations.

[F.R. Doc. 65-6610; Filed, June 22, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16062; FCC 65-542]

FM BROADCAST STATIONS

Proposed Table of Assignments; Abbeville, Ala.

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

2. The Commission has under consideration § 73.202 of its rules insofar as it pertains to the assignment of Channel 249A to Abbeville, Ala. and Channel 247 to Bainbridge, Ga. While these assignments are in conformance with § 73.208 (a)(4) of the rules, a problem has been brought to our attention concerning the location of sites in the Bainbridge area which would meet the required separation (65 miles) to the reference point in Abbeville. The substitution of Channel 232A for 249A at Abbeville would remove this problem. Channel 232A can be assigned to Abbeville in conformance with all the separation rules and without adversely affecting any other station or assignment. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Abbeville, Ala.	249A	232A

3. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before July 16, 1965, and reply comments on or before July 26, 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.

5. 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.

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 65-6596; Filed, June 22, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 16063; FCC 65-543]

FM BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Portage and Shawano, Wis., Murray, Ky., New Port Richey and Clearwater, Fla., Scott City, Kans., Maquoketa and Cedar Rapids, Iowa, Fairmont, W. Va., Galesburg, Ill., Prestonsburg, Ky., Austin and Georgetown, Tex., Bellevue Ohio, Dalhart, Tex., Las Cruces, N. Mex., Petersburg, Va., Witchita, Kans., Fergus Falls, Minn., Pittsfield, Ill.); Docket No. 16063, RM-720, RM-756, RM-757, RM-763, RM-759, RM-762, RM-767, RM-768, RM-770, RM-771, RM-769, RM-777.

1. Notice is hereby given of proposed rule making in connection with the above-listed requests to change the FM Table of Assignments, § 73.202 of the Commission's rules and regulations. All of the proposals conform to the minimum mileage separation rules. All of the proposed assignments within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. All populations are from the 1960 U.S. Census unless otherwise stated.

2. *RM-720: Portage, Wis.* On April 6, 1965, Comstock Publishing Co., licensee of radio Station WPDR(AM), Portage, Wis., filed an amended petition for rule making seeking the assignment of a first FM channel, 261A, to Portage by substituting Channel 261A for 262 at Shawano, Wis., as follows:

City	Channel No.	
	Present	Proposed
Portage, Wis.		261A
Shawano, Wis.	262, 274	261A, 274

Portage, population 7,822, is the county seat and largest community in Columbia County, which has a population of 36,708 persons. WPDR, a daytime-only station, is the only radio station in Portage. Shawano has a population of 6,103 persons and is the county seat and largest community in Shawano County, population 32,006. An application has been filed for Channel 262 and this would have to be amended in the event the proposal is adopted to the remaining Class C assignment, Channel 274. Shawano also has an unlimited time AM station. Petitioner urges that its proposal would provide Portage with its first FM assignment, that it would provide this community and its vicinity with its first local nighttime service, and that it would achieve a better distribution of available facilities. Finally, petitioner submits that the assignment will comply with all the separation requirements at a site to be found (about 2 miles out of town).

3. The Commission is of the view that the proposal merits rule making in order that all interested parties may submit their views and relevant data. Since we have been reluctant to mix Class A and B or C assignments in the same city, we also invite comments on whether Channel 261A should be assigned to Shawano. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Portage, Wis.		261A
Shawano, Wis.	262, 274	261A, 274, or 274 alone

4. *RM-756: Murray, Ky.* On April 7, 1965, Michael R. Freeland, doing business as Murray Broadcasting Co., prospective applicant for a new station at Murray, Ky., filed a petition requesting the assignment of Channel 279 to Murray. Murray is the largest city and county seat of Calloway County. It has a population of 9,303 persons and Calloway County has a population of 20,972 persons. The nearest large city is Paducah, approximately 38 miles away. There is but one AM station in the county, WNBS, a Class IV station. Petitioner submits that the proposal conforms to all the rules, that it would provide a first primary FM service to the area, and that an application will be filed for the proposed assignment in the event it is adopted. It also points out that Murray is the home of Murray State College, which has an enrollment of over 2,300 students.

5. We are of the view that the proposal warrants consideration and invite comments on the following:

City	Channel No.	
	Present	Proposed
Murray, Ky.		279

6. *RM-763: Clearwater, Fla; RM-757: New Port Richey, Fla.* On April 8, 1965, Richey Airwaves, Inc., licensee of radio station WGUL(AM), New Port Richey, Fla., filed a petition requesting the assignment of Channel 250 to New Port Richey. This community has a population of 3,520 persons and is located in Pasco County, which has a population of 36,785 persons. The only station in the community is WGUL, a daytime-only station. New Port Richey is about 27.5 miles from Tampa and 39 miles from St. Petersburg. Petitioner recognizes that New Port Richey is the type of community which does not merit the assignment of a Class C channel but advances several arguments in favor of the assignment. It urges that the area is a fast-growing one and predicts that within 20 years the entire area between St. Petersburg and New Port Richey will constitute one metropolitan area; that there is a need to serve the outlying areas to the north of the city; that from a business standpoint, a New Port Richey assignment must be a Class C in order to compete with the Class C stations in Clearwater and St. Petersburg;[2] and that the assignment of Channel 250 to this community will not preclude any needed assignment elsewhere in the State.

7. On April 13, 1965, John K. Pringle, prospective applicant for a new FM station in Clearwater, Fla., filed a petition requesting the addition of Channel 250 to

[1] Commissioner Cox absent.

[2] No mention is made of Tampa, which has four Class C assignments and is closer to New Port Richey than is St. Petersburg.

Clearwater. Since Clearwater and New Port Richey are only about 26 miles apart, the two requests are mutually exclusive. Clearwater has a population of 34,653 persons and is part of the Tampa-St. Petersburg metropolitan area. It has one FM station which operates on Channel 239, on daytime-only and one Class IV AM station. Mr. Pringle urges that Clearwater merits a second competitive FM service, that it is large enough to warrant a second FM assignment, and that the proposal conforms to all the separation rules.

8. The Commission is of the view that rule making is warranted on these two conflicting requests and invites comments on the following alternative plans:

ALTERNATIVE I

City	Channel No.	
	Present	Proposed
New Port Richey, Fla.		250

ALTERNATIVE II

Clearwater, Fla.	239	239, 250

In Alternative I comments are also invited on the question as to whether New Port Richey merits a Class C assignment in view of our general policy to assign Class B or C channels to the larger cities and metropolitan areas and Class A channels to the smaller communities.

9. *RM–759: Scott City, Kans.* On April 9, 1965, George Basil Anderson and Florence L. Anderson doing business as The Broadcasters of Scott City, licensee of radio Station KFLA (daytime-only station) and permittee of Station KFLA–FM, Scott City, Kansas, filed a petition for rule making requesting the substitution of Class C Channel 233 for Class A Channel 232A at Scott City. Scott City is a community of 3,555 located in west central Kansas. It is the largest town and county seat of Scott County, population 5,228 persons. The nearest community of over 10,000 population is Garden City (11,811), about 35 miles distant. Petitioner urges that the assignment of a Class C channel to this community would be consistent with the Commission's policy of making exceptions to the general principles—of assigning Class C channels only to the large cities and metropolitan areas—where the small community is far removed from any large city and is located in a rural area with sparsely settled populations. Petitioner submits that a Class C station here would serve all or portions of several counties none of which have a population over 16,093 persons and that it would serve a "substantial white area."

10. We are of the view that the petitioner's proposal should be considered and invite comments on the following:

City	Channel No.	
	Present	Proposed
Scott City, Kans.	232A	233

Since the proposal would delete Channel 232A on which KFLA–FM has a construction permit, appropriate steps will be taken in the event the proposal is adopted.

11. *RM–762: Maquoketa, Iowa.* On April 13, 1965, Jackson County Broadcasting Co., licensee of radio Station KMAQ(AM), Maquoketa, Iowa, filed a petition requesting rule making to assign a first Class A Channel to Maquoketa by one of two alternative methods as follows:

ALTERNATIVE I

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa		272A
Cedar Rapids, Iowa	243, 251, 275, 283	243, 251, 276A, 283

ALTERNATIVE II

Maquoketa, Iowa		237A
Muscatine, Iowa	237A, 259	259

Maquoketa has a population of 5,909 and is the county seat and largest community in Jackson County, population 20,754. It is located about 30 miles south of Dubuque, Iowa. The only station in operation there is a daytime-only AM one. Petitioner submits that under Alternative I Cedar Rapids would still have three Class C and one Class A assignment and that there are no applications on file for the unoccupied assignments, Channels 243 and 275. With respect to Alternative II petitioner points out that this proposal would leave one Class C assignment in Muscatine and that no party has applied for the unoccupied Channel 237A. Petitioner urges that Maquoketa and the surrounding area needs and merits an FM assignment, that no interest has been shown in the assignments proposed to be deleted, and that the proposals conform to all the separation rules.

12. We are of the view that Maquoketa merits the assignment of a first Class A channel and that rule making to this end should be instituted. However, we believe that if either alternative should be explored that it should be the first one. Cedar Rapids, with a population of 92,035, has been assigned four Class C assignments. It has five AM stations, three of which operate unlimited time. Muscatine has one Class C and one Class A FM assignment. Its population is 20,997. It has but one AM station and this operates daytime-only. We are therefore of the view that we should explore Alternative I only and invite comments on the following:

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa		272A
Cedar Rapids, Iowa	243, 251, 275, 283	243, 251, 276A, 283

We also invite comments on the proposed mixture of A and C channels in Cedar Rapids.

13. *RM–767: Fairmont, W. Va.* On April 19, 1965, Broadcast Enterprises, Inc., licensee of radio Station WMMN (AM), Fairmont, W. Va., filed a petition requesting rule making to assign a first Class B assignment to Fairmont by making other changes in the table as follows:

City	Channel No.	
	Present	Proposed [1]
Oakland (Western) Md.	244	249
Fairmont, W. Va.	261A, 276A	250, 276A
Keyser, W. Va.	249A	261A
Clarksburg, W. Va.	224A, 249A, 293	224A, 285A, 293

[1] The changes in Oakland, and Keyser have already been proposed by another party in RM–731, Docket No. 16006. The instant proposal differs from the earlier petition only in that it places Channel 250 in Fairmont instead of Channel 285A, and in the additional change in Clarksburg.

Fairmont has a population of 27,477 persons and is the county seat and largest city in Marion County (population 63,717). It has an unlimited time AM station (WMMN) and a Class IV AM station in addition to the two Class A FM assignments. Petitioner points out that the nearby counties are of comparable size and that both Clarksburg (18 miles) and Morgantown (15 miles) each have a Class B assignment. Petitioner urges that a broadcast facility in Fairmont must be at least equal in coverage to be able to compete effectively for national and regional advertisers. Finally, petitioner states that the proposed assignment of Channel 250 to Fairmont would conform to all the spacing requirements provided a site is selected about 4 miles out of town. No applications are on file for the assignments proposed to be changed.

