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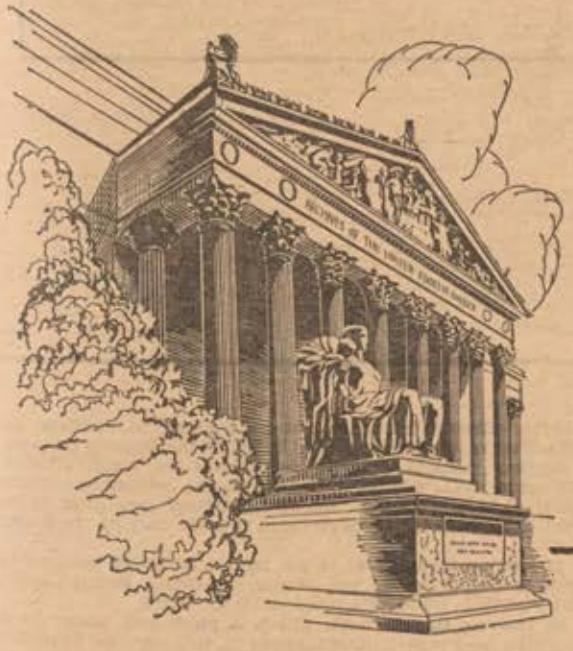

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THE BOARD OF THE FOREIGN SERVICE AND THE BOARD OF EXAMINERS FOR THE FOREIGN SERVICE

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 F.R. 9353), and as President of the United States, it is ordered as follows:

SECTION 1. *Board of the Foreign Service.* There is hereby established a new "Board of the Foreign Service." That board shall have the same membership, functions, and status as the board of the same name established by Section 211 of the Foreign Service Act of 1946 (22 U.S.C. 826) had immediately prior to the taking effect of Reorganization Plan No. 4 of 1965.

SEC. 2. *Board of Examiners for the Foreign Service.* There is hereby established a new "Board of Examiners for the Foreign Service." That board shall have the same functions and status as the board of the same name established by Section 212 of the Foreign Service Act of 1946 (22 U.S.C. 827) had immediately prior to the taking effect of Reorganization Plan No. 4 of 1965 and shall have membership determined in consonance with the provisions of subsection (b) of that Section.

SEC. 3. *Effective date; termination.* This Order shall be effective as of July 27, 1965, and, together with the boards established by Sections 1 and 2, shall terminate on January 1, 1966, or on such earlier date as may hereafter be prescribed.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 4, 1965.

[F.R. Doc. 65-8636; Filed, Aug. 4, 1965; 4:41 p.m.]

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Title 7—AGRICULTURE

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

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Miscellaneous Amendments

It is hereby ordered that on and after the effective date hereof all handling of dried prunes produced in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Dried Prunes Produced in California, as amended (Order No. 993, as amended; 7 CFR Part 993), and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued July 9, 1965 (F.R. Doc., 65-7448; 30 F.R. 8850), with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such dried prunes. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that for convenient reference, there be set forth hereinafter in amended form, as applicable, the various texts of the codified portion of said Order No. 993, as amended (7 CFR Part 993) and as further amended by the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 993.0 **Findings and determinations.**

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof. Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254; 26 F.R. 475.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at San Francisco, Calif., on March 15 and 16, 1965, on a proposed amendment of the marketing agreement, as amended, and this part (Order No. 993, as amended), regulating the handling of dried prunes produced in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of dried prunes produced in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of dried prunes in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found that good cause exists for making the provisions of this amendatory order effective upon publication in the FEDERAL REGISTER rather than postponing the effective date until 30 days after such publication (5 U.S.C. 1003(c)). The amendatory order authorizes volume regulation of dried prunes. The 1965-66 crop year begins August 1, 1965, and handlers will soon begin to receive 1965 crop prunes from producers and dehydrators. The Crop Reporting Board has estimated 1965 California dried prune production at 185,000 natural condition tons, up 3 percent from last year and one-third above average. The carryover of dried prunes into the 1965-66 crop year will be larger than normal. It is estimated that the total available supply of dried prunes during the 1965-66 crop year will be in excess of the domestic and foreign trade demand therefor. In view of this situation, the Prune Administrative Committee is expected to recommend volume regulation for the 1965-66 crop year. Such regulation, to be effective and equitable, must be applicable to as much of the handler receipts of dried prunes during the crop year as possible. Hence, it is imperative that all provisions in the amendatory order relating to volume regulation be made effective as soon as possible. The amendatory order also alters the basis for levying assessments on all prunes received by handlers from producers and dehydrators, to salable prunes handled by the first handler. It is necessary that the assessment provisions be made effective immediately to cover as much assessable tonnage as possible during the 1965-66 crop year. In addition, the amendatory order provides other improvements in program regulations and procedures, and maximum benefits would derive therefrom with these improvements effective immediately. Moreover, amendment of the current administrative rules and regulations will be required by, and be dependent upon, the amendatory order after it becomes effective. With the date of publication in the FEDERAL REGISTER as the effective date of the amendatory order, early opportunity will be provided for completing such action in time to permit the benefits derivable from the amendatory order to be available during as great a part of the 1965-66 crop year as possible. The provisions of the amendatory order are well-known to handlers and the text of the amendatory order has been made available to all known interested persons. Accordingly, handlers need no further advance notice to prepare for compliance with the provisions of this amendatory order. Therefore, all of the provisions of this amendatory order should be come effective upon publication in the FEDERAL REGISTER.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried prunes covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1964, through June 30, 1965, handled not less than 50 percent of the volume of such dried prunes covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1964, through June 30, 1965 (which has been determined to be a representative period), have been engaged within the State of California in the production for market of the commodity specified in such amendatory order, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is therefore ordered, That, on and after the effective date hereof, all handling of dried prunes produced in California, shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. A new § 993.21a reading as follows is added immediately after § 993.21:

§ 993.21a Proper storage.

"Proper storage" means storage of such character as will maintain prunes in the same condition as when received by a handler, except for normal and natural deterioration and shrinkage.

2. A new § 993.21b reading as follows is added immediately after new § 993.21a:

§ 993.21b Trade demand.

(a) *Domestic trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in domestic markets for human consumption as prunes and prune products.

(b) *Foreign trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in other than domestic markets for human consumption as prunes and prune products.

3. A new § 993.21c reading as follows is added immediately after new § 993.21b:

§ 993.21c Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if a reserve percentage of zero is established for a crop year, all prunes received by handlers from producers and dehydrators during that year.

4. A new §993.21d reading as follows is added immediately after new § 993.21c:

§ 993.21d Reserve prunes.

"Reserve prunes" means those prunes which must be withheld in satisfaction of a reserve obligation arising from application of a reserve percentage established by the Secretary pursuant to § 993.54.

5. Section 993.33 is revised to read as follows:

§ 993.33 Voting procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at my mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 12 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a minimum of 5 days' advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

6. Section 993.34 is revised to read as follows:

§ 993.34 Expenses.

The members of the committee, and alternates when acting as members, or when alternates' expenses are authorized by the committee, shall serve without compensation but shall be allowed their expenses.

7. Section 993.36 is revised to read as follows:

§ 993.36 Duties.

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

(a) To act as intermediary between the Secretary and any producer, dehydrator, or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to the prior approval of the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to prunes, which are necessary in connection with the performance of its official duties;

(d) To select, from among its members, a chairman and other appropriate officers, and to adopt such rules and regulations for the conduct of the business of the committee as it may deem advisable;

(e) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of such persons;

(f) To submit to the Secretary not later than the fourth Tuesday of July of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor;

(g) To submit to the Secretary such available information with respect to prunes as the committee may deem appropriate, or as the Secretary may request;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of reserve prune operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee by producers, dehydrators, and handlers;

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the committee's financial operations with respect to reserve prunes for such crop year and to make such statement available at the offices of the committee for inspection by producers, dehydrators, and handlers;

(j) To cause the books of the committee to be audited by a certified public accountant at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and two copies of each such audit report shall be submitted to the Secretary and a copy which does not contain confidential data shall be available for inspection at the offices of the committee, by producers, dehydrators, and handlers;

(k) To give the Secretary the same notice of meetings of the committee as is given to the members of the committee;

(l) To give producers, dehydrators, and handlers reasonable advance notice of meetings of the committee, and to maintain all such meetings open to such persons;

(m) To investigate compliance with the provisions of this subpart and with any rules and regulations established pursuant to such provisions; and

(n) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

8. Section 993.41 is revised to read as follows:

§ 993.41 Marketing policy.

(a) On or before the fourth Tuesday of each July, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. If it becomes advisable to modify such policy, because of changed demand, supply, or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers, dehydrators, and handlers.

(b) In formulating its marketing policy for the ensuing crop year, the committee shall consider and shall include in its report to the Secretary, the following estimates (natural condition basis) and recommendations:

(1) The carryover of salable prunes as of August 1;

(2) The carryover of reserve prunes as of August 1;

(3) The grade and size composition of the salable and reserve carryovers;

(4) The quantity of prunes to be produced without regard to possible diversions of prune plums by producers;

(5) The probable quality and prune sizes in the crop;

(6) The domestic trade demand by uses of prunes;

(7) The foreign trade demand by countries or groups of countries;

(8) The desirable carryout of salable prunes at the end of the ensuing crop year;

(9) The quantity of prunes to be withheld as reserve prunes so as to protect against errors of estimation and permit orderly marketing of the supply;

(10) The recommended salable and reserve percentages;

(11) The quantity of prune plums, dried weight basis, deemed desirable to be diverted pursuant to § 993.62;

(12) Any recommended change in regulations pursuant to §§ 993.49 to 993.53, inclusive;

(13) The probable assessable tonnage for the purposes of § 993.81; and

(14) The current prices for prunes, the trend and level of consumer income, whether producer prices are likely to exceed parity, and such other factors as may have a bearing on the marketing of prunes or the administration of this part.

9. Section 993.48 *Regulation* is moved from its present position in the order and placed immediately preceding the center heading "Grade and Size Regulations," and a new center heading "Prohibition on Handling" is inserted immediately preceding § 993.48 as relocated and immediately following § 993.41, as follows:

PROHIBITION ON HANDLING

§ 993.48 Regulation.

No handler shall handle prunes except in accordance with the provisions of this part.

GRADE AND SIZE REGULATIONS

10. Paragraph (d) of § 993.50 is revised to read as follows:

§ 993.50 Outgoing regulation.

* * * * *

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of French prunes for human consumption as prunes or of any lot of mixed dried fruit containing French prunes for human consumption as mixed dried fruit unless the average count of prunes contained in any such lot is 100 or less per pound. In determining whether any such lot conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify this tolerance for uniformity of size.

* * * * *

11. *Reserve control.* A new center heading "Reserve control" and new sections reading as follows are added immediately after § 993.53:

RESERVE CONTROL

§ 993.54 Establishment of salable and reserve percentages.

Whenever the Secretary finds, from the recommendations and supporting information supplied by the committee, or from any other available information, that to establish the percentages of prunes for any crop year which shall be salable prunes and reserve prunes, respectively, or to modify the previously established percentages, would tend to effectuate the declared policy of the act, he shall establish or modify such percentages. The salable and reserve percentages when applied to the natural condition weight of prunes, excluding the weight obligation of § 993.49(c), received during the crop year by a handler from producers and dehydrators, plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates issued pursuant to § 993.62 and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes. The total of the salable and reserve percentages shall equal 100 percent. A cooperative marketing association may concentrate the prunes of its producer members before applying the salable and reserve percentages.

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year and before salable and reserve percentages are established for that crop year. After such percentages are established for the subsequent crop year, all reserve obligations theretofore accrued during such year on the basis of the previously effective percentages shall be adjusted to the newly established percentages.

§ 993.56 Reserve obligation.