14. We have been reluctant to mix Class A and Class B or C assignments in the same community in order to avoid, if possible, competitive inequality. However, in this instance we are of the view that comments should be invited on the petitioner's proposal in order that all interested parties may submit their views. We therefore invite comments on the following:

City	Channel No.	
	Present	Proposed
Fairmont, W. Va.	261A, 276A	250, 276A
Clarksburg, W. Va.	224A, 249A, 293	224A, 285A, 293

15. *RM–768: Galesburg, Ill.* On April 20, 1965, Galesburg Broadcasting Corp., licensee of radio Station WGIL(AM), Galesburg, Ill., filed a petition requesting the addition of FM Channel 235 to Galesburg as follows: [2]

[2] Petitioner also proposed to delete Channel 236 from Hannibal, Mo., and to substitute therefor Channel 237A. Channel 235 was deleted from Hannibal in Docket 15690. See Second Report and Order, FCC 65–358 issued on April 30, 1965. In that same Order, Channel 239 was assigned to Mexico, Mo. Thus, Channel 237A would not be technically feasible in Hannibal since these two communities are less than the required 65 miles for assignments two channels removed. No consideration will therefore be given to that portion of the proposal which concerns Hannibal.

City	Channel No.	
	Present	Proposed
Galesburg, Ill.	272A	235, 272A

Galesburg has a population of 37,243 persons. It is the county seat and largest city of Knox County, which has a population of 61,280. In addition to the Class A FM assignment, Galesburg has two AM stations, WGIL (a Class IV station) and WAIK (daytime-only). Petitioner urges that a wide-area FM station is needed to serve this area which now has minimal AM service, that Galesburg is the type of city for which the Class B channels were designed, and that the proposal would conform to all the rules.

16. We have been reluctant to mix Class A and B assignments in the same community but believe, however, that comments should be invited on the proposal in this case. Comments are therefore invited on the proposal outlined above.

17. *RM–770: Prestonsburg, Ky.* On April 21, 1965, Stephens Industries, Inc., licensee of radio Station WPRT(AM), Prestonsburg, Ky., filed a petition requesting rule making looking toward the addition of Channel 255 to that community. Prestonsburg (population 3,133) is the county set and largest community of Floyd County, which has a population of 41,642 persons. It has two daytime-only AM stations and one FM station on Channel 238. Class A Channel 288A is also assigned to Prestonsburg but is unoccupied and not applied for. Petitioner states that Prestonsburg is the business, civic and social center for the county, that the community and surrounding area have no local nighttime AM outlets and so must rely on FM for nighttime aural service, and that it is remote from any large city or metropolitan area. Petitioner urges that its proposal would remove the existing mixture of Class A and C assignments; that it would provide a competitive balance of service as between the two AM operators; and that the extremely rugged terrain in the area makes a Class C assignment more appropriate than a Class A. Finally, petitioner takes note of the Commission's policy of making Class A assignments in the smaller communities and Class B and C in the large cities and metropolitan areas but contends that Prestonsburg merits a departure from this general policy in view of the fact that the community is remote from large cities and surrounded by rural areas deserving of a wide-coverage FM assignment.

18. It is by no means apparent that the making of a second Class C assignment to a community the size of Prestonsburg is warranted. This is especially so since the nearby and larger communities of Paintsville and Pikeville have only one Class A assignment each. However, in view of the relatively small area in which Channel 255 may be assigned in conformance with the minimum spacing rules we are inviting comments on petitioner's proposal. We also invite comments on the question as to whether the proposed additional assignment will preclude any future needed assignments in the general area.[4] Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Prestonsburg, Ky.	238, 288A	238, 255

19. *RM–777: Austin, Tex.* KVET Broadcasting Co., Inc., on May 6, 1965, filed a petition requesting rule making to amend the table as follows:

City	Channel No.	
	Present	Proposed
Austin, Tex.	229, 234, 238, 252A	229, 234, 238, 252A, 264
Georgetown, Tex.	265A	280A

Petitioner is the prospective assignee of radio Station KVET(AM) at Austin. It is submitted that the only available FM assignment in Austin is Channel 234 and that in order to meet the required spacings to other assignments a site must be selected in a narrow wedge-shaped area to the south-southwest of the city and that from such a location an uneconomic tower height or transmitter power would have to be used. Petitioner therefore urges that for all practical purposes the assignment on Channel 234 is not available to Austin and requests that Channel 264, which can be assigned in full conformance with all the rules by the substitution in Georgetown, be assigned to Austin.

20. The Commission is of the view that the petitioner's proposal merits rule making. Since, however, use of Channel 234 may not be feasible in Austin we believe that it would be best to substitute Channel 264 for 234, and therefore invite comments on the following:

City	Channel No.	
	Present	Proposed
Austin, Tex.	229, 234, 238, 252A	229, 238, 252A, 264
Georgetown, Tex.	265A	280A

21. *RM–769: Bellevue, Ohio.* On April 21, 1965, The Gazette Publishing Co., prospective applicant for a new FM station in Bellevue, filed a petition requesting the assignment of Channel 221A to Bellevue. Bellevue, a community of 8,286 persons, has no radio station or FM assignment. Petitioner urges that there is a need for a local radio station in this community which has a large population and substantial resources to make it feasible.

22. The Commission is of the view that comments should be invited on the petitioner's proposal and requests comments on the following:

[4] This should include a showing on the impact the addition of Channel 255 will have on possible assignments on other related channels.

City	Channel No.	
	Present	Proposed
Bellevue, Ohio		221A

23. *RM–771: Petersburg, Va.* On April 23, 1965 Smiles of Virginia, Inc., licensee of radio Station WPVA, Petersburg-Colonial Heights, Va., filed a petition looking toward the assignment of a second Class A FM assignment to Petersburg. Petersburg has a population of 36,750 persons. It has two AM stations, a daytime-only and a Class IV. The sole FM assignment, Channel 257A, has been requested by the two AM station licensees in the area. Petitioner urges that adoption of the second channel is warranted, that it would serve the needs of the residents for a second FM service, and that it would conform to all the separation requirements at a site about 4 miles outside of the city.

24. The Commission believes that comments should be invited on the proposal and asks for comments on the following:

City	Channel No.	
	Present	Proposed
Petersburg, Va.	257A	237A, 257A

25. *Change on the Commission's own motion.* It has come to our attention that the assignments of Channel 232A to Dalhart, Tex., and of Channel 237A to Las Cruces, N. Mex., do not meet the required spacings. We are therefore proposing the following substitutions:

City	Channel No.	
	Present	Proposed
Dalhart, Tex.	232A	240A
Las Cruces, N. Mex.	237A	280A

26. *Wichita, Kans., Fergus Falls, Minn., and Pittsfield, Ill.* In addition to the above proposals made by interested parties, we wish to make some additional changes in the table on our motion. Channel 262 was previously authorized to Station KFH–FM at Wichita, Kans., at a very short spacing to Station KTOP–FM at Topeka on the same channel (about 130 miles as against the required 180 miles). KFH–FM is now operating on Channel 250. In the event Channel 262 is deleted, Wichita would still have five Class C assignments. It also has six AM stations, four of which are unlimited time, one Class IV and one daytime-only. Channel 254 is assigned to Moorhead, Minn., while Channel 256 is assigned to Fergus Falls, at a distance of only 50 miles. Since the required separation is 65 miles another assignment will have to be substituted at Fergus Falls to remove the shortage. Likewise the assignment of Channel 228A at Pittsfield, Ill., is short-spaced to Channel 228 at St. Louis, Mo., and needs a replacement. Comments are therefore invited on the following changes:

City	Channel No.	
	Present	Proposed
Wichita, Kans.	250, 262, 267, 275, 279, 297	250, 267, 275, 279, 297
Fergus Falls, Minn.	243, 256	243, 277
Pittsfield, Ill.	228A	249A

27. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

28. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before July 20, 1965, and reply comments on or before July 30, 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.

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

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6597; Filed, June 22, 1965; 8:49 a.m.]

[1] Commissioner Cox absent.

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

Designation and Extension of Areas for Emergency Loans

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

NEBRASKA

Dawson.	Logan.
Gosper.	McPherson.
Lincoln.	

It has also been determined that in the hereinafter-named counties in the State of Nebraska the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska	*Previous designation*
Cheyenne	29 F.R. 11934
Deuel	29 F.R. 11934
Garden	29 F.R. 11934
Kimball	29 F.R. 11934

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-6579; Filed, June 22, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to October 31, 1965, the latest completion date specified in Construction Permit No. CPPR-12 for construction of the high temperature, gas-cooled power demonstration reactor being constructed near Peach Bottom, Pa.

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

Dated at Bethesda, Md., this 16th day of June 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-6594; Filed, June 22, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-22328]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of June 1965.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 15353, Agreement C.A.B. 17666, R-120.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, there has been filed with the Board an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memorandum TC1/Rates 2158, names rates for horses and cattle from Lima to Panama City [1] as set forth below. Although the rates are substantially higher than the otherwise applicable general cargo rates, they are consistent with those now applied under the same description from Buenos Aires or Santiago to Panama City.

Item 1051—Horses and Cattle:
61 cents per kg., minimum weight 500 kgs.
54 cents per kg., minimum weight 1500 kgs.
Lima to Panama City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17666, R-120, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

[1] Rates applicable to and from Panama City also apply to and from Balboa.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-6611; Filed, June 22, 1965; 8:50 a.m.]

CIVIL SERVICE COMMISSION

EXECUTIVE DIRECTOR, DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Notice of Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, relating to the payment of travel and transportation expenses of appointees, the Civil Service Commission has found, that as of May 25, 1965, there is a manpower shortage for the position of Executive Director, GS-301-18, District of Columbia Redevelopment Land Agency.

This finding terminates with the first appointment to the position after that date.

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

[F. R. Doc. 65-6593; Filed, June 22, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14154; FCC 65-524]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone and Telegraph Co., Docket No. 14154; regulations and charges for developmental line switched service.

1. United Air Lines, Inc., has filed a "Petition for Equitable Relief," dated April 16, 1965. In its petition United requests the Commission to grant a postponement in the cancellation date from July 1, 1965, to September 22, 1965, or

such earlier date upon which United's new communication facilities are available for service, of the Developmental Line Switched Teletypewriter Service, provided in American Telephone and Telegraph Co., Tariff F.C.C. No. 252, and related provisions of Tariff F.C.C. Nos. 133 and 245. The Western Union Telegraph Co. filed an opposition to the petition. Subsequently, Western Union requested permission to withdraw its opposition. American Telephone and Telegraph Co. filed a statement in support of the petition.

2. On July 24, 1963, the Commission issued its decision in the "WADS Case," 35 F.C.C. 149 (1963). In this case the Commission concluded that the Developmental Line Switched Teletypewriter Service resulted in undue preferences in violation of section 202(a) of the Communications Act of 1934, 47 U.S.C. 202 (a). However, the Commission permitted A.T. & T. to continue this service pending the filing of new WADS tariff schedules. Subsequently, A.T. & T. advised the Commission that it had decided not to file a new WADS tariff. The Commission, in a Memorandum Opinion and Order, FCC 64-621, released July 14, 1964, found that the termination of the developmental service upon 30 days' notice would cause serious disruption of the operation and economy of certain subscribers. In view of this, it ordered the service canceled on July 1, 1965. United seeks a postponement of this date to September 22, 1965.