Whenever salable and reserve percentages are in effect for a crop year, the reserve obligation of a handler shall approximate the average marketable content of the handler's receipts and shall be a weight of natural condition prunes equal to the reserve percentage applied to the natural condition weight of prunes, excluding the weight obligation of § 993.49(c), such handler receives during the crop year from producers and dehydrators plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates credited to or held by him which were issued pursuant to § 993.62. However, if the committee determines the requirement as to setaside reflecting average marketable content of receipts is not essential to achieve program objectives for the crop of a particular season, it may be eliminated for that season by the committee, with the approval of the Secretary. As a prerequisite for making this determination, the committee must find that the resultant setaside procedures assure that the trade demand for manufacturing prunes, as well as prunes for consumption as prunes, will be met. The salable prunes permitted to be disposed of by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

§ 993.57 Holding requirement and delivery.

Each handler shall at all times, hold, in his possession or under his control, in proper storage for the account of the committee, free and clear of all liens, the quantity of prunes necessary to meet his reserve obligation, less any quantity: (a) For which he has a temporary deferment pursuant to § 993.58(a); (b) of prune plums (dried weight natural condition basis) diverted pursuant to § 993.62 as shown on diversion certificates held by him, or credited by the committee against his reserve obligation; (c) disposed of by him under a sales contract of the committee; (d) delivered by him to the committee, or to a person designated by it, pursuant to its instructions; and (e) for which he is otherwise relieved by the committee of such responsibility to so hold prunes. No handler may transfer a reserve obligation but any handler may, upon notification to the committee arrange to hold reserve prunes on the premises of another handler or in approved commercial storage, under conditions of proper storage. The committee may, after giving reasonable notice, require a handler to deliver to it, or to a person designated by it, f.o.b. handler's warehouse or point of storage, reserve prunes held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

§ 993.58 Deferment of time for withholding.

(a) Compliance by any handler with the requirement of § 993.57 for withholding reserve prunes may be temporarily deferred to any date desired by the handler, but not later than November 15 of the crop year, upon the execution and delivery by such handler to the committee of a written undertaking that on or prior to the desired date he will have fully satisfied his holding requirement. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee in the amount or amounts specified, conditioned upon full compliance with such undertaking.

(b) (1) Each bond shall be provided by and at the handler's expense, with a surety or sureties acceptable to the committee, and shall be in an amount computed by multiplying the pounds of natural condition prunes for which deferment is desired by the bonding rate. Such bonding rate shall be established by the committee at a level sufficient to achieve the objectives of this part.

(2) In case a handler defaults in meeting his deferred withholding requirement, any funds collected by the committee from the bonding company through such default shall be used by the committee to purchase from handlers a quantity of natural condition prunes, up to but not exceeding the quantity on which default occurred. Purchases shall be made from prunes with respect to which the reserve obligation has been met, and shall be of grades, varieties, or sizes and in such containers as the committee specifies in consideration of available reserve prune outlets. Purchases

shall be at prices determined to be appropriate by the committee and if more prunes are offered than required by the committee, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The committee shall dispose of the prunes acquired as soon as practicable in the most favorable reserve prune outlets and shall deposit the proceeds from such sales, less committee expenses in connection with such transaction, with reserve pool funds for distribution to equity holders.

(3) If for any reason the committee is unable to purchase a quantity of prunes as large as the quantity of reserve prunes in default by the handler, any remaining balance of funds received because of the default less expenses of the committee, shall be deposited with reserve pool funds for distribution to equity holders.

(c) A handler who has defaulted on his bond shall be credited on his reserve obligation with, and his holding requirement reduced by, that quantity of prunes represented by the sums collected but not more than the extent of his default.

§ 993.59 Payment to handlers for services.

The committee shall pay handlers for necessary services rendered by them in connection with reserve prunes including, but not limited to, inspection, receiving, storing, grading, and fumigation, in accordance with a schedule of payments and conditions established by the Secretary after recommendation by the committee.

12. *Producer diversion.* A new § 993.62 reading as follows is added immediately after new § 993.59:

PRODUCER DIVERSION

§ 993.62 Diversion privileges.

(a) *Prune plums.* The words "prune plums" as used in this section mean plums of a variety used in the production of prunes.

(b) *Voluntary principle.* No producer shall be required to divert all or any portion of the prune plums produced by him.

(c) *Authorization.* If, on the basis of a committee recommendation for diversion operations, the availability of governing rules and procedures established by the Secretary after recommendation of the committee, and other information, the Secretary concurs that diversion operations should be permitted, he shall authorize such operations.

(d) *Diversion certificates.* After diversion operations are authorized, and subject to the applicable rules and procedures, any producer may divert prune plums of his own production for eligible purposes and receive from the committee a diversion certificate therefor: *Provided,* That diversion certificates for prune plums diverted by producer members of a cooperative marketing association shall be issued by the committee to the association if it so requests. To the extent permitted by the rules and procedures, the certificate may be submitted to any handler in lieu of reserve prunes and to the same extent the certificate shall entitle the handler to satisfy his reserve obligation. Only to the extent permitted by the rules and procedures, diversion certificates may be transferable among producers and handlers.

(e) *Eligible diversions.* Within such restrictions as may be prescribed in rules and procedures, diversion may be authorized for such dispositions as are not competitive with the normal marketing of prunes and prune products. Such eligible diversions may include: (1) Disposal of prune plums for nonhuman use; (2) leaving prune plums unharvested; and (3) such other methods of diversion as may be authorized. No diversion certificate shall be issued by the committee for prune plums which would not, under normal producer practices, be dried and delivered to a handler.

(f) *Nonparticipation in pool proceeds.* Any prune plums diverted pursuant to this section shall not be included in any reserve pool.

(g) *Payment of costs.* Prior to the issuance of a diversion certificate to a producer or a cooperative marketing association, the producer or association shall pay to the committee fees established to cover costs pertaining to the diversion.

13. *Disposition of reserve prunes.* A new § 993.65 reading as follows is added immediately after new § 993.62:

DISPOSITION OF RESERVE PRUNES

§ 993.65 Disposition of reserve prunes.

(a) *Committee's right of disposition.* The committee shall have the power and authority to sell or dispose of any and all reserve prunes (1) to meet demand either (i) as domestic trade demand, or (ii) as foreign trade demand, or (2) for use in any outlet, defined in rules and procedures, established by the Secretary after recommendation of the committee, noncompetitive with normal outlets for salable prunes.

(b) *Methods of disposition.* The committee may, for any of the purposes of § 993.65(a), offer to sell and sell reserve prunes to handlers for disposition or sale by them in specified outlets. Sale of reserve prunes by the committee to any handler for resale in such outlets or for resale to other persons for sale in such outlets shall be governed by the provisions of a sales agreement, executed by the handler with the committee. The committee may refuse to sell reserve prunes to any handler if the handler violates the terms and conditions of the agreement or other provisions of this part. The committee may sell reserve prunes into any outlet in which direct selling is determined to be more appropriate.

(c) *Offers to sell reserve prunes.* No offer to sell reserve prunes either to handlers or to other persons shall be made by the committee until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms and conditions of the proposed offer including the basis for determining the handlers' shares: *Provided,* That at any time prior to the expiration of the 5-day period the offer may be made upon the committee receiving from the Secretary notice that he does not disapprove it.

(d) *Transfer of shares.* No handler may transfer a reserve obligation. However, any handler who is authorized by the committee to dispose of reserve prunes may arrange with another handler to dispose of his share of reserve prunes through such other handler. In that event, credit for the reserve disposition shall go to the handler whose reserve prunes are used.

(e) *Distribution of proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of reserve prunes shall be charged against the proceeds of sales of such prunes. Net proceeds from the disposition of reserve prunes shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to their successors in interest, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee as sufficient funds accumulate. Distribution of the proceeds in connection with the reserve prunes contributed by a cooperative marketing association shall be made to such association, if it so requests.

14. Paragraph (a) of § 993.81 is revised to read as follows:

§ 993.81 Assessments.

(a) Each handler shall pay to the committee, upon demand, with respect to all salable prunes handled by him as the first handler thereof, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after a crop year the Secretary may increase the rate of assessment to cover unanticipated expenses of the committee or a deficit in assessable tonnage.

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

Dated August 3, 1965, to become effective upon publication in the FEDERAL REGISTER.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-8279; Filed, Aug. 5, 1965; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1965-Crop Supplement to Cotton Loan Program Regulations

Correction

In F.R. Doc. 65-6807, appearing at page 8451 of the issue for Friday, July 2, 1965, the following correction is made in the tabular matter of § 1427.1502: Under Arizona, the entries for Litchfield Park

and for McMicken, presently reading "29.61", should read "28.61".

[Amdt. 10]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Mohair, as amended (27 F.R. 7417; 28 F.R. 579, 1033, 6532, 10289, 12160, 12735; 29 F.R. 3754, 18153; 30 F.R. 4056, 6383), are further amended as follows:

1. In § 1468.211, paragraph (b) is revised to read:

§ 1468.211 Filing application for payment.

* * * * *

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of mohair for the specified marketing year as defined in § 1468.233(k) have been completed, but in no event later than as provided in the following subparagraphs:

(1) *1962 through 1964 marketing years.* With respect to sales during the 1962 through 1964 marketing years, all applications must be filed within one month after the end of the specified marketing year, provided that if an application is filed later than one month after the end of the specified marketing year but not later than three years after the end of that marketing year, the applicant may request the ASC county committee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver, and the ASC county committee may waive the delay on such application, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC county committee shall notify the applicant in writing of its action on his request for a waiver.

(2) *1965 and subsequent marketing years.* All applications for the 1965 and subsequent marketing years must be filed no later than three years after the end of the specified marketing year.

2. In § 1468.227, paragraph (b) is revised to read:

§ 1468.227 Records and inspection thereof.

* * * * *

(b) With respect to any application for payment filed later than one month after the end of the specified marketing year, instead of maintaining the books, records, and accounts for the time specified in paragraph (a) of this section, the applicant shall maintain such books, records, and accounts (1) for three years following the date of notification of the waiver granted pursuant to § 1468.211(b)(1) for the 1962 through 1964 marketing years or (2) for three years following the date on which the application is filed for the 1965 and subsequent marketing years.

(Sec. 4, 52 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

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

Signed at Washington, D.C., on August 3, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-8280; Filed, Aug. 5, 1965; 8:47 a.m.]

[Amdt. 12]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (27 F.R. 933, 9714; 28 F.R. 579, 1034, 6532, 10290, 12160, 12735; 29 F.R. 3754; 18153, 30 F.R. 1250, 4056, 6383), are further amended as follows:

1. In § 1472.1142, paragraph (b) is revised to read:

§ 1472.1142 Filing application for payment.

* * * * *

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of shorn wool or unshorn lambs for the specified marketing year as defined in § 1472.1171(1) have been completed or, if the applicant is a slaughterer, as soon as possible after the last of his lambs moved in the specified marketing year to slaughter, but in no event later than as provided in the following subparagraphs:

(1) *1962 through 1964 marketing years.* With respect to sales during the 1962 through 1964 marketing years, all applications must be filed within one month after the end of the specified marketing year, provided that if an application is filed later than one month after the end of the specified marketing year but not later than three years after the end of that marketing year, the applicant may request the ASC county committee to waive the delay in filing, stating in writing his reasons for the delay and for the request for waiver, and the ASC county committee may waive the delay on such application, if in its judgment the delay in filing was due to a good cause or waiver of the delay is necessary to prevent undue hardship. The ASC county committee shall notify the applicant in writing of its action on his request for a waiver.

(2) *1965 and subsequent marketing years.* All applications for the 1965 and subsequent marketing years must be filed no later than three years after the end of the specified marketing year.

* * * * *

2. In § 1472.1158, paragraph (c) is revised to read:

§ 1472.1158 Records and inspection thereof.

* * * * *

(c) With respect to any application for payment filed later than one month after the end of the specified marketing year, instead of maintaining the books, records, and accounts for the time specified in paragraphs (a) and (b) of this section, the applicant shall maintain such books, records, and accounts (1) for three years following the date of notification of the waiver granted pursuant to § 1472.1142(b)(1) for the 1962 through 1964 marketing years or (2) for three years following the date on which the application is filed for the 1965 and subsequent marketing years.