3. United, in support of its petition, states that it has made a diligent effort to replace its Developmental Service by July 1, 1965. In this regard United alleges that it entered into a final contract for the construction of the new system on May 4, 1964, and that the contractor guaranteed completion of the system by July 1, 1965. This date took into consideration possible delays in meeting construction schedules. However, for reasons beyond United's control the completion date of the system has been delayed to August 22, 1965. The reasons given by United for the delays are an unusually severe winter which delayed the construction of buildings, difficulties in obtaining certain critical equipment, and unforeseen problems in the design of the highly complex systems. Moreover, United alleges that when it found that delays in the construction schedule were developing it immediately took steps, involving substantial additional expense, to minimize such delays. United asserts that it is continuing to do everything possible to complete the system ahead of the August 22 date. As previously stated United anticipates that the new system will be installed by August 22. However, it asserts that the system cannot be fully and completely checked out until all of the programs are running with the total processing load applied, and it needs additional time to work out any problems that may develop during the checkout period. Therefore, it requests an additional 30 days from time of installation to check out the system. Finally, United contends that there are no alternative communications systems such as TWX that it can use during the interim period. United asserts that unless the Commission grants its petition it will be without adequate communications during this period and, literally and legally, could not operate as an air carrier. According to United the need for communications by an airline goes far beyond the requirements of an ordinary business. It contends that without communications an airline cannot operate and that the Federal Aviation Agency requires a complete planning of communications capability and reliability before issuing an operating certificate to an air carrier.

4. A.T. & T. has filed a statement in support of United's petition. Further, A.T. & T. in a supplemental filing has indicated that, because of the large volume of the traffic generated by United, its ordinary TWX facilities will be physically incapable of handling such traffic.

5. The Commission has considered all of the documents filed and concludes that United be granted the relief it has requested. We believe that United has made a determined effort to have its new communications system in operation by July 1. However, for reasons and circumstances beyond its control it has failed to meet this deadline. Moreover, it appears that existing TWX facilities could not handle the large volume of messages that would result if United switched to this system during the interim period. The Commission finds that if the July 1 cancellation date is not postponed United will suffer irreparable injury. The Commission is of the opinion that it is in the public interest to extend the cancellation date of the Developmental Service from July 1, 1965, to September 22, 1965.

Accordingly, it is ordered, This 16th day of June 1965, that:

(1) United Air Lines "Petition For Equitable Relief" is granted;

(2) American Telephone and Telegraph Co., Tariff F.C.C. No. 252 and such amended schedules of Tariff F.C.C. Nos. 133 and 245 as related thereto, be canceled by midnight, September 22, 1965, unless previously canceled as indicated below;

(3) American Telephone and Telegraph Co. shall amend Tariff F.C.C. No. 252 to delete all points not presently served and to delete service to each separate point immediately upon that service no longer being required by a present subscriber at that point.

Released: June 18, 1965.

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

[F.R. Doc. 65-6598; Filed, June 22, 1965; 8:49 a.m.]

[Docket Nos. 15947, 15948; FCC 65M-796]

SAM H. BEARD AND SOUTHEASTERN BROADCASTING CO., INC. (WKLF-FM)

Order Regarding Extension of Procedural Dates

In re applications of Sam H. Beard, Clanton, Ala., Docket No. 15947, File No. BPH-4395; Southeastern Broadcasting Co., Inc. (WKLF-FM), Clanton, Ala., Docket No. 15948, File No. BPH-4417; for construction permits.

The Hearing Examiner having under consideration a "Petition for Extension of Time" filed on June 17, 1965, by counsel for Southeastern Broadcasting Co., Inc., requesting that certain procedural dates heretofore scheduled be continued to the new dates listed below;

It appearing, that the request for extension of procedural dates is necessitated by the recent illness of counsel for Southeastern Broadcasting Co., Inc., that counsel for the other parties have informally consented to the grant of the subject petition, and that they waived the 4-day waiting rule otherwise applicable so as to permit immediate action thereon; and

It further appearing, that good cause is shown for granting the extension in procedural dates as requested:

Accordingly, it is ordered, This 17th day of June 1965, that the "Petition for Extension of Time" filed on June 17, 1965, by counsel for Southeastern Broadcasting Co., Inc., is granted, and the procedural dates in question are extended as follows:

Procedure	From—	To—
Exchange of exhibits	June 17, 1965	July 8, 1965
Notification on cross-examination of witnesses	June 27, 1965	July 20, 1965
Commencement of hearing	July 7, 1965	July 28, 1965

Released: June 18, 1965.

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

[F.R. Doc. 65-6599; Filed, June 22, 1965; 8:49 a.m.]

[Docket Nos. 16060, 16061; FCC 65-539]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John E. White, Calvin C. Smith, Jack C. Hall, and Cloyd Smith doing business as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH-4596, Requests: 103.1 mc, #276; 1.5 kw; 432 ft.; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH-4655, Requests: 103.1 mc, #276; 3 kw; 300 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of June 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and op-

[1] Commissioner Cox absent.

erate as proposed; that The Wilderness Road Broadcasting Co. is financially qualified but, for the reasons hereinafter indicated, it cannot be determined that the Clay County Broadcasting Co. is financially qualified; and

It further appearing, that, by letter of January 19, 1965, the Clay County Broadcasting Co. was advised that the balance sheets of the partners were incomplete and that it could not be determined that the partners have cash and/or liquid assets available in the amounts necessary to meet the commitments to make capital contributions; that, in response to the Commission's letter, the applicant indicated that the firm has on deposit with the First State Bank of Manchester the sum of $10,000; and

It further appearing, that $12,000 are needed by the Clay County Broadcasting Co. to cover the costs of construction and initial operation of the proposed station, and therefore it cannot be determined if the Clay County Broadcasting Co. is financially qualified; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of either of the 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 whether the Clay County Broadcasting Co. is financially qualified to construct and operate its proposed station.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to management and operation of the proposed station.

(c) The programming services proposed in each of the applications.

3. 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 herein, pursuant to § 1.221(c) of the Commission 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 the issues with respect to the application of the Wilderness Road Broadcasting Co. 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: June 18, 1965.

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

[F.R. Doc. 65-6600; Filed, June 22, 1965; 8:49 a.m.]

[Docket No. 14293; FCC 65M-800]

DOWNRIVER BROADCASTING ASSOCIATION

Order Scheduling Prehearing Conference

In re application of Robert R. Groth, Eugene A. Robinson and Rev. Lawrence Kenneth Zank, doing business as The Downriver Broadcasting Association, Napoleon, Ohio, Docket No. 14293, File No. BP-15412; for construction permit.

A further prehearing conference in the above-entitled proceeding will be held on Wednesday, June 23, 1965, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 17th day of June 1965.

Released: June 18, 1965.

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

[F.R. Doc. 65-6601; Filed, June 22, 1965; 8:49 a.m.]

[Docket No. 15995; FCC 65M-801]

KENT-SUSSEX BROADCASTING CO.

Order Continuing Hearing

In re application of H. M. Griffith, Jr., and C. V. Lundstedt, a partnership doing business as the Kent-Sussex Broadcasting Co., Docket No. 15995, File No. BR-2885; for renewal of license of Station WKSB, Milford, Del.

The Hearing Examiner having under consideration a letter dated June 15, 1965, from counsel for the applicant requesting a continuance of the hearing to September 8, 1965;

It appearing, that the complexity and seriousness of the facts involved in this proceeding require extensive study and that the Broadcast Bureau has acceded to the request:

It is ordered, This 17th day of June 1965, that the hearing is continued from July 28 to September 8, 1965.

Released: June 18, 1965.

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

[F.R. Doc. 65-6602; Filed, June 22, 1965; 8:49 a.m.]

[Docket Nos. 15460, 15461; FCC 65M-795]

SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

Order Regarding Procedural Dates

In re applications of Symphony Network Association, Inc., Fairfield, Ala., Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

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

It appearing, that further hearing procedures are inappropriate pending the filing and disposition of petitions for leave to amend pursuant to the said Commission releases:

It is ordered, This 17th day of June 1965, that all the procedural dates herein are suspended pending further order of the Hearing Examiner.

Released: June 18, 1965.

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

[F.R. Doc. 65-6603; Filed, June 22, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

BOARD OF PORT COMMISSIONERS OF CITY OF OAKLAND ET AL.

Notice of Agreement Filed for Approval

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

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

[1] Commissioner Cox absent.

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

Notice of agreement filed for approval by:

Pillsbury, Madison & Sutro, 225 Bush Street, San Francisco, Calif., 94104.

Agreement No. 8565–1, between the Board of Port Commissioners of the City of Oakland, West Coast Checkerboard Elevator Co. (West Coast) and Montana Flour Mills Co. (Montana), modifies the basic agreement which grants an exclusive franchise to West Coast Checkerboard for the operation of a public utility wharfinger business on certain property in the Port of Oakland for the shipping, receipt, and storage of agricultural commodities in bulk only. The purpose of the modification is to provide for the assignment of the franchise from West Coast to Montana which, Montana, in turn, has assigned to its subsidiary, Montana Elevator Co.

Dated: June 18, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–6590; Filed, June 22, 1965; 8:48 a.m.]

[No. 65–14]

INBOUND CARGO AT NEW YORK HARBOR

Free Time and Demurrage Practices; Notice of Hearing Procedure and Dates

JUNE 18, 1965.

At the prehearing conference on June 15, 1965, there was determined a hearing procedure to be followed in this proceeding. The dates for the steps in the procedure as suggested and agreed upon by the parties are set out below, along with a summary of the procedure, so that interested persons and parties not present at the prehearing conference may be informed:

(1) Interveners or other parties desiring to petition for amendment or clarification of the Commission's order and supplemental order of investigation shall file their petitions on or before July 15, 1965.

(2) Replies to said petitions for amendment or clarification shall be filed on or before August 2, 1965.

(3) Interveners, Hearing Counsel, and any party generally advocating a change in the status quo in this proceeding shall submit the direct testimony of their witnesses in the form of verified statements of these witnesses, including any attached exhibits, serving copies of the statements on all parties and the Examiner, and retaining the original copy for offering of same into the record. These verified statements shall be served on or before October 1, 1965.

(4) Requests to cross-examine witnesses submitting statements next above will be made by letter from counsel with copies to all parties and the Examiner. These requests to cross-examine will be served on or before October 15, 1965.

(5) Oral hearing for cross-examination as requested above will commence on October 25, 1965, in New York City.

(6) Respondents and any party generally advocating no change in the status quo shall submit the direct testimony of their witnesses in the form of verified statements, including any attached exhibits on or before November 29, 1965, serving copies on the parties and Examiner.

(7) Requests to cross-examine witnesses submitting statements next above will be made by letter served on or before December 13, 1965, with copies to the parties and Examiner.

(8) Oral hearing for cross-examination as requested next above will commence on January 10, 1966, in New York City. At this time arrangements for any necessary rebuttal will be made.

(9) In the event that cross-examination of any witness is not requested, or is waived, the verified statement of that witness will be received into the record when offered by counsel. One request to cross-examine a witness by any party is sufficient to make that witness subject to cross-examination by other parties. As agreed at the prehearing conference, the service list shall include counsel appearing at that conference plus counsel representing interveners who intervene later.

Notice of this hearing procedure will be published in the FEDERAL REGISTER.

CHARLES E. MORGAN,
Presiding Examiner.

[F.R. Doc. 65–6591; Filed, June 22, 1965; 8:48 a.m.]

[Docket No. 65–22]

SEATRAIN LINES, INC. AND PUERTO RICAN FORWARDING CO., INC.

Freight Transportation in Trailers to Puerto Rico at Rates Other Than Those Specified in Tariffs; Investigation and Hearing

Seatrain Lines, Inc., is a common carrier by water operating in the domestic offshore commerce between U.S. ports and ports in Puerto Rico and has on file with this agency its tariff FMC–F No. 1, among others.

Puerto Rican Forwarding Co., Inc., is a nonvessel operating common carrier by water serving the United States/Puerto Rico trade, and has tariffs covering said service on file with this agency.

It appears, that between May 1963 and August 1964, Puerto Rican Forwarding Co., Inc., directly or indirectly received from Seatrain Lines, Inc., cash allowances on cargo in trailers shipped to Puerto Rico by Puerto Rican Forwarding Co., Inc., and by other shippers. Such allowances were not sanctioned by provisions in Seatrain's tariffs filed pursuant to the Intercoastal Shipping Act, 1933.

It further appears, that due to the aforementioned carrier practices, (1) Puerto Rican Forwarding Co., Inc., may have violated section 16, first paragraph, Shipping Act, 1916, by knowingly and willfully obtaining transportation via Seatrain Lines, Inc., at less than applicable tariff rates and charges; (2) Seatrain Lines, Inc., may have violated section 16, (first), Shipping Act, 1916, by giving Puerto Rican Forwarding Co., Inc., undue and unfair preference and advantage as compared to other shippers similarly situated; (3) Seatrain Lines, Inc., may have allowed Puerto Rican Forwarding Co., Inc., through an unjust or unfair device or means to obtain transportation of property at less than its tariff rates and charges in violation of section 16, (second), Shipping Act, 1916; and (4) Seatrain Lines, Inc., may have remitted a portion of the rates and charges otherwise applicable in its filed tariff in violation of section 2, Intercoastal Shipping Act, 1933.

Now, therefore, it is ordered, That an investigation be, and it is hereby instituted, pursuant to sections 16 and 22 of the Shipping Act, 1916, and section 2, Intercoastal Shipping Act, 1933, to determine whether the above described practices and activities of Seatrain Lines, Inc., and Puerto Rican Forwarding Co., Inc., violated section 16, Shipping Act, 1916, or section 2, Intercoastal Shipping Act, 1933.

It is further ordered, That (1) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (2) Seatrain Lines, Inc., and Puerto Rican Forwarding Co., Inc., be and are hereby made respondents in this proceeding; and (3) a copy of this order shall forthwith be served upon said respondents; (4) the said respondents be duly notified of the time and place of the hearing herein ordered; and (5) this order and notice of the said hearing be published in the FEDERAL REGISTER.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65–6592; Filed, June 22, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3025, etc.]

KEWANEE OIL CO. ET AL.

Findings and Order

JUNE 14, 1965.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, canceling docket number, substituting respondents, making successors, corespondents, redesignating proceedings, requiring filing of agreements and undertakings and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61–1, as amended, or involve sales for which permanent certificates have been previously issued.

Signal Oil and Gas Co. (Operator), et al., Applicant in Docket No. G–3058, proposes to continue the sale of natural gas heretofore authorized in said docket pursuant to John I. Moore, et al., FPC Gas Rate Schedule No. 1, which rate schedule will be redesignated as that of Signal. Moore filed an increase in rate under his rate schedule which increase was suspended in Docket No. RI60–120 [1] and has not been made effective. Accordingly, Signal will be substituted as respondent in said proceeding, and the proceeding will be redesignated.

CRA, Inc., Applicant in Docket Nos. G–9924 and G–13870, proposes to continue the sale of natural gas heretofore authorized in said dockets and made pursuant to Cyprus Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 1 and Cyprus Oil Co., FPC Gas Rate Schedule No. 3, respectively. Cyprus' rate schedules will be redesignated as those of Applicant. The presently effective rate under Cyprus' Rate Schedule No. 1 is in effect subject to refund in Docket No. G–18695.[2] Cyprus has filed an increased rate under its Rate Schedule No. 3 which was suspended in Docket No. RI63–438 [1] and has not been made effective. Applicant has filed motions to be made respondent in each of the rate proceedings. Accordingly, Applicant will be made corespondent in the proceeding pending in Docket No. G–18695 and will be substituted as respondent in the proceeding pending in Docket No. RI63–438, the proceedings will be redesignated, and Applicant will be required to file an agreement and undertaking in Docket No. G–18695 to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Wrightsman Petroleum Co., certificate holder in Docket No. CI61–1690, has amended its certificate of incorporation to change its name to Wrightsman Investment Co. Accordingly, the certificate issued in Docket No. CI61–1690 will be amended, the related FPC gas rate schedule will be redesignated, and the rate proceedings pending in Docket Nos. G–20540 [1] and RI65–174 will be redesignated to reflect the change in name.

E. J. Dunigan, Jr., Trustee, Applicant in Docket No. CI62–409, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to E. J. Dunigan, Jr., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of E. J. Dunigan, Jr., Trustee. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64–586. Accordingly, E. J. Dunigan, Jr., Trustee, will be made corespondent in said proceeding, the proceeding will be redesignated, and E. J. Dunigan, Jr., Trustee, will be required to file an agreement and undertaking to assure the refund of any amounts collected by him as of February 1, 1965, in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, a notice of intervention by the Public Service Commission of the State of New York was filed on September 16, 1963, in Docket No. CI61–1183. Notice of withdrawal of the intervention by intervener was filed on May 7, 1965. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 10, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Docket No. CI65–1034 should be canceled and that the application filed therein should be processed as a petition to amend the certificate issued in Docket No. CI62–589 permitting Applicant to include the sale of natural gas from acreage acquired from predecessor in Docket No. G–13228.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3025, G–3058, G–3894, G–9924, G–13228, G–13870, CI61–2, CI61–737, CI61–1183, CI61–1690, CI62–409, CI62–589, CI62–614, I62–1218, CI63–555, CI63–1162, CI64–847, and CI65–453 should be amended as hereinafter ordered.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Signal Oil and Gas Co. (Operator), et al., should be substituted in lieu of John I. Moore, et al., as respondent in the proceeding pending in Docket No. RI60–120, and said proceeding should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that CRA, Inc. (Operator), et al., should be made a corespondent in the proceeding pending Docket No. G–18695 and that CRA, Inc., should be substituted as respondent in the proceeding pending in Docket No. RI63–438, that said proceedings should be redesignated accordingly, and the CRA, Inc. (Operator), et al., should be required to file an agreement and undertaking in Docket No. G–18695.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Docket Nos. G–20540 and RI65–174 should be redesignated to reflect the change in name of the respondent therein from Wrightsman Petroleum Co. to Wrightsman Investment Co.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that E. J. Dunigan, Jr., Trustee, should be made a corespondent in the proceeding pending in Docket No. RI64–586, that said proceeding should be redesignated accordingly, and that E. J. Dunigan, Jr., Trustee, should be

[1] Consolidated with Docket No. AR61–1, et al.

[2] Consolidated with Docket No. AR64–2, et al.

required to file an agreement and undertaking.

(13) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15,1965, is upon the condition that no increase in rate shall be filed prior to the applicable date, as indicated by footnotes 7 and 17 in the attached tabulation, which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended.

(E) The certificate issued herein in Docket No. CI65–1001 is hereby conditioned as follows:

(a) The total initial price shall not exceed 15 cents per Mcf at 14.65 p.s.i.a.,

(b) In the event the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle Area and the Oklahoma "Other" Area so as to increase the initial wellhead price for new gas in the area of the sales involved herein, Amerada may thereupon substitute the new rate reflecting the amounts of such increase and thereafter collect such new rate prospectively in lieu of the initial rate herein required; and

(c) The allowance for the take-or-pay provisions in the related rate schedule are subject to the ultimate disposition with respect to such provisions in the rule making proceeding in Docket No. R–199, but Amerada will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantity.

(F) The certificate issued herein in Docket No. CI65–1041 is subject to the same terms and conditions approved by the Commission in the order issued March 30, 1964, Pan American Petroleum Corp., et al., Docket No. G–19417, et al.

(G) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G–3894, CI61–2, CI61–737, CI62–589, CI62–614, CI63–1162, and CI64–847 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. G–13228 is hereby amended by deleting therefrom authorization granted herein in Docket No. CI62–589.

(I) The certificates heretofore issued in Docket Nos. G–3025, G–3058, G–9924, G–13870, CI61–1183, CI62–409, CI62–1218, and CI63–555 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(J) The certificate heretofore issued in Docket No. CI61–1690 is hereby amended to reflect the change in name from Wrightsman Petroleum Co. to Wrightsman Investment Co.

(K) The certificate heretofore issued in Docket No. CI65–453 is hereby amended to reflect Applicant as Operator and the related rate schedule is redesignated as Amerada Petroleum Corp. (Operator), et al.

(L) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(M) The certificates heretofore issued in Docket Nos. G–2980 and CI63–1117 are hereby terminated.

(N) Docket No. CI65–1034 is hereby canceled.

(O) Signal Oil and Gas Co. (Operator), et al., is hereby substituted in lieu of John I. Moore, et al., as respondent in the proceeding pending in Docket No. RI60–120, and said proceeding is redesignated accordingly.[3]

(P) CRA, Inc. (Operator), et al., be and it is hereby made a corespondent in the proceeding pending in Docket No. G–18695 and is hereby substituted in lieu of Cyprus Oil Co., as respondent in the proceeding pending in Docket No. RI63–438, and said proceedings are redesignated accordingly.[4]

(Q) Within 30 days from the issuance of this order, CRA, Inc. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. G–18695 to assure the refund of any amount collected by it as of January 1, 1964, together with interest at the rate of 6 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(R) The proceedings pending in Docket Nos. G–20540 and RI65–174 be and the same are hereby redesignated to reflect the change in name of the respondent therein from Wrightsman Petroleum Co. to Wrightsman Investment Co.

(S) E. J. Dunigan, Jr., Trustee, be and he is hereby made a corespondent in the proceeding pending in Docket No. RI64–586, and said proceeding is redesignated accordingly.[5]

(T) Within 30 days from the issuance of this order, E. J. Dunigan, Jr., Trustee, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–586 to assure the refund of any amount collected by him as of February 1, 1964, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(U) Parties herein made respondents in the proceedings pending in Docket Nos. G–18695 and RI64–586 shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in said dockets by said respondents shall remain in full force and effect until discharged by the Commission.

(V) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

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

[3] Signal Oil and Gas Co. (Operator), et al.

[4] Cyprus Oil Co. (Operator), et al., and CRA, Inc. (Operator), et al., Docket No. G–18695; CRA, Inc., Docket No. RI63–438.