* * * * *

§ 1472.1042 [Amended]

3. Paragraph (b) of § 1472.1042 (24 F.R. 654; 26 F.R. 9121; 28 F.R. 579, 10289), dealing with applications filed for the 1959, 1960, and 1961 marketing years is amended by changing the period at the end of the third sentence to a comma and adding the following: "provided that no waiver may be granted with respect to any application filed after August 16, 1965."

§ 1472.1062 [Amended]

4. The last sentence of § 1472.1062 is amended by changing the period to a comma and adding the following: "provided that no waiver may be granted with respect to any application filed after August 16, 1965."

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

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

Signed at Washington, D.C., on August 3, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-8281; Filed, Aug. 5, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3736]

[Colorado 011495]

COLORADO

Reclamation Withdrawal (Juniper Project)

Correction

In F.R. Doc. 65-7326, appearing at page 8834 of the issue for Wednesday, July 14, 1965, the last line of the land description should read as follows:

Sec. 33, W½NE¼, SW¼, NW¼SE¼.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6761; Amdt. 437]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-10	300-1	300-1	200-½
				T-dn-28*	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn	NA	NA	NA
				A-dn	900-2	900-2	900-2

Procedure turn S side SE crs, 120° Outbnd, 300° Inbnd, 2500' within 15 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 086°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ANI LFR, turn left, climb to 2300' on SW crs, 210° within 10 miles.
NOTES: Air carrier sliding scale not authorized. ADF approach not authorized.
CAUTION: Terrain, 1900' 2.0 miles N of ANI LFR. Terrain, 657' 3 miles W of ANI LFR.
*Left turn required on takeoff.
MSA within 25 miles of facility: N 2700'; E 4500'; S 4700'; W 3000'.

City, Aniak; State, Alaska; Airport name, Aniak; Elev., 86'; Fac. Class., BMRLZ; Ident., ANI; Procedure No. 1, Amdt. 9; Eff. date, 7 Aug. 65; Sup. Amdt. No. 8; Dated, 15 May 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 7 AUGUST 1965, OR UPON DECOMMISSIONING OF FACILITY.

City, Fort Worth; State, Tex.; Airport name, Meacham Field; Elev., 692'; Fac. Class., H-SAB; Ident., FTW; Procedure No. 1, Amdt. 2; Eff. date, 3 Apr. 65; Sup. Amdt. No. 1; Dated, 19 Sept. 64

Keller Int	FT LOM	Direct	2000	T-dn	300-1	300-1	*200-½
Justin Int	FT LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Joshua Int	FT LOM	Direct	2300	S-dn-17	600-1	600-1	600-1
Roanoke Int	FT LOM	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 354° Outbnd, 174° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.
Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 174°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing FT LOM, climb to 2300' on the 174° bearing from FT LOM within 20 miles.
CAUTION: 956' grain elevator, 1.5 miles N and 900' grain elevator, 1.9 miles N of airport.
NOTE: Radar vectoring may be used to position aircraft for final approach N of LOM with elimination of procedure turn.
*300-1 required for takeoff Runways 9-27 and 13-31.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—3400'; 180°-270°—2500'; 270°-360°—2500'.

City, Fort Worth; State, Tex.; Airport name, Meacham Field; Elev., 692'; Fac. Class., LOM; Ident., FT; Procedure No. 1, Amdt. Orig.; Eff. date, 7 Aug. 65, or upon commissioning of facility

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELED, EFFECTIVE 7 AUGUST 1965, OR UPON DECOMMISSIONING OF FACILITY.							
City, Fort Worth; State, Tex.; Airport name, Meacham Field; Elev., 692'; Fac. Class., SABH; Ident., FTW; Procedure No. 2; Amdt. 2; Eff. date, 19 Sept. 64; Sup. Amdt. No. Orig.; Dated, 8 Aug. 64							
GSW VOR	Stadium Int	Direct	2700	T-dn	300-1	300-1	*200-½
Justin Int	FT LOM	Direct	2700	C-dn	500-1	600-1	600-1½
FT LOM	Stadium Int	Direct	2700	S-dn-35	500-1	500-1	500-1
Joshua Int	Stadium Int (final)	EWX R-164 and FT LOM 174° bearing.	2000	A-dn	800-2	800-2	800-2
Stadium Int	Caddy Int (final)	Direct	1400				
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 2500' within 10 miles of Stadium Int. Beyond 10 miles not authorized. Minimum altitude over Stadium Int on final approach crs, 2000'; over Caddy Int—1400'. Crs and distance, Stadium Int to airport 354°—5.0 miles; Caddy Int to airport—354°—3.2 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Caddy Int, climb to 2000' on crs, 354° from FT LOM, within 20 miles. CAUTION: 956' grain elevator, 1.5 miles N and 990' grain elevator, 1.9 miles N of airport. NOTE: Radar vectoring may be used to position aircraft for final approach S of Stadium Int with elimination of procedure turn. *300-1 required for takeoff Runways 9-27 and 13-31. MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—3400'; 180°-270°—2500'; 270°-360°—2500'.							
City, Fort Worth; State, Tex.; Airport name, Meacham Field; Elev., 692'; Fac. Class., LOM Ident., FT; Procedure No. 2, Amdt. Orig.; Eff. date, 7 Aug. 65, or upon commissioning of facility							
Fort Jones VOR	SIY RBn	Direct	8500	T-d#	1500-2	1500-2	1500-2
				T-n	1500-3	1500-3	1500-3
				C-d	2500-2	2500-2	2500-2
				C-n	2500-3	2500-3	2500-3
				A-d	2500-2	2500-2	2500-2
				A-n	2500-3	2500-3	2500-3
Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 6500' within 10 miles. Beyond 10 miles not authorized. Minimum altitude over facility on final approach crs, 5200'. Crs and distance, facility to airport, 351°—2.7 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SIY RBn, turn left, climb to 9000' on crs, 161° Outbnd, 341° Inbnd, within 10 miles of SIY RBn, all maneuvering E side of crs. NOTE: Due to surrounding terrain severe turbulence possible during storm conditions. Other change: Deletes transition from Fort Jones LFR. #Takeoff all runways: Climb direct to SIY RBn, then via 161° bearing from SIY RBn within 10 miles to recross SIY RBn at/above 6500' before proceeding on crs. All maneuvering E side of crs. MSA within 25 miles of facility: 000°-090°—9800'; 090°-180°—15,700'; 180°-270°—9800'; 270°-360°—9100'.							
City, Montague; State, Calif.; Airport name, Siskiyou County; Elev., 2651'; Fac. Class., BH; Ident., SIY; Procedure No. 1, Amdt. 9; Eff. date, 7 Aug. 65; Sup. Amdt. No. 8; Dated, 26 Oct. 63							
Pebble Int	LOM	Direct	4000	T-dn%*	300-1	300-1	200-½
Salinas VOR	LOM	Direct	3000	C-d	900-2	900-2	900-2
Salinas VOR	Marina Int	Direct	2000	C-n	900-3	900-3	900-3
Marina Int	LOM	Direct	2000	A-dn	1000-3	1000-3	1000-3
Shark Int	LOM	Direct	3000				
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 3000' within 10 miles. Beyond 10 miles not authorized. Minimum altitude over facility on final approach crs, 1500'. Crs and distance, facility to airport 096°—4.3 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM (at the LMM), make immediate left-climbing turn, proceed direct to LOM, climbing to 3000' in a 1-minute holding pattern, 096° Inbound, right turns. CAUTION: High terrain, SW thru SE of airport. All maneuvering for circling approaches must be accomplished N of Runways 10/28. AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28. Other change: Deletes transition from Carmel Int. *500-1 required for takeoff on Runway 6. *1000-1 required for takeoff on Runway 24. *700-1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport. %Southbound IFR departures must comply with published Monterey SID's. MSA within 25 miles of facility: 040°-130°—3800'; 130°-220°—6000'; 220°-310°—1500'; 310°-040°—4200'.							
City, Monterey; State, Calif.; Airport name, Monterey Peninsula; Elev., 220'; Fac. Class., LOM; Ident., MR; Procedure No. 1, Amdt. 1; Eff. date, 7 Aug. 65; Sup. Amdt. No. Orig.; Dated, 14 Nov. 64							
SAC VOR	LOM	Direct	1200	T-dn	300-1	300-1	200-½
Courtland Int	LOM (final)	Direct	1200	C-dn	500-1	500-1	500-1½
Walnut Grove Int	Courtland Int	Direct	2500	S-dn-2	500-1	500-1	500-1
Roseville Int	LOM	Direct	1600	A-dn	800-2	800-2	800-2
Radar vectoring authorized in accordance with approved patterns. Procedure turn S side of crs, 196° Outbnd, 016° Inbnd, 1200' within 10 miles. Minimum altitude over facility on final approach crs 1200'. Crs and distance, facility to airport, 016°—4.0 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, climb to 2500' on 016° crs from the LOM within 20 miles or, when directed by ATC, climb straight ahead to 500', turn left, climb to 2000' on crs of 329° from LOM within 20 miles. MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—2500'; 180°-270°—3600'; 270°-360°—3300'.							
City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21'; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 11; Eff. date, 7 Aug. 65; Sup. Amdt. No. 10; Dated, 22 Aug. 64							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thornhurst VOR	LOM	Direct	3600	T-dn*	600-1	600-1	600-1
Hazleton RBn	LOM	Direct	3600	C-d	1200-1	1200-1½	1200-2
Crystal Lake RBn#	LOM (final)	Direct	3100	C-n	1300-2	1300-2	1300-2
				S-dn	NA	NA	NA
				A-d	1400-2	1400-2	1400-2
				A-n	1600-3	1600-3	1600-3

Radar transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 3600' within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3100'.
Crs and distance, facility to airport, 043°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3600' on crs, 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000', hold E, 1-minute right turns, Inbnd crs, 268° or, when directed by ATC, (1) climb to 3600' on crs, 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3600', hold SW, 1-minute left turns, Inbnd crs, 043°, (2) hold W of the Wilkes-Barre LOM at 3600', 1-minute right turns, Inbnd crs, 160°.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: High terrain to E, SE, and S of airport within 2.5 miles.
*Takeoff Runways 10 and 16, day 600-2, night 800-2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from en route traffic.
#This transition authorized only for aircraft dual ADF equipped.
MSA within 25 miles of facility: 000°-360°—3700'.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class., LOM; Ident., AV; Procedure No. 1, Amdt. 6; Eff. date, 7 Aug. 65; Sup. Amdt. No. 5; Dated, 18 Apr. 64

Millbury Int	OR LOM	Direct	2400	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				S-dn-33	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 332°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing OR LOM, or at the LMM, make an immediate left-climbing turn to 2400' direct to OR LOM. Hold SE of OR LOM, 332° Inbnd, 1-minute right turns.
CAUTION: 1663' radio tower (1.9 miles NNW of airport).
Departure Procedures: Departure Runway 33: Execute left-climbing turn as soon as practicable after takeoff to 300° magnetic heading climbing to 2000' before proceeding northwestbound. Departure Runway 29: Climb to 2000' on a magnetic heading of 270° before proceeding northwestbound. Departure Runway 2: Climb to 2000' on a magnetic heading of 020° before making a left turn.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—2500'; 180°-270°—2500'; 270°-360°—3500'.

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009'; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 8; Eff. date, 7 Aug. 65; Sup. Amdt. No. 7; Dated, 22 Sept. 62

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA VOR	ARO VOR	Direct	5000	T-dn	300-1	300-1	300-1½
AM LOM	ARO VOR	Direct	5000	C-d	700-1	700-1	700-1½
Canyon Int	ARO VOR	Direct	5000	C-n	700-2	700-2	700-2
Claude Int	ARO VOR	Direct	5000	S-d-3	700-1	700-1	700-1
Finley Int	ARO VOR	Direct	5000	S-n-3	700-2	700-2	700-2
Palo Duro Int	ARO VOR	Direct	5000	A-dn	800-2	800-2	800-2
Plant Int	ARO VOR	Direct	5300	If Pullman Int identified by AMA Radar, the following minimums apply:			
Sam Int	ARO VOR	Direct	5300				
Tower Int	ARO VOR	Direct	5000	C-dn	500-1	500-1	500-1½
Westside Int	ARO VOR	Direct	5000	S-dn-3*	500-1	500-1	500-1

Radar transitions and vectoring using Amarillo Radar authorized in accordance with approved radar patterns.
Teardrop procedure turn—procedure turn E side of crs, 195° Outbnd, 033° Inbnd, 5100' within 10 miles.
Minimum altitude over ARO VOR on final approach crs, 5100' over Pullman Int, 4200'.
Crs and distance, facility to airport, 033°—7.7 miles. Pullman Int to airport, 033°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing ARO VOR, climb to 5000' on R-033 ARO VOR within 20 miles.
CAUTION: Towers, 3994' 3.4 miles SW; 3886' 2.1 miles SW; 3885' 2.7 miles SW of airport. 3764' grain elevator located adjacent to SW boundary of airport.
*Descent below 4300' not authorized unless aircraft is in radar contact with AMA Radar passing ARO VOR.
MSA within 25 miles of facility: 000°-360°—5400'.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3605'; Fac. Class., VORW; Ident., ARO; Procedure No. 2, Amdt. 2; Eff. date, 7 Aug. 65; Sup. Amdt. No. 1; Dated, 8 May 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn% C-dn A-dn*	500-1 1000-1 NA	500-1 1000-1 NA	500-1 1000-1½ NA

Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 5000' within 10 miles. Beyond 10 miles not authorized. Restricted area 11.5 miles SE of ELN VOR.
Minimum altitude over facility on final approach crs, 3500'.
Crs and distance, facility to airport, 260°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing ELN VOR, make climbing left turn to 5000' on R-110 ELN VOR within 10 miles.
CAUTION: High terrain all quadrants.
Other changes: Deletes transition from LF departure.
*No weather service. Air carrier use not authorized.
%Takeoffs all runways: Unless otherwise directed by ATC, the following departure procedure is recommended to insure adequate terrain and obstruction clearance: Climb on the ELN VOR R-267 within 5 miles to cross ELN VOR at 4500' northeastbound on V-2; 5000' northbound on V-25; 3000' southbound on V-25; 3500' westbound on V-2 and V-2 S. All turns S of R-267.
MSA within 25 miles of facility: 000°-090°—7000'; 090°-180°—5100'; 180°-270°—7400'; 270°-360°—8100'.

City, Ellensburg; State, Wash.; Airport name, Bowsers Field; Elev., 1760'; Fac. Class., L-BVORTAC; Ident., ELN; Procedure No. 1, Amdt. 3; Eff. date, 7 Aug. 65; Sup. Amdt. No. 2; Dated, 21 Nov. 64

				T-dn* C-d# C-n# A-dn	500-1 600-1½ 700-2 1000-2	500-1 600-1½ 700-2 1000-2	500-1 600-1½ 700-2 1000-2

Procedure turn E side of crs, 030° Outbnd, 210° Inbnd, 2200' within 10 miles.
Minimum altitude over Kapaa Int on final approach crs, 700' (800' night).
Crs and distance, facility to airport, 330°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at Kapaa Int, make left turn, climb to 3000' on R-030 within 20 miles, reverse crs and climb to 4000' over LIH VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: Terrain, 725' high 1.3 miles NW and 780' 1.75 miles S of airport.
NOTE: Visual flight required from Kapaa Int to airport.
#Circling to W not authorized.
**Takeoff on Runway 21 restricted to 600-2 day, 700-2 night.
*Aircraft departing Runway 21, make immediate left turn, maintain visual conditions until crossing shoreline, proceed on crs. All IFR departures, climb between radials 030° and 135° to assigned altitude.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—2600'; 180°-270°—5400'; 270°-360°—6200'.

City, Lihue; State, Hawaii; Airport name, Lihue; Elev., 147'; Fac. Class., BVOR; Ident., LIH; Procedure No. 1, Amdt. 8; Eff. date, 7 Aug. 65; Sup. Amdt. No. 7; Dated, 12 June 65

15 miles NW Breakers Int High Tide Int	High Tide Int Lihue VOR (final)	Via V-2 Direct	2000 **700	T-dn* C-d# C-n# A-dn	500-1 600-1½ 700-2 1000-2	500-1 600-1½ 700-2 1000-2	500-1 600-1½ 700-2 1000-2

Procedure turn N side of crs, 119° Outbnd, 299° Inbnd, 2600' within 10 miles. Procedure turn not required when cleared for straight-in approach to airport via Hightide Int.
Minimum altitude over facility on final approach crs, 700'.**
Crs and distance, facility to airport, 330°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of LIH VOR, make right turn, climb to 3000' on R-030 within 20 miles, reverse crs, climbing to 4000' over LIH VOR.
CAUTION: Terrain, 725' high, 1.3 miles NW and 780' 1.8 miles S of airport.
AIR CARRIER NOTE: Sliding scale not authorized.
**Takeoff on Runway 21, restricted to 600-2 day, 700-2 night.
*Aircraft departing from Runway 21 make immediate left turn, maintain visual conditions until crossing shoreline, proceed on crs. All IFR departures climb between radials 030° and 135° to assigned altitude.
**800' night.
#Circling to W not authorized.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—2600'; 180°-270°—5400'; 270°-360°—6200'.

City, Lihue; State, Hawaii; Airport name, Lihue; Elev., 147'; Fac. Class., BVOR; Ident., LIH; Procedure No. 2, Amdt. 3; Eff. date, 7 Aug. 65; Sup. Amdt. No. 2; Dated, 12 June 65

Walnut Grove Int/DME Fix Roseville Int/DME Fix Courtland Int/DME Fix	Courtland Int/DME Fix SAC VOR SAC VOR (final)	Direct Direct Direct	2500 1600 1200	T-dn C-dn S-dn-2 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 196° Outbnd, 016° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 016°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing SAC VOR, climb to 2500' on R-021 within 20 miles of SAC VOR or, when directed by ATC, make climbing left turn and climb to 2000' on R-329 within 20 miles of SAC VOR.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—2500'; 180°-270°—3600'; 270°-360°—3300'.

City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21'; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. 1, Amdt. 12; Eff. date, 7 Aug. 65; Sup. Amdt. No. 11; Dated, 22 Aug. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OKK VOR	MZZ VOR	Direct	2200	T-dn	300-1	300-1	200-½
OKK RBn	MZZ VOR	Direct	2200	C-dn	500-1	500-1	500-1½
				S-dn-4	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2
				If aircraft dual VOR equipped and Lucille Int received, following minimums apply:			
				C-dn	400-1	400-1	400-1½
				S-dn-4	400-1	400-1	400-1

Radar vectoring to final approach crs to eliminate procedure turn authorized by Bunker Hill approach control.
Procedure turn S side of crs, 211° Outbnd, 031° Inbnd, 2200' within 10 miles.
Minimum altitude over Lucille Int on final approach crs, 1300'.
Crs and distance, breakoff point to approach end of runway, 038°—0.39 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, make climbing left turn to 2200' within 10 miles, return to MZZ VOR.
NOTE: High tension power line 1 mile N of airport.
Aircraft will be released for final approach at least 6.0 miles from MZZ VOR.
Other change: Deletes air carrier note. Deletes weather note.
*Alternate minimums authorized only during hours of control zone operation, or for air carrier with weather reporting service.
MSA within 25 miles of facility: 090°-180°—2500'; 180°-090°—2300'.

City, Marion; State, Ind.; Airport name, Marion Municipal; Elev., 858'; Fac. Class., T-BVOR; Ident., MZZ; Procedure No. TerVOR-4, Amdt. 2; Eff. date, 7 Aug. 65; Sup. Amdt. No. 1; Dated, 6 Oct. 62

OKK VOR	MZZ VOR	Direct	2200	T-dn	300-1	300-1	200-½
OKK RBn	MZZ VOR	Direct	2200	C-dn	700-1	700-1	700-1½
				S-dn-22	700-1	700-1	700-1
				A-dn#	800-2	800-2	800-2
				If aircraft dual VOR equipped and Jones Int received, the following minimums apply:			
				C-dn	400-1	400-1	400-1½
				S-dn-22	400-1	400-1	400-1

Procedure turn S side of crs, 042° Outbnd, 222° Inbnd, 2200' within 10 miles of MZZ VOR.
Minimum altitude over MZZ VOR on final approach crs, 1600'; over Jones Int on final approach crs, 1600'.
Crs and distance, Jones Int to airport, 222°—2.1 miles.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mile of VOR, make climbing left turn to 2200' and return to MZZ VOR.
NOTE: High tension powerline 1 mile N of the airport.
Other change: Deletes alternate minimums note for air carrier. Deletes weather note.
Alternate minimums authorized only during hours of control zone operation, or for air carrier with weather reporting service.
MSA within 25 miles of facility: 090°-180°—2500'; 180°-090°—2300'.

City, Marion; State, Ind.; Airport name, Marion Municipal; Elev., 858'; Fac. Class., BVOR; Ident., MZZ; Procedure No. TerVOR-22, Amdt. 4; Eff. date, 7 Aug. 65; Sup. Amdt. No. 3; Dated, 6 Oct. 62

				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-dn-3	500-1	500-1	500-1
				A-dn%¢	800-2	800-2	800-2
				When control zone effective, following minimums apply for aircraft equipped with dual omni receivers operating simultaneously and Carla Int received:			
				C-d¢	400-1	500-1	500-1½
				C-n¢	400-2	500-2	500-2
				S-dn-33¢	400-1	400-1	400-1

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 3600' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of STE VOR, climb to 2800' on R-022 STE VOR within 10 miles.
¢These minimums apply at all times for those air carriers with approved weather reporting services.
$400-¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.
%Alternate minimums authorized only during hours of control zone operation.
MSA within 25 miles of facility: 000°-180°—2500'; 180°-270°—2600'; 270°-360°—3600'.

City, Stevens Point; State, Wis.; Airport name, Stevens Point Municipal; Elev., 1107'; Fac. Class., BVOR; Ident., STE; Procedure No. TerVOR-3, Amdt. Orig.; Eff. date, 7 Aug. 65

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				If aircraft equipped with operating DME and the 4-mile DME Fix identified the following minimums are authorized:			
				C-dn	600-1	600-1	600-1½

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'; over 4-mile DME Fix, 1000'.
Crs and distance, facility to airport 032°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing GNV VOR, climb to 1700' on R-040 within 20 miles of GNV VORTAC.
NOTE: When authorized by ATC, an 8-mile Arc using GNV DME may be used from R-162 clockwise through R-349 at 1800' until passing GNV VORTAC, to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—1400'; 180°-270°—1800'; 270°-360°—1900'.

City, Gainesville; State, Fla.; Airport name, Gainesville Municipal; Elev., 155'; Fac. Class., B-VORTAC; Ident., GNV; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 7 Aug. 65; Sup. Amdt. No. 1; Dated, 20 Mar. 65

ORL VOR	Wilcox Int	Direct	1600	T-dn	300-1	300-1	200-½
ORL LOM	Wilcox Int	Direct	1700	C-dn	400-1	500-1	500-1½
				S-dn-31*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 1600' within 10 miles of Wilcox Int.
Minimum altitude over Wilcox Int on final approach crs, 1600'.
Crs and distance, Wilcox Int to airport, 305°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Wilcox Int, climb to 2000' on the R-309 within 20 miles of ORL VOR, or when directed by ATC, turn right, and climb to 2000' on R-049 within 20 miles of ORL VOR.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled. (2) When authorized by ATC, Orlando DME may be used for a 9-mile orbit from R-045 clockwise through R-230 at 1700' to position aircraft for a straight-in approach with the elimination of the procedure turn.
*400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—1400'; 180°-270°—1800'; 270°-360°—2000'.