[5] E. J. Dunigan, Jr., and E. J. Dunigan, Jr., Trustee.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-3025 E 4-26-65	Kewanee Oil Co. (Operator) et al. (successor to Estate of F. C. Deemer).	United Natural Gas Co., Appalachian Field, Clearfield and Jefferson Counties, Pa.	Estate of F. C. Deemer, FPC GRS No. 1.	7	
			Notice of succession 4-24-65.		
			Assignment 3-25-65 [1]	7	1
			Assignment 3-25-65 [2]	7	2
			Effective date: 1-1-65.		
G-3055 E 4-5-65	Signal Oil & Gas Co. (Operator), et al. (successor to John I. Moore, et al.).	El Paso Natural Gas Co., Northwest Todd Field, Crockett County, Tex.	John I. Moore, et al., FPC GRS No. 1.	12	
			Supplement Nos. 1-2	12	1-2
			Notice of succession 2-9-65.		
			Assignment 12-1-64 [3]	12	3
			Effective date: 12-1-64.		
G-3894 C 3-29-65	The Atlantic Refining Co.	United Gas Pipe Line Co., South Cabera Creek Field, Goliad County, Tex.	Supplemental agreement 3-4-65 [4] [5]	46	17
G-9928 E 4-19-65	CRA, Inc. (Operator), et al. (successor to Cyprus Oil Co. (Operator), et al.).	Union Texas Petroleum, a Division of Allied Chemical Corp., Bauer Ranch Field, Jefferson County, Tex.	Cyprus Oil Co. (Operator), et al., FPC GRS No. 1.	12	
			Supplement No. 1	12	1
			Notice of succession 4-15-65.		
			Assignment 7-2-64 [6]	12	2
			Effective date: 1-1-64.		
G-12870 E 4-19-65	CRA, Inc. (successor to Cyprus Oil Co.).	United Gas Pipe Line Co., North Indian Hills Field, Montgomery County, Tex.	Cyprus Oil Co., FPC GRS No. 3.	13	
			Supplement Nos. 1-3	13	1-3
			Notice of succession 4-15-65.		
			Assignment 7-2-64 [6]	13	4
			Effective date: 1-1-64.		
CI61-2 C 4-26-65 [7]	Graham-Michaelis Drilling Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Texas County, Okla.	Letter agreement 4-13-65 [8]	40	9
CI61-737 D 4-28-65	Shell Oil Co.	Transwestern Pipeline Co., Flowers Field, Ochiltree, Roberts and Lipscomb Counties, Tex.	Letter agreement 2-24-65. [8] [9]	263	4
CI61-1183 E 4-8-65	Southeastern Public Service Co. (Operator), et al. (successor to Acco Oil & Gas Co (Operator), et al.	Tennessee Gas Transmission Co., East Bernard Area, Wharton County, Tex.	Acco Oil and Gas Co. (Operator), et al., FPC GRS No. 5.	4	
			Notice of succession (undated).		
			Assignment 11-1-62	4	1
CI61-1890 3-29-65 [10]	Wrightsman Investment Co. (formerly Wrightsman Petroleum Co.).	El Paso Natural Gas Co., Crosby-Devonian Field, Lea County, N. Mex.	Wrightsman Petroleum Co., FPC GRS No. 1.	1	
			Supplement Nos. 1-4	1	1-4
			Notice of change in name 3-26-65.		
			Amendment to certificate of incorporation 11-17-64.	1	5
			Effective date: 11-17-64.		
CI62-439 E 3-15-65	E. J. Dunigan, Jr., Trustee (successor to E. J. Dunigan, Jr.).	El Paso Natural Gas Co., South Erick Field, Beckham County, Okla.	E. J. Dunigan, Jr., FP GRS No. 1.	C 1	
			Supplement Nos. 1-2	1	1-2
			Notice of succession 3-12-65.		
			Assignment 2-1-65 [11]	1	3
			Effective date: 2-1-65.		
CI62-614 C 9-23-63	J. H. Cordell, et al.	American Louisiana Pipe Line Co., Calcasieu Pass Field, Cameron Parish, La.	Amendatory agreement 7-12-63 [8].	2	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI62-1218 E 3-29-65	Oil & Gas Property Management, Inc. (successor to Lignum Oil Co.).	El Paso Natural Gas Co., acreage in San Juan and Rio Arriba Counties, N. Mex.	Lignum Oil Co., FPC GRS No. 1.	24	
			Supplement Nos. 1-3	24	1-3
			Notice of succession 3-24-65.		
			Assignment 9-14-64 [12]	24	4
			Effective date: 8-1-64.		
CI63-355 E 3-11-65	Coastal States Gas Producing Co., et al. (successor to Carri Oil, et al.).	Texas Eastern Transmission Corp., Dallas Husky Field, Goliad County, Tex.	Carri Oil, et al., FPC GRS No. 7.	54	
			Notice of succession 2-5-65.		
			Assignment 5-19-64 [13]	54	1
			Assignment 5-19-64 [14]	54	2
			Effective date: 5-1-64.		
CI63-1162 D 4-19-65	Humble Oil & Refining Co. (partial abandonment).	Northern Natural Gas Co., Como Area, Beaver County, Okla.	Agreement 3-15-65 [8] [15]	227	7
CI64-647 C 4-26-65 [17]	Southwest Petroleum Management Corp. (Operator), et al.	Texas Eastern Transmission Corp., East Melrose and West Weesatche Fields, Goliad County, Tex.	Letter agreement 4-7-65 [8].	2	1
CI64-860 A 1-30-64	Northern Natural Gas Producing Co.	Southern Union Gathering Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Contract 1-11-62	32	
			Amendatory agreement 5-11-62.	32	1
			Assignment 3-1-63 [18]	32	2
			Amendatory 2-12-65 [8] [16]	32	3
			(16)	290	
CI65-453 4-29-65 [20]	The Atlantic Refining Co., (Operator), et al.	Northern Natural Gas Co., Ozona Field, Crockett County, Tex.			
CI65-659 A 3-3-65	Glasscock-Chapman, Inc. (Operator), et al.	Bluebonnet Gas Corp., North Edna Field, Jefferson Parish, La.	Contract 2-5-65	3	
CI65-1001 A 4-12-65	Amerada Petroleum Corp. (Operator), et al. [21]	Natural Gas Pipeline Co. of America, Putnam Field, Dewey County, Okla.	Contract 11-4-64	129	
CI65-1017 A4-14-65	Sklar Producing Co.,	Bluebonnet Gas Corp., South Bayou mallett Field, Acadia Parish, La.	Contract 3-22-65	2	
			Letter agreement 3-8-65.	2	1
			Letter agreement 3-24-65.	2	2
			Letter agreement 3-25-65.	2	3
CI65-1020 A 4-14-65	Bonnett Inc. of West Virginia.	United Fuel Gas Co., Henry District, Clay County, W. Va.	Contract 6-3-59	1	
CI65-1034 A 4-15-65 [22] C CI-62-589 (G-13228)	Pan American Petroleum Corp. (Operator), et al (successor to Cities Service Oil Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Assignment 9-17-64 [23] [24]	351	4
CI65-1036 A 4-19-65 [17]	Peter Henderson Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Badwater Area, Fremont and Natrona Counties, Wyo.	Contract 10-1-64 [8]	1	
CI65-1037 A 4-21-65 [7]	Bradco Oil & Gas Co. (Operator), et al.	Bluebonnet Gas Corp., Lottie Field, Pointe Coupee Parish, La.	Contract 3-3-65 [8]	1	
CI65-1041 A 4-22-65 [7]	Brooks Hall, et al. [25]	Arkansas Louisiana Gas Co., Lacey Area, Kingfisher County, Okla.	Contract 2-19-65 [17]	2	
			Contract 10-15-62	2	1
			Supplement agreement 10-16-62 [8]	2	2
CI65-1044 A 4-22-65 [7]	Sklar Producing Co., Inc. (Operator), agent for Albert Sklar, et al.	Tennessee Gas Transmission Co., Bell City Field, Calcasieu Parish, La.	Contract 4-7-65 [8]	1	
CI65-1045 A 4-23-65 [7]	Benedum-Trees Oil Co.	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Contract 1-28-65 [26]	15	
			Contract 10-4-63 [8]	15	1
CI65-1046 A 4-23-65 [7]	Robert E. Aikman, et al., d/b/a A.I.K., Ltd.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Beaver County, Okla.	Contract 3-3-65 [8]	6	

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	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-1047..... A 4-26-65 [17]	Pan American Petroleum Corp.	Northern Natural Gas Co., Northwest Lemon Field, Haskell County, Kans.	Contract 5-6-60 [29].....	416	.....
			Assignment 4-25-62 [30]...	416	1
			Assignment 4-25-62 [30]...	416	2
			Assignment 4-25-62 [30]...	416	3
			Assignment 4-25-62 [30]...	416	4
CI65-1049 (CI63-1117). B 4-26-65	Monsanto Co. (Operator), et al.	Southern Natural Gas Co., Merit Field, Simpson County, Miss.	Notice of cancellation 4-22-65. [9] [18]	58	1
CI65-1051 (G-2980). B 4-26-65	Sunray DX Oil Co.....	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Notice of cancellation 4-22-65. [9] [18]	85	9
CI65-1157..... A 5-3-65 [7]	The Ballard & Cordell Corp.	Trunkline Gas Co., Cowpen Creek Field, Beauregard Parish, La.	Contract 3-8-65 [1].....	1	.....

[1] Covers acreage in Clearfield County.
[2] Covers acreage in Jefferson County.
[3] Assignment of interest from John I. Moore, et al., to Signal Oil and Gas Co. (Operator), et al.
[4] Includes agreement deleting indefinite pricing provisions (provided for in Supplement No. 10) insofar as the added acreage is concerned.
[5] Effective date: Date of initial delivery.
[6] Conveys acreage dedicated under Cyprus Oil Co., FPC GRS Nos. 1 and 3, respectively. From Cyprus Mines Corp. and Phelps Dodge Corp. to CRA, Inc.
[7] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[8] Deletes casinghead gas from a 646-acre unit because the buyer is unable to take such gas into its system and has agreed to the release.
[9] Effective date: Date of this order.
[10] Amendment to the certificate filed to reflect the change in corporate name only.
[11] Assignment from E. J. Dunigan, Jr., to E. J. Dunigan, Jr., Trustee.
[12] Assigns property from W. A. and Anne C. MacNaughton (sole stockholders of Lignum Oil Co.) to Oil & Gas Property Management, Inc.
[13] Conveys acreage from surface to base of Luling Sand from Carri to coastal States.
[14] Conveys acreage below base of Luling Sand from Carri to coastal States.
[15] Deletes acreage insofar as the Lower Morrow Formation is concerned.
[16] Source of gas depleted.
[17] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[18] Assignment of interest from J. Glenn Turner, Mary Francis, and William G. Webb to Northern Natural.
[19] Eliminates indefinite pricing provisions of contract dated Jan. 11, 1962, in compliance to temporary certificate issued Mar. 12, 1964 (filed May 3, 1965).
[20] By letter filed Apr. 29, 1965, Applicant requests that its certificate be amended by also authorizing the sales of natural gas as Operator and to reflect the designation "(Operator), et al."
[21] No related rate filing.
[22] By letter filed May 29, 1965, Applicant agreed to accept a permanent certificate as conditioned herein.
[23] Application filed in Docket No. CI65-1034 will be treated as a petition to amend the certificate issued to Pan American in Docket No. CI62-589 to include the subject acreage acquired from Cities Service in Docket No. G-13228. Docket No. CI65-1034 will be canceled.
[24] Adds additional 280 net acres to the contract's dedication of 480 net acres; assignment covers only the acreage down to a depth of 7,100 feet.
[25] Assignment is from Cities Service Oil Co. and covers 320 acres; 87.5 percent is assigned to Applicant and 12.5 percent of the acreage is assigned to Van-Grisso Oil Co. (Basic contract on file as Cities Service FPC GRS No. 182; presently effective rate thereunder is 17.0 cents per Mcf including B.t.u. adjustment.)
[26] Although the contractual price is 16.8 cents per Mcf, Applicant has agreed to accept a permanent certificate subject to the conditions contained in Commission Order of Mar. 30, 1964, in Docket No. G-19417 et al., which limits the initial price to 15.0 cents per Mcf.
[27] Adopts terms and provisions of contract dated Oct. 15, 1962 (Supplement No. 1).
[28] Adopts terms and provisions of contract dated Oct. 4, 1963 (Supplement No. 1).
[29] Between John R. LeBosquet, et al., and buyer; LeBosquet has made no filings with the Commission, since acreage was nonproducing.
[30] Conveys acreage from H. M. Gillespie, et al.; Courtney R. Davis, et al.; H. M. Gillespie; and H. M. Gillespie and John R. LeBosquet, respectively, to Pan American.