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113'; Fac. Class., H-BVOR/DME; Ident., ORL; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 7 Aug. 65; Sup. Amdt. No. 2; Dated, 30 Jan. 65

10-mile DME Fix R-029	PDX VOR	Direct	4000	T-dn*	300-1	300-1	200-½
10-mile DME Fix R-329	PDX VOR (final)	Direct	3000	C-d	900-1	900-1	900-1½
10-mile DME Fix R-074	PDX VOR	Direct	4000	C-n	900-2	900-2	900-2
Groves Int	PDX VOR	Direct	5400	A-dn	1000-2	1000-2	1000-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 159°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing PDX VOR, turn left, and return direct to PDX VOR climbing to 4000'.
CAUTION: 664' terrain, 1.8 miles SE of airport.
NOTE: When authorized by ATC, DME may be used between R-160 clockwise to R-329 within 15 miles at 4000' to position aircraft for straight-in approach with elimination of the procedure turn.
*200-½ authorized on 10R and L/28R and L. 700-2 required on Runways 2 and 20.
MSA within 25 miles of facility: 090°-180°—5100'; 180°-270°—3100'; 270°-090°—5600'.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26'; Fac. Class., H-BVORTAC; Ident., PDX; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 7 Aug. 65; Sup. Amdt. No. 3; Dated, 27 May 65

23-mile DME Fix R-021 (Roseville Int)	VOR	Direct	1600	T-dn	300-1	300-1	200-½
9-mile DME Fix R-195	VOR (final)	Direct	1200	C-dn	500-1	500-1	500-1½
				S-dn-2	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 196° Outbnd, 016° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 016°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.4-mile DME Fix R-016, climb to 2500' on SAC VOR R-016 to the 20-mile DME Fix R-016.
NOTE: When authorized by ATC, DME may be used within 15 to 20 miles at 2500' to position aircraft for straight-in approach with elimination of the procedure turn.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—2500'; 180°-270°—3600'; 270°-360°—3300'.

City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21'; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 7 Aug. 65; Sup. Amdt. No. Orig.; Dated, 22 Aug. 64

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
20-mile DME Fix R-021	20-mile DME Fix R-016	20 mile CCW	3000	T-dn C-dn S-dn-20 A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 600-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over 20-mile DME Fix R-016 on final approach crs, 3000'; over 11-mile DME Fix R-016 1600'; over 5.4-mile DME Fix R-016 600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.4-mile DME Fix R-016, proceed direct to the SAC VOR climbing to 2000' on R-195 to the 9-mile DME Fix R-195 (Courtland Int).
NOTE: When authorized by ATC, DME may be used within 15 to 20 miles at 2500' to position aircraft on final approach crs for straight-in approach.
Other change: Deletes transitions from 20-mile DME Fix and 11-mile DME Fix.
MSA within 25 miles of facility: 000°–090°—3500'; 090°–180°—2500'; 180°–270°—3600'; 270°–360°—3300'.

City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21'; Fac. Class., H-BVORTAC; Ident., SAC; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. date, 7 Aug. 65; Sup. Amdt. No. Orig.; Dated, 22 Aug. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
APE VOR Plain City Int CM LOM Dublin Int	CB LOM CB LOM CB LOM CB LOM	Direct Direct Direct Direct	2500 2500 2500 2500	T-dn## C-dn S-dn-10L#* A-dn	300-1 500-1 200-½ 600-2	300-1 500-1 200-½ 600-2	200-½ 500-1½ 200-½ 600-2

Radar vectorizing authorized in accordance with approved patterns.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500' within 10 miles.
Minimum altitude of glide slope intercept Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2495'—5.8 miles; at MM, 1028'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' and proceed direct to the CM LOM, hold E, 1-minute right turns, 276° Inbnd.
#Runway visual range 2400' also authorized for landing on Runway 10L; provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 1016' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2400' also authorized for takeoff on Runway 10L in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.
*500-¾ with glide slope inoperative.

City, Columbus; State, Ohio; Airport name, Columbus Municipal; Elev., 816'; Fac. Class., ILS; Ident., I-CBP; Procedure No. ILS-10L, Amdt. 2; Eff. date, 7 Aug. 65; Sup. Amdt. No. 1; Dated, 14 Mar. 64

Lofall Int Bainbridge LF Int PAE VOR	PAE LOM PAE LOM PAE LOM	Direct Direct Direct	3000 3000 3000	T-dn# C-dn S-dn-16* A-dn	300-1 600-2 200-½ 600-2	300-1 600-2 200-½ 600-2	200-½ 600-2 200-½ 600-2

Radar vectoring authorized utilizing Seattle Center Radar in accordance with approved patterns.
Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000' within 10 miles of PAE LOM.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM, 2692'—7.9 miles; at MM, 765'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing PAE LOM, turn right, climb to 2000' on R-275 of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000', direct PAE LOM.
NOTE: Localizer usable only 60° on either side of front crs. False crs indications possible in other areas.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
#Takeoff minimums 200-½ authorized only for Runways 16 and 34.
*400-1 required when glide slope not used. 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Everett; State, Wash.; Airport name, Paine Field; Elev., 603'; Fac. Class., ILS; Ident., I-PAE; Procedure No. ILS-16, Amdt. 5; Eff. date, 7 Aug. 65; Sup. Amdt. No. 4; Dated, 12 June 65

Justin Int Keller Int Joshua Int	Keller Int LOM (final) LOM	Direct Direct Direct	2000 2000 2300	T-dn C-dn S-dn-17#% A-dn	300-1 600-1 300-¾ 600-2	300-1 600-1 300-¾ 600-2	*200-½ 600-1½ 300-¾ 600-2

Radar vectoring may be used to position A/C for final approach N of LOM with elimination of procedure turn.
Procedure turn E side of crs, 354° Outbnd, 174° Inbnd, 2000' within 10 miles of LOM. Beyond 10 miles not authorized.
Nonstandard due to ATC requirements.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—3.5 miles, at MM, 950'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2300' on S crs ILS within 20 miles.
CAUTION: 956' grain elevator, 1.5 miles N and 960' grain elevator, 1.9 miles N of airport.
*300-1 required for takeoff Runways 9-27 and 13-31.
#600-¾ required when glide slope not utilized.
%400-1 required when control tower is not in operation. Normal hours of tower operation 0600-2200 c.s.t. daily.

City, Fort Worth; State, Tex.; Airport name, Meacham Field; Elev., 692'; Fac. Class., ILS; Ident., I-FTW; Procedure No. ILS-17, Amdt. 18; Eff. date, 7 Aug. 65; Sup. Amdt. No. 17; Dated, 3 Apr. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pebble Int	LOM	Direct	4000	T-dn%*	300-1	300-1	200-½
Salinas VOR	LOM	Direct	3000	C-d	700-2	700-2	700-2
Salinas VOR	Marina Int	Direct	2000	C-n	700-3	700-3	700-3
Marina Int	LOM	Direct	2000	S-dn-10#	300-¾	300-¾	300-¾
Shark Int	Seal Int	Direct	4000	A-d	700-2	700-2	700-2
Seal Int	LOM (final)	Direct	1700	A-n	700-3	700-3	700-3

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2000' within 10 miles of OM. Beyond 10 miles not authorized.
Minimum altitude at glide slope intercept Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1630'—4.3 miles; at MM, 370'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mile after passing MM, make immediate left-climbing turn, proceed direct to LOM climbing to 2000' in a 1-minute holding pattern, 096° Inbnd, right turns.
CAUTION: High terrain, SW through SE of airport. All maneuvering for circling approaches must be accomplished N of Runways 10/28.
AIR CARRIER NOTE: Reductions in visibility by sliding scale or local conditions not authorized, except for takeoff on Runway 28.
Other change: Deletes transition from Carmel Int.
*300-1 required for takeoff on Runway 6. *1000-1 required for takeoff on Runway 24.
*700-1 required for takeoff on Runway 10 and left turn must be started within 1 mile of airport.
%Southbound IFR departures must comply with published Monterey SID's.
#400-1 required with any component of the ILS inoperative except that 700-1¼ required with glide slope inoperative.

City, Monterey; State, Calif; Airport name, Monterey Peninsula; Elev., 220'; Fac. Class., ILS; Ident., I-MRY; Procedure No. ILS-10, Amdt. 12; Eff. date, 7 Aug. 65; Sup. Amdt. No. 11; Dated, 14 Nov. 64

Walnut Grove Int	Courtland Int	Direct	2500	T-dn	300-1	300-1	200-½
Courtland Int	LOM (final)	Direct	1200	C-dn	500-1	500-1	500-1½
				S-dn-2*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 196° Outbnd, 016° Inbnd, 1200' within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1169'—4.0 miles; at MM, 213'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing MM, climb to 2500' on SAC ILS N crs within 20 miles of OM or, when directed by ATC, climb straight ahead to 500', make left-climbing turn, and climb to 2000' on SAC VOR R-329 within 20 miles of SAC VOR.
*400-½ required if glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21'; Fac. Class., ILS; Ident., I-SAC; Procedure No. ILS-2, Amdt. 10; Eff. date, 7 Aug. 65; Sup. Amdt. No. 9; Dated, 22 Aug. 64

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-20	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Radar vectoring to final approach crs, required.
Minimum altitude over Parker Int on final approach crs, 1600'.
Crs and distance, Parker Int to Airport, 196°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Parker Int, climb to 2000' on the S crs of the SAC ILS localizer and hold S of the LOM in a 1-minute holding pattern, 046° Inbnd, right turns.
NOTE: Radar identification of Parker Int authorized (6-mile Radar Fix).

City, Sacramento; State, Calif.; Airport name, Sacramento Municipal; Elev., 21'; Fac. Class., ILS; Ident., I-SAC; Procedure No. ILS-20 (back crs), Amdt. 7; Eff. date, 7 Aug. 65.; Sup. Amdt. No. 6; Dated, 22 Aug. 64

Sioux Falls RBn	Renner Int	Direct	2700	T-dn#	300-1	300-1	200-½
Sioux Falls VOR	Renner Int	Direct	2700	C-dn	500-1	500-1	500-1½
Baltic Int	Renner Int (final)	Direct	2500	S-dn-21%	400-1	400-1	400-1
Sherman Int	NE crs ILS (final)	Via R-046 FSD VOR.	2500	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 026° Outbnd, 206° Inbnd, 2700' within 10 miles of Renner Int.
No glide slope. Minimum altitude over Renner Int, 2500'. No outer marker. No middle marker.
Crs and distance, Renner Int to airport, 206°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Renner Int, climb to 2700' on SW crs ILS, within 10 miles of LOM. Return to LOM and hold on 206° bearing.
NOTE: Procedure authorized only for those aircraft equipped to receive VOR and ILS simultaneously. When authorized by ATC, FSD DME may be used to position aircraft for straight-in approach at 3000' between R-295 clockwise to R-050 via 9-mile DME Arc with the elimination of procedure turn.
#300-1 required for takeoff Runway 15.
%400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS-21 (back crs), Amdt. 7; Eff. date, 7 Aug. 65; Sup. Amdt. No. 6; Dated, 30 Jan. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thornhurst VOR	CYE RBn*	Direct	3600	T-dn#	600-1	600-1	600-1
Effort Int	CYE RBn*	Direct	3700	C-d	900-1½	1000-1½	1000-2
Pocono Int	CYE RBn*	Direct	3800	C-n	1300-2	1300-2	1300-2
Scranton Int	CYE RBn*	Direct	4000	S-dn-4**	600-1	600-1	600-1
Lopez Int	CYE RBn*	Direct	3600	A-d	1200-2	1200-2	1200-2
Hazleton RBn	CYE RBn*	Direct	3600	A-n	1600-3	1600-3	1600-3
Hazleton VOR	CYE RBn*	Direct	3600				