Suggested Agreement and Undertaking

BEFORE THE
FEDERAL POWER COMMISSION

[Docket No. ------]

(Name of Respondent)

Agreement and undertaking of (Name of Respondent) to comply with refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act.

(Name of Respondent), hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto) [1] this ----- day of ------, 196..

By ----------
(Name of Respondent)

Attest:

[F.R. Doc. 65-6496; Filed, June 22, 1965; 8:45 a.m.]

[1] If a corporation.

[Docket No. CP65-393]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 15, 1965.

Take notice that on June 9, 1965, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla., 32790, filed in Docket No. CP65-393 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 natural gas facilities and the transportation and delivery of additional quantities of natural gas to Florida Power and Light Co. (Power Company), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct, in two phases during 1967 and 1968, and operate the following new facilities:

(1) Twenty 30-inch mainline loops at various points between Eunice, La., and Brooker, Fla., comprising approximately 269.23 miles of mainline looping;

(2) Seven 26-inch mainline loops at various points between Eunice, La., and Fort Pierce, Fla., comprising approximately 208.63 miles of 26-inch mainline looping;

(3) A total of 121.98 miles of 24-inch mainline loops on Applicant's main transmission line between Fort Pierce, Fla., and the mainline terminus south of Miami, Fla.;

(4) One 22-inch gas supply lateral approximately 60 miles in length from E. White Lake Field in southern Louisiana to Applicant's existing 24-inch main near Krotz Springs, La., and approximately 32.4 miles of new 12- to 24-inch lateral pipelines and one 12-inch lateral pipeline loop extending from Applicant's facilities to the respective power plants of Power Co. located at Turkey Point, Port Everglades, Cape Kennedy, and Riviera, Fla.;

(6) Five meter and regulator stations; and

(7) New compressor units totaling 20,700 horsepower at 10 compressor stations at various locations east of Station No. 9, near Franklinton, La.

The application states that the proposed facilities are designed to increase the annual average day capacity of Applicant's system by 200,000 MMB.t.u. (approximately 192,000 Mcf) and that such additional capacity will be utilized to transport natural gas purchased by Power Company from Pan American Petroleum Corp. (Pan American) and Austral Oil Co., Inc. (Austral), from an input point or points in the State of Louisiana to steam electric generating plants of Power Company located at 10 separate locations in the State of Florida. Applicant proposes to transport an annual average daily quantity of 100,000 MMB.t.u. for Power Company during 1967 and an annual average daily quantity of 200,000 MMB.t.u. thereafter.

Applicant states that it has executed a transportation agreement with Power Company for the proposed service and a gas purchase contract among Pan American, Austral, Power Company and Applicant for the purchase and delivery of the quantities of natural gas proposed to be transported by Applicant.

The estimated total cost of construction of the proposed facilities is $93,200,000, which will be financed through the sale of bonds, debentures, preferred stock, and through the use of internally generated 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 July 12, 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 re-

quired herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6567; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. CP65-397]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 16, 1965.

Take notice that on June 11, 1965, Natural Gas Pipeline Co., of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-397 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 a 720 BHP compressor station at Applicant's Keota Storage Field (Keota) and the withdrawal testing of such Field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant estimates that there will be approximately 1,000,000 Mcf of natural gas in Keota by December 1, 1965, pursuant to the first phase of testing. Applicant proposes to conduct withdrawal testing during the winter of 1965-66 to evaluate the capabilities of Keota to deliver gas. Applicant further states that the proposed compression facilities are necessary to withdraw the gas from storage. No new customers or additional service is proposed.

The estimated cost of construction of the proposed facilities is $344,000, which cost will be met from 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 July 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the certificate is required by the public convenience and necessity. If a protest or a 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. 65-6569; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. CP65-392]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

JUNE 15, 1965.

Take notice that on June 9, 1965, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, Ga., 31792, filed in Docket No. CP65-392 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for use in the sale of natural gas to the City of Jasper, Fla., for resale, and the Occidental Corporation of Florida (Occidental), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a total of 27 miles of pipeline ranging from 3 to 6 inches in diameter and metering and regulating facilities and appurtenances. The pipeline is to connect with Applicant's present system at a point approximately 10 miles north of the Florida Power Corp's plant and extend in an easterly direction to the vicinity of Purvis Still, Fla., with a lateral line from the proposed main line to provide gas deliveries to Jasper. Occidental is to receive deliveries at the terminus of Applicant's proposed new main pipeline.

The estimated cost of the proposed facilities is $546,000, which will be financed from cash on hand.

Applicant estimates that Jasper will require third year annual and peak day volumes of 49,224 Mcf and 599 Mcf, respectively. Occidental is estimated to require 500,000 Mcf during the third year of 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 July 9, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6570; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. CP65-394]

CONSOLIDATED GAS SUPPLY CORP. AND UNITED FUEL GAS CO.

Notice of Application

JUNE 15, 1965.

Take notice that on June 9, 1965, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va., 26302, and United Fuel Gas Co. (United), Post Office Box 1273, Charleston, W. Va., 25325, filed in Docket No. CP65-394 a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval for United to abandon certain natural gas compression facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain metering facilities and the exchange and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to their agreement of December 10, 1963, Consolidated and United propose the following exchange of natural gas: Consolidated would deliver into the available system of Gas Transport, Inc., in Jackson County, W. Va., for the account of United, not in excess of 1,000 Mcf per day of natural gas gathered by Consolidated. United would deliver into the available system of Consolidated in Raleigh County, W. Va., not in excess of 2,000 Mcf per day of natural gas gathered by United. The difference in volumes thus exchanged, less 20 percent thereof which is considered to be the cost of transportation, would be delivered by Consolidated into United's system through an existing interconnection in Kanawha County, W. Va.

The application states that the proposed exchange will permit Consolidated and United to terminate the use of two compressor stations which are presently required and to utilize, to a greater extent, previously installed pipeline facilities.

United seeks permission and approval to abandon its Wingrove Compressor Station in Raleigh County, W. Va., stating that it will have no further usefulness if the exchange is authorized.

United proposes to install and operate the necessary measuring facilities at the proposed points of interconnection in Jackson and Raleigh Counties. Consolidated would install and operate the necessary measuring and regulating fa-

cilities at the existing point of interconnection in Kanawha County, W. Va.

The total cost of construction of all the proposed facilities is $7,800, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 12, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate 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. 65-6571; Filed, June 22, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30; Middle Atlantic Area, Amdt. 2]

MIDDLE ATLANTIC AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972 as amended, 30 F.R. 2742; Delegation of Authority No. 30, 30 F.R. 3254 as amended, 30 F.R. 5778, is further amended by revising Item I.C. and Item II to read as follows:

I. * * *

C. *Procurement and management assistance.* 1. (Only to the Regional Directors, Philadelphia, Cleveland, Richmond, Baltimore, and Washington, D.C.) to approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of their area offices when the total volume of the contract to be awarded as a result of the issuance of a COC does not exceed $100,000 * *

2. (Only to the Regional Directors, Philadelphia, Cleveland, Richmond, Baltimore, and Washington, D.C.) to deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case. * *

* * * * *

II. The specific authority delegated in subsection I.A. 12, subsections I.C. 1 and 2 and subsection I.D. 1 cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the regions.

* * * * *

Effective date. May 28, 1965.

EDWARD N. ROSA,
Area Administrator,
Middle Atlantic Area.

[F.R. Doc. 65-6538; Filed, June 22, 1965; 8:45 a.m.]

[Delegation of Authority 30; Rocky Mountain Area, Amdt. 1]

ROCKY MOUNTAIN AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742; Delegation of Authority 30, 30 F.R. 2741, is hereby amended by deleting the words "Helena, Montana," from Item II thereof and adding the words "Helena, Montana," to Item I thereof. As amended, Items I and II read, in pertinent parts, as follows:

I. * * * the following authority is hereby redelegated to the Regional Directors of Denver, Salt Lake City, Sioux Falls, Omaha, Wichita, and Helena within the Rocky Mountain Area:

* * * * *

II. To the Regional Directors of Casper and Fargo, within the Rocky Mountain Area, the following authority is hereby redelegated:

* * * * *

Effective date. June 3, 1965.

GEORGE E. SAUNDERS,
Area Administrator,
Rocky Mountain Area.

[F.R. Doc. 65-6539; Filed June 22, 1965; 8:45 a.m.]

[Delegation of Authority 30; Atlanta, Amdt. 1]

SOUTHEASTERN AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority vested in the Area Administrator by Delegation of Authority 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, Delegation of Authority 30 (Atlanta), 30 F.R. 2884, is hereby amended as follows:

1. Reference in Item II to the Regional Directors of Birmingham, Ala., Charlotte, N.C., Columbia, S.C., Louisville, Ky., Jacksonville, Fla., and Nashville, Tenn., is deleted.

2. Item I is revised to read as follows:

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority 30 (Revision 10) 30 F.R. 972, as amended, 30 F.R. 2742, the following authority is hereby redelegated to the Regional Directors of the Atlanta, Birmingham, Charlotte, Columbia, Jackson, Jacksonville, Louisville, Miami, and Nashville Regional Offices within the Southeastern Area:

* * * * *

Effective date. May 3, 1965.

JAMES F. HOLLINGSWORTH,
Area Administrator,
Southeastern Area.

[F.R. Doc. 65-6540; Filed, June 22, 1965; 8:45 a.m.]

[Delegation of Authority 30; Pacific Coastal Area Revision 1]

PACIFIC COASTAL AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, the following authority is hereby redelegated to the Regional Directors of Anchorage, Boise, Honolulu, Los Angeles, Phoenix, Portland, San Francisco, Seattle, and Spokane, within the Pacific Coastal Area.

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA's share).

2. To decline business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loans and disaster loan participation agreement with banks.

5. To approve section 502 as follows:

a. Direct loans not exceeding $50,000.

b. Participation loans when the bank's share is 10 percent or more—not to exceed $100,000.