Radar transitions authorized in accordance with approved patterns. Radar vectoring to final approach crs must intercept localizer SW of CYE RBn.
Procedure turn W% side SW crs, 223° Outbnd, 043° Inbnd, 3600' within 10 miles of Crystal Lake RBn.
Minimum altitude at glide slope Int Inbnd final, 3500' over Crystal Lake RBn.
Altitude of glide slope and distance to approach end of runway at CYE RBn*, 3500'—8.6 miles; at OM, 2230'—3.9 miles; at MM, 1180'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM or 8.6 miles after passing Crystal Lake RBn, climb to 3600' on crs, 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000'. Hold E, 1-minute right turns, Inbnd crs, 268° or, when directed by ATC, (1) climb to 3600' on crs, 043° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 3600', hold SW 1-minute left turns Inbnd crs, 043°, (2) hold W of Crystal Lake RBn, 3600' 1-minute right turns, Inbnd crs, 100°.
NOTE: High terrain to E, SE, and S of airport within 2.5 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
Other change: Deletes description of Scranton Int.
#Takeoff minimums for Runways 10 and 16: Day—600-2, night—800-2.
*Crystal Lake RBn—this approach is authorized only when Crystal Lake Radio Beacon is operating, and/or when radar vectoring to final is available.
**If glide slope not utilized, straight-in minimums to Runway 4 will be 800-1—65 knots or less, 800-1½—more than 65 knots. After passing CYE RBn, if OM not received do not descend below 2600'.
%Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from en route traffic.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class., ILS; Ident., I-AVP; Procedure No. ILS-4, Amdt. 17; Eff. date, 7 Aug. 65; Sup. Amdt. No. 16; Dated, 18 Apr. 64

Millbury Int	OR LOM	Direct	2400	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				S-dn-33*	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2
				Without glide slope:			
				S-dn-33*	300-¾	300-¾	300-¾

Procedure turn E side of crs, 152° Outbnd, 332° Inbnd, 2400' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2400'.
Altitude of glide slope and distance to approach end of runway at OM, 2343'—4.0 miles; at MM, 1226'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing OR LOM, or at the LMM, make an immediate left-climbing turn to 2400' direct to OR LOM. Hold SE of OR LOM, 332° Inbnd, 1-minute right turns.
CAUTION: 1663' radio tower (1.9 miles NW of airport).
*Missed approach point is the LMM.
400-1 required when LMM is inoperative.
Departure Procedures: Departure Runway 33: Execute left-climbing turn as soon as practicable after takeoff to 300° magnetic heading climbing to 2000' before proceeding northwestbound. Departure Runway 29: Climb to 2000' on a magnetic heading of 270° before proceeding northwestbound. Departure Runway 2: Climb to 2000' on a magnetic heading of 020° before making a left turn.

City, Worcester; State, Mass.; Airport name, Worcester Municipal; Elev., 1009'; Fac. Class., ILS; Ident., I-ORH; Procedure No. ILS-33, Amdt. 8; Eff. date, 7 Aug. 65; Sup. Amdt. No. 7; Dated, 22 Sept. 62

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
070	210	20	7600	15	7100									Surveillance approach			
210	350	20	4100	15	3700												
350	070	20	5100	15	4600												
All quadrants						10	3500							T-dn#	600-1	600-1	600-1
														C-d-4, 10, 22	1000-1½	1000-1½	1000-2
														C-n—All	1300-2	1300-2	1300-2
														S-dn-4	1000-1½	1000-1½	1000-2
														S-dn-10	900-1½	900-1½	900-1½
														S-dn-22	800-1	800-1½	800-1½
														A-d—All	1200-2	1200-2	1200-2
														A-n—All	1600-3	1600-3	1600-3

Runway 22: Climb straight ahead to 3600' on direct course to Crystal Lake RBn. Hold SW 1-minute left turns, Inbnd crs, 043°. Runway 4: Climb to 3600' on crs, 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000'. Hold E, 1-minute right turns, Inbnd crs, 268°. Runway 10: Make an immediate left-climbing turn so as to intercept a crs of 043° from Wilkes-Barre LOM climb to 3600' on crs, 043°, then make right turn, proceed direct to Wilkes-Barre VOR, maintain 4000'. Hold E 1-minute right turns Inbnd crs, 268°.
NOTE: High terrain to E, SE, and S of airport within 2.5 miles.
Other change: Deletes radar control note.
#Takeoff minimums for Runways 10 and 16, 600-2 day, 800-2 night.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class. and Ident., Wilkes-Barre Radar; Procedure No. 1, Amdt. 2; Eff. date, 7 Aug. 65; Sup. Amdt. No. 1; Dated, 25 Aug. 62

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

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

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

[F.R. Doc. 65-7242; Filed, Aug. 5, 1965; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 2—Employees' Personal Property Claims

New Subpart 2 is added:

Sec.
1204.200 Scope of subpart.
1204.201 Claimants.
1204.202 Maximum amount.
1204.203 Time limitations.
1204.204 Allowable claims.
1204.205 Unallowable claims.
1204.206 Submission of claims.
1204.207 Evidence in support of claim.
1204.208 Recovery from carriers, insurers, and other third parties.
1204.209 Computation of allowance.
1204.210 Settlement of claims.
1204.211 Annual reports to Congress.

AUTHORITY: The provisions of this Subpart 2 issued under the authority of 31 U.S.C. 240-242.

§ 1204.200 Scope of subpart.

This subpart prescribes regulations governing the settlement of claims against the National Aeronautics and Space Administration (NASA) for damage to, or loss of, personal property incident to service with NASA.

§ 1204.201 Claimants.

(a) A claim for damage to, or loss of, personal property incident to service with NASA may be made only by:

(1) An officer or employee of the National Aeronautics and Space Administration;

(2) A member of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) assigned to duty with or otherwise under the jurisdiction of NASA;

(3) The authorized agent or legal representative of a person named in subparagraph (1) or (2) of this paragraph (a); or

(4) The survivors of a person named in subparagraph (1) or (2) of this paragraph (a) in the following order of precedence: Spouse; children; father or mother, or both; or brothers or sisters, or both. Claims by survivors may be allowed whether arising before, concurrently with, or after the decedent's death, if otherwise covered by this Subpart 2.

(b) Employees of contractors with the United States and employees of nonappropriated fund activities are not included within the meaning of paragraph (a) (1) or (2) of this section.

(c) Claims may not be made by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 1204.202 Maximum amount.

The maximum amount that can be paid on any claim under Public Law 88-558 is $6,500.

§ 1204.203 Time limitations.

(a) A claim may be allowed only if it accrued after August 31, 1964, and only if it is presented in writing within two years after it accrues. For the purposes of this Subpart 2, a claim accrues at the time of the accident or incident causing the loss or damage, or at such time as the loss or damage is or should have been discovered by the claimant through the exercise of due diligence.

(b) If a claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged, or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier. The dates of beginning and ending of such an armed conflict are the dates established by concurrent resolution of the Congress or by a determination of the President.

§ 1204.204 Allowable claims.

(a) A claim may be allowed only if:

(1) The damage or loss was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, the members of his family, or his private employee (the standard to be applied is that of reasonable care under the circumstances);

(2) The possession of the property lost or damaged and the quantity possessed is determined to have been reasonable, useful, or proper under the circumstances; and

(3) The claim is substantiated by proper and convincing evidence.

(b) Claims which are otherwise allowable under this Subpart 2 shall not be disallowed solely because the property was not in the possession of the claimant at the time of the damage or loss, or solely because the claimant was not the legal owner of the property for which the claim is made. For example, borrowed property may be the subject of a claim.

(c) Subject to the conditions in paragraph (a) of this section and the other provisions of this Subpart 2, any claim for damage to, or loss of, personal property incident to service with NASA may be considered and allowed. The following are examples of the principal types of claims which may be allowed, but these examples are not exclusive and other types of claims may be allowed, unless excluded by § 1204.205.

(1) *Property loss or damage in quarters or other authorized places.* Claims may be allowed for damage to, or loss of, property arising from fire, flood, hurricane, other natural disaster, theft, or other unusual occurrence, while such property is located at:

(i) Quarters within the 50 States or the District of Columbia that were assigned to the claimant or otherwise provided in kind by the United States;

(ii) Quarters outside the 50 States and the District of Columbia that were occupied by the claimant, whether or not they were assigned or otherwise provided in kind by the United States, except when the claimant is a civilian employee who is a local inhabitant; or

(iii) Any warehouse, office, working area, hospital, or other place authorized or apparently authorized for the reception or storage of property.

(2) *Transportation or travel losses.* Claims may be allowed for damage to, or loss of, property incident to transportation or storage pursuant to orders, or in connection with travel under orders, including property in the custody of a carrier, an agent or agency of the Government, or the claimant.

(3) *House trailers.* Claims may be allowed for damage to, or loss of, house trailers and their contents under the provisions of subparagraph (2) of this paragraph (c). Claims for structural damage to house trailers, other than that caused by collision, and damage to contents of house trailers resulting from such structural damage, must contain conclusive evidence that the damage was not caused by structural deficiency of the trailer and that the trailer was not overloaded. Claims for damage to, or loss of, tires mounted on trailers will not be allowed, except in cases of collision, theft, or vandalism.

(4) *Negligence of the Government.* Claims may be allowed for damage to, or loss of, property caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment.

(5) *Enemy action or public service.* Claims may be allowed for damage to, or loss of, property as a direct consequence of:

(i) Enemy action or threat thereof, or combat, guerrilla, brigandage, or other belligerent activity, or unjust confiscation by a foreign power or its nationals;

(ii) Action by the claimant to quiet a civil disturbance or to alleviate a public disaster; or

(iii) Efforts by the claimant to save human life or Government property.

(6) *Property used for benefit of the Government.* Claims may be allowed for damage to, or loss of, property when used for the benefit of the Government at the request of, or with the knowledge and consent of, superior authority.

(7) *Clothing and accessories.* Claims may be allowed for damage to, or loss of, clothing or accessories customarily worn on the person, such as eyeglasses, hearing aids or dentures.

§ 1204.205 Unallowable claims.

Claims are not allowable for the following:

(a) *Unassigned quarters in United States.* Claims may not be allowed for property loss or damage in quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States.

(b) *Money or currency.* Claims may not be allowed for loss of money or cur-

rency, except when lost incident to fire, flood, hurricane, other natural disaster, or by theft from quarters (as limited by paragraph (a) of this section). In instances of theft from quarters, it must be conclusively shown that the quarters were locked at the time of the theft. Reimbursement for loss of money or currency is limited to an amount which is determined to have been reasonable for the claimant to have had in his possession at the time of the loss.

(c) *Government property.* Claims may not be allowed for property owned by the United States, except that for which the claimant is financially responsible to any agency of the Government other than NASA.

(d) *Business property.* Claims may not be allowed for property used in a private business enterprise.

(e) *Articles of extraordinary value.* Claims may not be allowed for valuable articles, such as cameras, watches, jewelry, furs, or other articles of extraordinary value, when shipped with household goods or as unaccompanied baggage (shipment includes storage). This prohibition does not apply to articles in the personal custody of the claimant or articles properly checked, provided that reasonable protection or security measures have been taken by claimant.

(f) *Unserviceable property.* Claims may not be allowed for worn-out or unserviceable property.

(g) *Illegal possession.* Claims may not be allowed for property acquired, possessed, or transported in violation of law or in violation of applicable regulations or directives.

(h) *Estimate fees.* Claims may not include fees paid to obtain estimates of repair, except when it is clear that an estimate could not have been obtained without paying a fee. In that case, the fee may be allowed only in an amount determined to be reasonable in relation to the value of the property or the cost of the repairs.

(i) *Automobiles and other motor vehicles.* Claims may not be allowed for damage to, or loss of, automobiles and other motor vehicles unless:

(1) Such motor vehicles were required to be used for official Government business (official Government business, as used here, does not include travel between quarters and place of duty, parking of vehicles incident to such travel, or use of vehicles for the convenience of the owner); or

(2) Shipment of such motor vehicles to, from, or between overseas areas was being furnished or provided by the Government; or

(3) Such damage or loss was caused by the negligent or wrongful act or omission of any employee of the Government acting within the scope of his office or employment.

§ 1204.206 Submission of claims.

(a) Claims shall be submitted in duplicate on NASA Form 1204 (Employee's Claim for Damage to, or Loss of, Personal Property Incident to Service), copies of which are available from the Office of General Counsel at Headquarters, the Office of the Chief Counsel at Field Installations, and such other offices as may be designated by the head of an Installation.

(b) Employees at Headquarters shall submit their claims to the General Counsel or the Deputy General Counsel. Employees in the field shall submit their claims to the cognizant counsel for their Installation or, if there is no such official, to the General Counsel or the Deputy General Counsel.