6. To decline loan applications in the categories described in Item I.A.5 above.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Regional Director,
(City)

8. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in com-

pliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

12. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.**

13. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock, and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration, or its Administrator;

b. The execution and delivery of contract of sale or of lease or sublease, quitclaim, bargain, and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

B. [Reserved]

C. *Procurement and management assistance (Los Angeles, San Francisco, and Seattle only).* 1. To approve applications for Certificates of Competency received from Small Business concerns which are located within the geographical jurisdiction of their Regional office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $100,000.**

2. To deny an application for a Certificate of Competency when the Regional Director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case.**

D. *Administration.* 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.**

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

3. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government Bills of Lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations—Los Angeles, Calif., San Francisco, Calif., and Seattle, Wash. only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classifications decisions for procurement purposes are made by contracting officers.

II. [Reserved]

III. The specific authority delegated in subsection I.A.12; subsections I.C.1 and 2 and subsection I.D.1 herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the Regions.

IV. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

V. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date. May 21, 1965.

WILLIAM S. SCHUMACHER,
Area Administrator,
Pacific Coastal Area.

[F.R. Doc. 65-6541; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 532]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Wichita County in the State of Tex.; Texas

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the officers below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from hail storm and accompanying conditions occurring on or about May 27, 1965.

OFFICE

Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex., 75202.

2. A temporary office will be established in Wichita Falls, Tex., address to be announced locally.

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

Dated: June 1, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6542; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 533]

KANSAS

Declaration of Disaster Area

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

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 5, 1965.

OFFICE

Small Business Administration Regional Office, 120 South Market Street, Wichita, Kans., 67202.

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

3. Applications for disaster loans under the authority of this Declaration will

not be accepted subsequent to December 31, 1965.

Dated: June 8, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6543; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 534]

TEXAS

Declaration of Disaster Area

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

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 11, 1965.

OFFICE

Small Business Administration Regional Office, 1616 19th Street, Lubbock, Tex. 79401.

2. A temporary disaster office will be established in Sanderson, Tex., address to be announced locally.

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

Dated: June 14, 1965.

HAROLD A. GALLOWAY,
Acting Deputy Administrator.

[F.R. Doc. 65-6544; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 535]

MISSOURI

Declaration of Disaster Area

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

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 12, 1965.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, Mo., 64106.

2. A temporary disaster office will be established at Reeds Spring, Mo., address to be announced locally.

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

Dated: June 14, 1965.

HAROLD A. GALLOWAY,
Acting Deputy Administrator.

[F.R. Doc. 65-6545; Filed, June 22, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 355]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 18, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 19553 (Deviation No. 1), KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill., filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between U.S. By-Pass Highway 20, and Interstate Highway 90, and junction Interstate Highway 90, and Wisconsin Highway 15 (east of Beloit, Wis.), over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: Between Rockford, Ill., and Wisconsin Highway 15 (east of Beloit, Wis.), over U.S. Highway 51.

No. MC 19553 (Deviation No. 2), KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill., filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Rockford, Ill. over U.S. By-Pass Highway 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: Between Rockford and Chicago, Ill. over U.S. Highway 20.

No. MC 29988 (Deviation No. 18), DENVER CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., filed June 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 70 to junction Interstate Highway 15, at or near Cove Fort, Utah, thence over Interstate Highway 15 to junction Interstate Highway 10, at or near San Bernardino, Calif., thence over Interstate Highway 10 to Los Angeles, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 85 to Los Lunas, N. Mex., thence over New Mexico Highway 6 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 89, near Ashfork, Ariz., thence over U.S. Highway 89 to Wickenburg, Ariz., thence over U.S. Highway 60 to junction U.S. Highway 99, thence over U.S. Highway 99 to Los Angeles, Calif., and return over the same route.

No. MC 29988 (Deviation No. 19), DENVER CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., 60603, filed June 8, 1965. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 80 to junction Interstate Highway 95, near Ridgefield Park, N.J., and thence over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows:

From Chicago, Ill., over U.S. Highway 20 to junction U.S. Highway 62, near Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and Lafayette, N.Y., to Albany, N.Y. (also from Buffalo over New York Highway 5 to Albany), and thence over U.S. Highway 9 (also over U.S. Highway 9W), to New York, N.Y., and return over the same route.

No. MC 50544 (Deviation No. 2), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 1507 Pacific Avenue, Dallas 1, Tex., filed June 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between El Paso, Tex., and Van Horn, Tex., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: Between El Paso, Tex. and Van Horn, Tex. over U.S. Highway 80.

No. MC 52752 (Deviation No. 1), WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, Ill., 60609. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., 60603, filed June 11, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Des Moines, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Joliet, Ill. (also from Chicago over Illinois Highway 4A to Joliet), thence over U.S. Highway 6 to Briarbluff, Ill., thence over unnumbered highway via Colona, and Carbon Cliff, Ill., to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., and thence over U.S. Highway 6 to Des Moines, and return over the same route.

No. MC 52752 (Deviation No. 2), WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, Ill., 60609. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., 60603, filed June 11, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction U.S. Toll 30, thence over U.S. Toll 30 to junction Illinois Highway 55, thence over Illinois Highway 55 to junction U.S. Highway 30, and thence over U.S. Highway 30 to Rock Falls, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 via Dixon, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 169, and thence over U.S. Highway 169 to Fort Dodge, Iowa, and return over the same route.

No. MC 96498 (Deviation No. 4), BONIFIELD BROS. TRUCK LINES, INC., 1200 East 2d Street, Metropolis, Ill. Applicant's representative: R. W. Burgess, 8514 Midland, St. Louis, Mo., 63114, filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as Follows: From Paducah, Ky., over U.S. Highway 60 to Henderson, Ky., thence over U.S. Highway 41 to Evansville, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: From Paducah, Ky., over U.S. Highway 45 to Norris City, Ill., thence over Illinois Highway 1 to Crossville, Ill., and thence over U.S. Highway 460 to Evansville, Ind., and return over the same route.

No. MC 123057 (Deviation No. 1), JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y., 10301. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y., filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From junction U.S. Highways 1 and 130 over U.S. Highway 130 to Camden, N.J., thence over city streets to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: * * * between New York, N.Y., and Philadelphia, Pa., over U.S. Highway 1.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Deviation No. 52), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed June 7, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 80 and Interstate Highway 10, east of McNary, Tex., via Interstate Highway 10 to junction Interstate Highway 20 east of Kent, Tex., thence via Interstate Highway 20 to Fort Worth, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: * * * From Dallas, Tex., over U.S. Highway 80 to Weatherford, Tex., thence over U.S. Highway 180 via Breckenridge, Tex., to Albany, Tex., thence over Texas Highway 351 to Abilene, Tex. (also from Weatherford, Tex., over U.S. Highway 80 to Abilene, Tex.), thence over U.S. Highway 80 to Lazy "E" Station, N. Mex. * * *, and return over the same route.

By the Commission.

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

[F.R. Doc. 65-6586; Filed, June 22, 1965; 8:48 a.m.]

[Notice No. 783]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 18, 1965.

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

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 600) (AMENDMENT), filed May 11, 1964, published FEDERAL REGISTER issue May 27, 1964, amended April 13, 1965, and republished as amended this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, (a) between points in Oregon, and (b) between points in Oregon, on the one hand, and, on the other, points in California. NOTE: Common control may be involved. The purpose of this republication is to show applicant "not only intends to render service between the points specified in the application but also to tack such authority with its existing authority to transport petroleum products so as to render a through service in the transportation of petrochemicals (chemicals derived from petroleum), between points in Oregon and California, on the one hand, and, on the other, points in Washington, points in Canyon, Ada, Gem, Payette, and Washington Counties, Idaho, and points in Idaho in and north of Idaho County, Idaho, and those points in Montana on and west of U.S. Highway 91. This would be accomplished by tacking the applied for authority with applicant's present authority in MC 42487, Sub-302."

HEARING: July 27, 1965, at the New Federal Office Building, 450 Golden Gate

Avenue, San Francisco, Calif., before Joint Board No. 11.

No. MC 52657, No. MC 52657 (Sub-No. 6), No. MC 52657 (Sub-No. 214), and No. MC 52657 (Sub-No. 350), (PETITION FOR MODIFICATION OF EXISTING CERTIFICATES PURSUANT TO AND IN ACCORDANCE WITH THE DECISION OF THE COMMISSION IN NO. MC-C-3024, *National Automobile Transporters Association-Petition for Declaratory Order*, 91 M.C.C. 395), filed May 27, 1965. Petitioner: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. Petitioner's attorneys: Glenn W. Stephens and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Petitioner holds authority (here pertinent), as follows: (A) MC 52657 page 1, first paragraph: "New automobiles, new trucks, new tractors, new trailers, new chassis, and parts thereof, restricted to initial movements, * * * in truckaway service, * * * "From places of manufacture and assembly in Kenosha and Racine, Wis., to points and places in Illinois, Iowa, Indiana, Michigan, Ohio, and Wisconsin." (B) MC 52657 (Sub-No. 6), page 1, first paragraph: "New automobiles, new trucks, new tractors, new trailers, new chassis, new bodies, and parts thereof, * * *, restricted to initial movements, in truckaway service, "From places of manufacture and assembly at Kenosha, and Racine, Wis., to Omaha, Nebr., and points and places in Missouri, Minnesota, and Kentucky." (C) MC 52657 (Sub-No. 214), page 1, paragraph 2: "New automobiles, new chassis, new bodies, and parts thereof, * * * in initial movements, in truckaway service, over irregular routes, "From places of manufacture and assembly at Kenosha, Wis., to points and places in Nebraska (except Omaha), North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized."

(D) MC 52657 (Sub-No. 350), page 1, paragraph 1: "New automobiles, new trucks, new tractors, new truck bodies, and new chassis, * * * in initial movements, in truckaway service, "From Kenosha, Wis., to the District of Columbia and to points and places in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Montana, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming, traversing Kentucky, Ohio, Indiana, Illinois, Michigan, Missouri, Iowa, Nebraska, Colorado, Minnesota, South Dakota, and North Dakota, for operating convenience only." By the instant petition, petitioner seeks modification of the authority set forth above, in order to render a secondary service to the same destinations from railheads established from time to time, to avoid difficulties of tacking or combining rights and to offer an efficient service to the shipper. In order for it to continue to participate in the movement from such fluctuating railheads it requests the modification of its existing authority, set forth above, by adding thereto the following: "New automobiles, new chassis, new bodies, and parts thereof, in secondary movements, in truckaway service, over irregular routes, between points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted to the transportation of vehicles manufactured or assembled at Kenosha, Wis., and which may have had an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