§ 1204.207 Evidence in support of claim.

(a) *General.* In addition to the information required on NASA Form 1204, and any other evidence required by counsel, the claimant will furnish the following evidence when relevant:

(1) A corroborating statement from the claimant's supervisor or other person or persons having personal knowledge of the facts concerning the claim.

(2) A statement of any property recovered or replaced in kind.

(3) An itemized bill of repair for property which has been repaired, or one or more written estimates of the cost of repairs from competent persons if the property is repairable but has not been repaired.

(b) *Specific classes of claims.* Claims of the following types shall also be accompanied with the specific and detailed evidence listed below:

(1) *Theft, burglary, etc.* A statement describing in detail the location where the loss occurred and the facts and circumstances surrounding the loss, including evidence of larceny, burglary or housebreaking, such as breaking and entering, capture of the thief, recovery of part of the stolen goods, police report, etc. In addition the statement must contain evidence that the claimant exercised due care in protecting his property prior to the loss. Attention will be given to the degree of care normally exercised in the locale of the loss due to any unusual risks involved.

(2) *Transportation losses.* A copy of orders authorizing the travel, transportation or shipment, or a certificate explaining the absence of such orders, and stating their substance; all bills of lading and inventories of property shipped; and a statement indicating the condition of the property when turned over to the carrier and when received from the carrier.

§ 1204.208 Recovery from carriers, insurers, and other third parties.

(a) *General.* NASA is not an insurer and does not underwrite all personal property losses that an employee may sustain. Employees are encouraged to carry private insurance to the maximum extent practicable to avoid large losses or losses which may not be recoverable from NASA. The procedures set forth in this section are designed to enable the claimant to obtain the maximum amount of compensation for his loss or damage. Failure of the claimant to comply with these procedures may reduce or preclude payment of his claim under this Subpart 2.

(b) *Demand on carrier, contractor, warehouseman, or insurer.* When it appears that property has been damaged or lost under circumstances in which a carrier, warehouseman, contractor, or insurer may be responsible, the claimant shall make a written demand on such party, either befor or after submitting a claim against NASA. The cognizant counsel, if requested, will assist in making demand on the third party. No such demand need be made if, in the opinion of the appropriate counsel, it would be impracticable or any recovery would be insignificant, or if circumstances preclude the claimant from making timely demand.

(c) *Action subsequent to demand.* A copy of the demand and of any related correspondence shall be submitted to counsel. If the carrier, insurer, or other third party offers a settlement which is less than the amount of the demand, the claimant shall consult with counsel before accepting the amount so offered. The claimant shall also notify counsel promptly of any other action by such third party, including settlement, partial settlement, or denial of liability.

(d) *Application of recovery.* When the amount recovered from a carrier, insurer, or other third party is greater than or equal to the claimant's total loss as determined under this Subpart 2, no compensation is allowable under this Subpart 2. When the amount recovered is less than such total loss, the allowable amount is determined by deducting the recovery from the amount of such total loss. For the purpose of this paragraph (d) the claimant's total loss is to be determined without regard to the $6,500 maximum set forth in § 1204.202. However, if the resulting amount, after making this deduction, exceeds $6,500, the claimant will be allowed only $6,500.

(e) *Transfer of rights.* The claimant shall assign to the United States, to the extent of any payment on his claim accepted by him, all his right, title, and interest in any claim he may have against any carrier, insurer, or other party arising out of the accident or incident on which his claim against the United States is based. He shall also, upon request, furnish such evidence and other cooperation as may be required to enable the United States to enforce the claim. After payment on his claim by the United States, the claimant shall, upon receipt of any payment from a carrier, insurer, or other party, notify counsel and pay the proceeds to the United States to the extent required under the provisions of paragraph (d) of this section.

§ 1204.209 Computation of allowance.

(a) The amount allowed for damage to or loss of any item of property may not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange); and there will be no allowance for replacement cost or for appreciation in the value of the property. Subject to these limitations, the amount allowable is either:

(1) The depreciated value, immediately prior to the loss or damage, of property lost or damaged beyond eco-

nomical repair, less any salvage value; or

(2) The reasonable cost of repairs, when property is economically repairable, provided that the cost of repairs does not exceed the amount allowable under subparagraph (1) of this paragraph.

(b) Depreciation in value is determined by considering the type of article involved, its cost, its condition when damaged or lost, and the time elapsed between the date of acquisition and the date of damage or loss.

(c) To the extent that he deems it appropriate, the General Counsel is authorized to issue guides for determining the allowable compensation for specific articles, the rates of depreciation to be applied to certain articles, and the maximum amounts allowable for certain types and quantities of property.

(d) Replacement of lost or damaged property may be made in kind whenever appropriate.

§ 1204.210 Settlement of claims.

(a) *Settlement officials.* (1) The General Counsel and the Deputy General Counsel are authorized to settle (consider, ascertain, adjust, determine, and dispose of, whether by full or partial allowance or disallowance) any claim under this Subpart 2.

(2) The Chief Counsel assigned to a Field Installation is authorized to settle any claim under this Subpart 2, not exceeding $1,000, submitted by employees under the jurisdiction of that Installation. In addition, the Chief Counsel, Langley Research Center, is authorized to settle any such claim submitted by employees at the Wallops Station and the Chief Counsel, Western Operations Office, is authorized to settle any such claim submitted by employees at the Flight Research Center, the Pacific Launch Operations Office, and the NASA Resident Office—JPL. Claims arising in the field for more than $1,000 shall be investigated by the Chief Counsel and forwarded, with his report and recommendation thereon, to the General Counsel or the Deputy General Counsel for settlement.

(3) The General Counsel is authorized to designate counsel to settle claims for other field offices.

(b) *Investigation of claims.* The cognizant counsel shall conduct such investigation as may be appropriate in order to determine the validity of a claim. The services of the Inspections Division or the Safety Officer, Office of Administration, or other appropriate office may be utilized to assist in such investigation.

(c) *Action by settlement official.* (1) For each claim the cognizant counsel shall complete a report in duplicate on NASA Form 1204, and retain a claim file consisting of the original claim, his report, and any other relevant evidence or documents.

(2) When a claim is allowed in an amount acceptable to the claimant, the counsel shall prepare a "Voucher for Payment of Employees' Personal Property Claims" (NASA Form 1220), have it properly executed by the claimant, and forward it to the appropriate NASA fiscal or financial management office for payment, with a copy of the approved claim (NASA Form 1204).

(3) When a claim is disallowed, or is partially allowed in an amount unacceptable to the claimant, the counsel shall notify the claimant in writing of the action taken and the reasons therefor. If the claimant is not satisfied with the action taken, he may, within 60 days after receipt of such notice, request reconsideration of his claim and he may submit any new or additional evidence that he feels to be pertinent to his claim. If such a claim has been disallowed by the Chief Counsel of a Field Installation, the claimant may request such reconsideration by either the Chief Counsel or the General Counsel, or both.

(d) *Final and conclusive.* The settlement of a claim under this Subpart 2, whether by full or partial allowance or disallowance, is final and conclusive.

§ 1204.211 Annual reports to Congress.

Public Law 88-558 provides that the head of each agency shall report once a year to Congress on claims settled under its authority, including in such report for each claim the name of the claimant, the amount claimed, and the amount paid. In order to comply with this requirement, the fiscal or financial management office at each Field Installation shall, in January of each year, forward to the Office of Financial Management at Headquarters a report containing the information in this section for each claim settled at that Installation during the preceding calendar year; and the Office of Financial Management shall prepare an agency-wide report and forward it to the Office of Legislative Affairs for submission to the Congress.

Effective date. The provisions of this Subpart 2 were effective August 31, 1964.

HUGH L. DRYDEN,
Deputy Administrator.

[F.R. Doc. 65-8274; Filed, Aug. 5, 1965; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 3]

PART 120—LOAN POLICY

Terms and Conditions of Financial Assistance

The Loan Policy Regulation, as revised in 28 F.R. 6675, and amended in 29 F.R. 2486 and 29 F.R. 18419, is hereby further amended by adding a new § 120.2(b)(4) which reads as follows:

§ 120.2 Terms and conditions of financial assistance.

* * * * *

(b) * * *

(4) *Closing fees.* A closing fee equivalent to one-eighth of one percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other loan closing costs (such as recording fees and taxes, costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

* * * * *

Effective date. This amendment shall be effective for all applicable loan applications filed on or after July 1, 1965.

Dated: July 26, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-8253; Filed, Aug. 5, 1965; 8:45 a.m.]

Title 25—INDIANS

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

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

PART 163—ESTABLISHMENT OF ROADLESS AND WILD AREAS ON INDIAN RESERVATIONS

Roadless Areas and Prohibited Roads

On page 5849 of the FEDERAL REGISTER of April 27, 1965, there was published a notice of proposed rule making to amend § 163 of Title 25 Code of Federal Regulations. The purpose of the amendment is to exclude the 115,000 acres on the Ute Mountain Reservation known as the Mesa Verde Roadless Area from the list of roadless areas heretofore set forth in § 163.1 of Title 25 CFR. The tribe has requested the elimination of the area to facilitate the economic development of the area.

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing on the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30 day period, no comments, suggestions or objections were received. Because the elimination of the roadless area on the Ute Mountain Reservation will be of great economic benefit to the Ute Mountain Ute Tribe, the proposed amendment is adopted without change and will become effective on the date of publication in the FEDERAL REGISTER. As so amended, 25 CFR 163 will read as set forth below.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

AUGUST 2, 1965.

1. Section 163.1 is amended to provide for the elimination of the Mesa Verde roadless area and to read as follows:

§ 163.1 Definition of roadless area.

A roadless area has been defined as one which contains no provision for the passage of motorized transportation and which is at least 100,000 acres in extent. Under this definition the Secretary of the Interior ordered (3 F.R. 609, Mar. 22,

1938) certain roadless areas established on Indian reservations. The following is the only presently existing roadless area:

Name of area	Reservation	State	Approximate acreage
Wind River Reserve.	Shoshone.	Wyoming.	180,387

(a) The boundaries of the Wind River Reserve roadless area are as follows:

WIND RIVER MERIDIAN, WYO.

Starting at the SW corner of sec. 22, T. 2 S., R. 3 W., on the south boundary of the Wind River Indian Reservation, thence north six (6) miles to the NE corner of sec. 28, T. 1 S., R. 3 W., thence west three (3) miles to the SW corner of sec. 19, T. 1 S., R. 3 W., thence north four (4) miles along range line to the Wind River Base Line, thence west one (1) mile along Wind River Base Line to the SW corner of sec. 36, T. 1 N., R. 4 W., thence north six (6) miles to the NW corner of sec. 1, T. 1 N., R. 4 W., thence west five (5) miles along township line to the NE corner of sec. 1, T. 1 N., R. 5 W., thence north four and one-half (4½) miles along range line to the NE corner of the SE¼ of sec. 12, T. 2 N., R. 5 W., thence west one and one-half (1½) miles to the center of sec. 11, T. 2 N., R. 5 W., thence on a straight line in a northwesterly direction to the top of Bold Mountain, thence on a straight line to the SE corner of sec. 35, T. 4 N., R. 6 W., thence west one (1) mile along township line to the SW corner of sec. 35, T. 4 N., R. 6 W., thence north two (2) miles to the NW corner of sec. 26, T. 4 N., R. 6 W., thence on a straight line in a northwesterly direction to the point where the north line of sec. 15, T. 4 N., R. 6 W. intersects the west boundary of the reservation, thence south, southeasterly and east along the reservation boundary to point of beginning.

2. Section 163.3 is amended to make the section applicable only to the Wind River Reserve roadless area and reads as follows:

§ 163.3 Roads prohibited.

(a) Within the boundaries of this officially designated roadless area it will be the policy of the Interior Department to refuse consent to the construction or establishment of any routes passable to motor transportation, including in this restriction highways, roads, truck trails, work roads, and all other types of ways constructed to make possible the passage of motor vehicles either for transportation of people or for the hauling of supplies and equipment, unless the requirements of fire protection, commercial use for the Indians' benefit or actual needs of the Indians clearly demand otherwise.