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

No. MC 97841 (Sub-No. 11), filed June 9, 1965. Applicant: GENERAL HIGHWAY EXPRESS, INC., 140 Parkwood Boulevard, Sidney, Ohio. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: REGULAR ROUTES: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Belpre, Ohio, and Bridgeport, Ohio, over Ohio Highway 7, serving all intermediate points; IRREGULAR ROUTES: (1) *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati and Summitville, Ohio, and points in North Township, Harrison County, Ohio, on the one hand, and, on the other, points in Ohio; and (2) *household goods* as defined by the Commission, *office furniture* and *fixtures*, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: This is a matter directly related to MC-F 9146, published in FEDERAL REGISTER issue of June 17, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9148. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo., of a portion of the operating rights of McLEAN TRUCKING COMPANY, Post Office Box 213, Winston-Salem, N.C. Applicants' attorneys: David G. MacDonald, 1000 16th Street NW., Washington 36, D.C., and Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Operating rights sought to be transferred: (A) *Classes A and B explosives*, as a *common carrier*, over regular routes, between St. Louis, Mo., and Davenport, Iowa, Chicago, Ill., Evansville and Richmond, Ind., Columbus, Ohio, and Louisville, Ky., between Keokuk, Iowa, and Cleveland, Ohio, between Peoria, Ill., and Indianapolis, Ind., between Peoria, Ill., and Cincinnati, Ohio, between Davenport, Iowa, and Sterling, Ill., between Clinton, Iowa, and Cleveland, Ohio, between Dayton, Ohio, and Wright Field and Fairfield Air Depot, Ohio, between Cleveland, Ohio, and Danville, Ill., Indianapolis, Ind., and Louisville, Ky., between Toledo, Ohio, and Detroit, Mich., between Chicago and Joliet, Ill., and Youngstown, Columbus, and Cincinnati, Ohio, Muncie, Anderson, and Evansville, Ind., and Memphis, Tenn., between Veedersburg, Ind., and Nashville, Tenn., between South Bend, Ind., and Nashville, Tenn., between Litchfield, Ill., and Louisville, Ky., between Wenona, Ill., and Argos, Ind., between Fort Madison, Iowa, and the Illinois-Indiana State line, between Keokuk, Iowa, and Champaign, Ill., between Niota, Ill., and Keokuk, Iowa, between Keokuk, Iowa, and Quincy, Ill., between junction unnumbered highway (formerly portion Illinois Highway 13) and Illinois Highway 148, approximately 5 miles south of Herrin, Ill., and Princeton, Ind., between junction Illinois Highways 1 and 119 and junction Indiana Highway 28 and unnumbered county road near Vine, Ind., between Hutsonville, Ill., and Sullivan, Ind., between Cairo, Ill., and Wickliffe, Ky., between certain specified points in Illinois, Indiana, Kentucky, and Tennessee, serving various intermediate and off-route points.

(B) Between Cincinnati, Ohio, and Fulton, Ky., between Cincinnati, Ohio, and the Kentucky-Tennessee State line, between certain specified points in Kentucky, serving various intermediate and off-route points; (C) between Cincinnati, Ohio, and Nashville, Tenn., between Greenville, Ky., and Clarksville, Tenn., between Russellville, Ky., and Milan, Tenn., between Fulton, Ky., and junction U.S. Highways 45E and 45W, between certain specified points in Kentucky and Tennessee, serving various intermediate and off-route points; (D) between Paris, Tenn., and Murray, Ky., between Paris, Tenn., and junction Kentucky Highways 97 and 94, between certain specified points in Tennessee and Kentucky, serving all intermediate points on specified routes; (E) between Owensboro, Ky., and Springfield, Tenn., serving all intermediate points with conditions; (F) between Memphis, Tenn., and Cairo, Ill., serving no intermediate or off-route points, with restrictions; (G) between Evansville, Ind., and Owensboro, Ky., serving certain intermediate points; (H) between Owensboro, Ky., and Cincinnati, Ohio, serving no intermediate or

off-route points; (I) between certain specified points in Ohio, between Portland, Ind., and junction unnumbered highway (formerly portion U.S. Highway 25) and U.S. Highway 30N at or near Beaver Dam, Ohio, serving certain intermediate points; (J) between junction Illinois Highway 29 and U.S. Highway 136 (formerly portion Illinois Highway 119) near Allen Station, Ill., and junction U.S. Highway 136 (formerly Illinois Highway 119) and U.S. Highway 150, between Peoria, Ill., and Rock Island, Ill., between the site of the Blue Grass Ordnance Depot, Ky., and Cincinnati, Ohio, between the site of the Blue Grass Ordnance Depot, Ky., and Louisville, Ky., serving certain intermediate points, numerous alternate routes for operating convenience only; between junction Tennessee Highway 18 and U.S. Highway 45, near Jackson, Tenn., and Bolivar, Tenn., serving all intermediate points, and the off-route point of Toone, Tenn., with restriction. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska, Hawaii, North Carolina, and South Carolina), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9149. Authority sought for purchase by CHAIR CITY MOTOR EXPRESS COMPANY, 1011 South 11th Street, Sheboygan, Wis., 53082, of a portion of the operating rights of HENSEL TRANSFER & WAREHOUSE COMPANY, 1209 South 11th Street, Sheboygan, Wis., 53082, and for acquisition by ELDRED A. BECKER, 1024 Main Avenue, Sheboygan, Wis., of control of such rights through the purchase. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison, Wis., 53703. Operating rights sought to be transferred: *New furniture*, uncrated, over irregular routes, as a *common carrier*, from the town of Sheboygan Falls, Wis., to points in Iowa, Illinois, and Indiana. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Iowa, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: No MC-40978 Sub-8 is concurrently filed.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6587; Filed, June 22, 1965; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 18, 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 7894 CCT, filed April 5, 1965. Applicant: GEORGE A. DOBBERT, doing business as KNOLLENBERG'S MOTOR TRANSFER CO., 500 South Garland Street, Orlando, Fla. Applicant's attorney: J. B. Rodgers, Jr., 227 North Magnolia Avenue, Orlando, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except (1) heavy hauling as construed by orders of the Commission; (2) household goods as defined by the Commission rule; (3) money, negotiable and nonnegotiable securities and other valuables; (4) Classes A and B explosives; (5) livestock; (6) commodities requiring refrigeration; and (7) liquid and dry commodities in bulk from Orlando, Fla., and points in Brevard County, Fla., to points in the counties of Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk, and from points within the named counties to Orlando, Fla., and points in Brevard County, Fla.

HEARING: July 19, 1965, at 9:30 a.m. Whitefield Building, 700 South Adams Street., Tallahassee, Fla. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Florida Public Utilities Commission, Tallahassee, Fla., 32301, and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned 47598, filed May 19, 1965. Applicant: C-LINE EXPRESS, 525 Silverado Trail, Napa, Calif. Applicant's representative: C. R. Nickerson, 9 First Street, Room 626, San Francisco, Calif., 94105. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in Note 1 below; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lamb, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) commodities requiring protection from heat by use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration; (5) liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) high explosives).

NOTE 1: Crated property means property securely packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hatboxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny), or bundles (completely wrapped in jute, cotton, burlap, gunny, fiberboard, or straw matting), between San Francisco, Oakland, Vallejo, Napa, Yountville, Oakville, Rutherford, St. Helena, Calif., and all intermediate points located on U.S. Highway 40 between San Francisco-Oakland and the junction of U.S. Highway 40 and California State Highway 29 on said Highway 29 between its junction with U.S. Highway 40 and Calistoga, also off-route points of Benicia and Mont La Salle, on the one hand, and, on the other, Mankas Corner (off-route), Knoxville, Monticello Dam, Moskowite's Corners, Pope Valley, Steele Canyon Park, all intermediate points located on or within 25 miles laterally of the following described U.S. State or unnumbered highways, including all of the Lake Berryessa resort area: (a) Between Napa and Moskowite's Corners via California State Highway 121, (b) between Moskowite's Corners and Knoxville via California State Highway 128 and Knoxville Road, (c) between Knoxville and St. Helena via Knoxville Road to Pope Valley junction, thence via Pope Canyon Road to Pope Valley, thence via unnumbered highways to St. Helena, (d) between Moskowite's Corners and Rutherford via California State Highway 128, (e) between Moskowite's Corners and Steele Canyon Park via Steele Canyon Road, (f) between Moskowite's Corners and Monticello Dam via California State Highway 128, (g) between Monticello Dam and its junction with U.S. Highway 40 via California State Highway 128 and Pleasants Valley Road, and (h) between Vallejo and Cordelia via U.S. Highway 40, thence Suisun Valley Road to Markas Corners Junction, thence via Wooden Valley Road to its junction with California State Highway 121.

HEARING: Date, time, and place for hearing not known at this time. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, California State Building, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6589; Filed, June 22, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 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. 39854—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 543), for interested rail carriers. Rates on ethylene dibromide, coal tar pitch, and oleomargarine, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

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

Tariff—Supplement 34 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 39856—*Substituted service—UP, et al., for Allied Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, agent (No. 72), for interested carriers. Rates on property loaded in highway trailers between Chicago and Peoria, Ill., St. Paul, Minn., Kansas City, and St. Louis, Mo., Omaha, Nebr., and Milwaukee, Wis., on the one hand, and points in California and Washington, also Denver, Colo., Nampa, Idaho, Great Falls, Mont., Portland, Oreg., and Salt Lake City, Utah, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 4 to Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

AGGREGATE OF INTERMEDIATES

FSA No. 39855—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 544), for interested rail carriers. Rates on petroleum coke and petroleum coke breeze, ethylene dibromide, coal tar pitch, and oleomargarine, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

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

Tariff—Supplement 34 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

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

[F.R. Doc. 65-6585; Filed, June 22, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 18, 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. 39857—*Petroleum naphtha to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8740), for and on behalf of Missouri-Kansas-Texas Railroad Co. Rates on petroleum naptha, in tank carloads, from Cushing, Cleveland, and Tulsa, Okla., to Houston and Texas City, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 34 to Southwestern Freight Bureau, agent, tariff I.C.C. 4549.

By the Commission.

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

[F.R. Doc. 65-6573; Filed, June 22, 1965; 8:46 a.m.]

[Notice 32]

FINANCE APPLICATIONS

JUNE 18, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23680—By application filed June 9, 1965, Reading Co., Reading Terminal, Philadelphia, Pa., 19107, seeks authority under Section 20a of the Interstate Commerce Act to pledge not more than $1,500,000 of its First & Refunding Mortgage 3⅛ percent Bonds, Series D, due May 1, 1995. Applicant's attorney: Lockwood W. Fogg, Jr., general attorney, 415 Reading Terminal, Philadelphia, Pa., 19107. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23691—By application filed June 15, 1965, Sabine River & Northern Railroad Co., care of Hugh Q. Buck, president, 8th Floor, Bank of the Southwest Building, Houston, Tex., 77002, seeks authority under section 20a of the Interstate Commerce Act to issue 5,000 shares of common capital stock for $1,000,000 cash and debentures in the amount of $1,500,000. Applicant's attorney: Jefferson D. Giller, 8th Floor, Bank of the Southwest Building, Houston, Tex., 77002. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23693—By application filed June 14, 1965, Transcon Lines, a California corporation, 360 Bendix Building, 1206 South Maple Avenue, Los Angeles, Calif., 90015, seeks authority under section 214 of the Interstate Commerce Act to increase its capital stock from 1,000,000 shares of the par value of $1.25 per share to 2,000,000 shares of the par value of $0.625 per share by a stock split on a 2-for-1 basis. Applicant's attorneys: H. C. Shurtleff, vice president, Finance, Transcon Lines, 1206 South Maple Avenue, Los Angeles, Calif., 90015, and Arthur Preston, Esq., 5670 Wilshire Boulevard, 15th Floor, Los Angeles, Calif., 90036. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23695—By application filed June 16, 1965, Central Wisconsin Motor Transport Co., Post Office Box 200, Wisconsin Rapids, Wis., seeks authority under section 214 of the Interstate Commerce Act to issue 113,121 shares of its common capital stock pursuant to a declaration of a 40 percent stock dividend. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 65-6574; Filed, June 22, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

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

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