(b) Foot trails and horse trails are not barred. The Superintendent of the Wind River Reservation on which this roadless area has been established will be held strictly accountable for seeing that the area is maintained in a roadless condition. Elimination of this area or any part thereof from the restriction of this order will be made only upon a written showing of an actual and controlling need.

CROSS REFERENCE: For rights-of-way for highways over Indian lands, see Part 161 of this chapter.

[F.R. Doc. 65-8262; Filed, Aug. 5, 1965; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Attorneys and Field Examiners

In Part 2, § 2.74 is revised to read as follows:

§ 2.74 Attorneys and field examiners in Office of Chief Attorney and other employees who are qualified and designated by station head authorized, when assigned, to conduct investigations (field examinations) and examine witnesses upon any matter within jurisdiction of Veterans Administration, to take affidavits, to administer oaths and affirmations and to aid claimants in preparation of claims.

This delegation of authority is identical to § 13.2(a) of this chapter.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-8271; Filed, Aug. 5, 1965; 8:47 a.m.]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. In § 13.2, paragraphs (a) and (b)(6) are amended to read as follows:

§ 13.2 Field examinations.

(a) *Authority to conduct.* Attorneys and field examiners in the Office of the Chief Attorney and other employees who are qualified and designated by the station head are authorized, when assigned, to conduct investigations (field examinations) and examine witnesses upon any matter within the jurisdiction of the Veterans Administration, to take affidavits, to administer oaths and affirmations and to aid claimants in the preparation of claims.

(b) *Scope of field examinations.* * * *

(6) General administrative matters as directed by the station head.

* * * * *

2. In § 13.58(b)(2), subdivisions (iii), (iv) are amended and subdivision (v) is added so that the amended and added material reads as follows:

§ 13.58 Legal custodian.

* * * * *

(b) *Payment to.* * * *

(2) * * *

(iii) Provide adequate safeguards for the estate,

(iv) Establish upon request compliance with agreement and the existence of funds agreed to be saved, and

(v) Inform the Chief Attorney upon any admission of veteran-beneficiaries without wife or child for hospital treatment, institutional or domiciliary care of the beneficiary to an institution operated by the United States or a political subdivision thereof, and thereafter account as provided in § 13.102.

3. Section 13.102 is revised to read as follows:

§ 13.102 Accountability of legal custodians.

(a) *Institutionalized veterans without wife or child.* The legal custodian of any incompetent veteran who has neither wife nor child and who is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, will account annually to the Veterans Administration for funds received from the Veterans Administration for the beneficiary and will submit annually a statement of all other income received during the accounting period and the total assets from any source held for the beneficiary.

(b) *All other beneficiaries.* Compliance with the agreement as to benefit use and any authorized modifications due to changed need, proof of existence of funds surplus to immediate needs and proper investment thereof, if appropriate, will be established upon home contact, normally at triennial intervals. Periodic written accountings will not be required.

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

These VA Regulations are effective the date of approval.

Approved: August 2, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-8272; Filed, Aug. 5, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1005]

[Docket No. AO-177-A24]

MILK IN TRI-STATE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to 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 orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tri-State marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed 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 (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Charleston, W. Va., on February 9–12, 1965, pursuant to notice thereof which was issued January 12, 1965 (30 F.R. 584).

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

1. Expansion of the marketing area.
2. Replacing individual-handler pooling with marketwide pooling of returns to producers.
3. Revising the Class I price differentials.
4. Revising the supply-demand adjustment provisions.
5. Instituting a "Louisville plan" for distributing returns to producers.
6. Miscellaneous and conforming changes.

A decision was issued April 23, 1965 (30 F.R. 5904), dealing with Issue Nos. 3 and 5. This decision is concerned with the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should not be expanded to include Greenbrier County, W. Va.

Greenbrier County attaches to Fayette County, W. Va., on the easternmost edge of the marketing area. Five Tri-State order regulated handlers have the major portion of the Class I distribution in the county. The remaining portion of the Class I distribution is from the plants of two unregulated handlers in the county, one at Lowell and the other at Ronceverte. Neither unregulated handler has any Class I sales in the Tri-State marketing area.

Including Greenbrier County in the marketing area was proposed by a regulated handler in Beckley, W. Va. Although only 7 percent of this handler's Class I sales is in Greenbrier County, he has more Class I distribution in the county than any other handler.

Of the two unregulated handlers in Greenbrier County, no testimony was presented relative to the operation of the handler at Lowell except that he is "very small".

The Ronceverte distributor receives milk from 18 dairy farmers. In addition to his Class I operations, he utilizes milk received from dairy farmers in the manufacture of ice cream and cottage cheese.

There is no evident dissatisfaction among producers supplying the present unregulated handlers in Greenbrier County. None of these producers testified at the hearing.

Essentially, the purpose of the proposal to add Greenbrier County to the marketing area is to bring the handler at Ronceverte under regulation. The proponent for adding Greenbrier County to the marketing area claims to be disadvantaged in competing with the Ronceverte handler for Class I sales in the county; he suggested that the unregulated handler is able to obtain supplies at prices lower than those provided in the order.

No data were presented showing either the payment plan utilized by the unregulated Ronceverte handler in paying dairy farmers or the prices paid them monthly for their deliveries. If this unregulated handler has any paying advantage over regulated handlers in the procurement of supplies, this was not established on the record. Moreover, it cannot be ascertained what effect, favorably or unfavorably, the marketwide pooling provisions herein proposed would have on the returns to dairy farmers supplying this handler or on his paying prices for milk.

Although the proponent handler claimed that he was losing Class I sales in Greenbrier County, the Class I sales from his plant in Greenbrier County had increased in the most recent six-month period.

2. *Replacing individual-handler pooling with marketwide pooling of returns to producers.* The order should be amended to provide for the marketwide pooling of returns to producers.

Under the individual-handler pooling now provided in the order, each handler pays his producers a uniform price based on his utilization of their milk at the applicable class prices. Producers supplying different handlers in the market receive different uniform prices because of the varying proportions of milk utilized in Class I by handlers. Proponents of marketwide pooling under the Tri-State order contend it would achieve more stable marketing conditions by enabling all producers to share equitably in the returns from the Class I sales of all handlers. Cooperatives representing about half the producers on the market and a number of handlers proposed replacing individual-handler pooling with marketwide pooling.

All producers delivering to Tri-State regulated plants contribute towards supplying the consumer requirements of the entire market, and meet the same basic quality and health requirements for Class I sales throughout the marketing area.

Under marketwide pooling, a producer supplying the order market is assured a return based on his pro rata share of the total Class I sales of such market. The "blend" or "uniform price" that a producer receives each month will depend on the over-all utilization of all producer milk received at the pool plants of all regulated handlers. Although each handler will be required to pay classified prices for producer milk in accordance with his utilization of such milk, the blended prices to producers will be the same for all producers under the order irrespective of the use made of such milk by the individual handler.

Cooperatives must now market those reserve supplies of producer milk that are not needed or accepted by handlers in the market. Because of this, there has not been an equitable sharing among producers under the individual-handler pool of the lower returns from the volume of reserve milk maintained in the market. The producer-members of the cooperatives in the market carry a disproportionate share of this burden.

The great majority of the Tri-State handlers limit their purchases to their Class I needs and depend on cooperatives to dispose of any milk in excess of their needs. Producers who are not members of a cooperative receive a uniform price for milk reflecting the high Class I use of such handlers. Cooperative members receive a blend that reflects a return (approximately the Class II price) on milk diverted to manufacturing plants by the cooperative. Milk so diverted in 1964, when 414 million pounds of producer milk were pooled, totaled 14.4 million pounds.

Moreover, the burden of handling and marketing such excess reserves is borne mainly by one producer association. This association, whose buying handlers have 40 percent of the Class I sales in the market, furnishes regulated plants wherein the principal production of Class

II products for the market takes place. Three such plants buying from this producer association utilize 60 percent of the Class II milk in the market. The Class II products (e.g., cottage cheese) made at these several plants serve as a source for such products for other Tri-State order plants. In at least one instance, a handler maintaining a high Class II utilization operation, operates a second plant under the order that is exclusively a Class I operation. The purchases by this handler at the plant maintaining an exclusive Class I operation is from a different producer association than the one which supplies his other plant.

Separate cooperatives serve handlers in the various districts of the marketing area. Under the individual-handler pool, there has been limited movement of bulk milk between handlers in the different districts. A marketwide pool will provide an incentive for Tri-State cooperatives to move milk among the various plants throughout the marketing area to obtain the optimum utilization of producer milk for the whole market. Each producer's share of the Class I sales in the market is now limited to the Class I sales of the handler to which he ships. In the case of a cooperative which reblends the returns from the sale of its members' milk, each member-producer shares in the total Class I sales of the cooperative. Under the marketwide pool, every producer on the market will share equally in the total Class I sales of the market. This will encourage the movement of milk between plants by cooperatives and a working together of the various cooperatives to obtain the highest Class I utilization for all producer milk.

Marketwide pooling enables a handler either to maintain a manufacturing operation for handling reserve supplies of producer milk or to limit his operation to the handling of milk for Class I purposes only, without affecting the blended prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk in excess of Class I needs vary considerably. Although most plants in the market are exclusively Class I operations, several regulated plants can handle substantial quantities of milk for manufacturing purposes.

A marketwide pool in the Tri-State market will facilitate not only the handling of reserve supplies of proprietary handlers but also the diverting by cooperatives of reserve supplies of milk that is temporarily without a market. Moreover, it will apportion equitably among all producers the lower returns from reserve milk, thereby contributing to market stability and the assurance of an adequate and dependable supply of producer milk for the market.

In distributing returns to producers, no different treatment should be accorded producers of any special breed milk than is accorded other producers. The representative of a breed association and a regulated handler who processes and distributes milk of that breed proposed that if a marketwide pool is adopted, separate individual-handler pools be provided for producers of special milks. This would have the effect of placing the producers remaining in the marketwide pool at a disadvantage. A special breed milk handler could shift the burden of his surplus milk to the marketwide pool by dropping the individual producers when production exceeds sales of the special breed milk. These producers then could enter a plant in the marketwide pool and share in its Class I sales. When milk was needed again at the plant handling special breed milk, the producers could return to the latter plant. Such practice would result in the marketwide pooling of the plant surplus without enabling other producers in the pool to share in any Class I returns from the sales of the special breed milk.

The Class I and uniform prices to producers fixed by the order are minimums. Any value which should accrue to producers providing milk for special purposes may be negotiated at prices above the order level which is geared to providing an adequate supply of milk of generally acceptable market quality.

Certain provisions incorporated in the attached order are patterned after those resulting from another hearing, namely the regional hearing (referred to hereinafter as the Washington hearing) to consider amendments to 24 orders, including the Tri-State Federal milk order, which was held in Arlington, Va., during January 1963. The Washington hearing, together with regional hearings held also during the same month in Denver, Colo., and St. Louis, Mo., for 52 other Federal order markets, was called to reappraise certain provisions of the subject Federal orders in light of the "Lehigh decision" (decision of the Supreme Court of the United States, issued on June 4, 1962, in the case of Lehigh Valley Cooperative Farmers, Inc., et al., v. United States et al.) which invalidated certain application of "compensatory payment" provisions of the New York-New Jersey Federal milk order.

The June 19, 1964, decision (29 F.R. 9002) on the Washington hearing set forth revised provisions relating primarily to interplant transfers, assignments to classes, handler obligations as to nonpool milk handled, uniform price computations and related administrative provisions. Official notice is taken of such decision. The provisions incorporated in market pool orders on the basis of that decision are equally applicable to the conditions in this market and are adopted in the Tri-State marketwide pool order.

Pool plants. Changing from individual-handler to marketwide pooling necessitates a different basis for establishing which plants shall be subject to regulation under the order.

Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing (by being included in the market pool) in the market average utilization of Class I milk. Such distinction is necessary; otherwise, the proceeds of the higher Class I price would be dissipated by including in the market pool additional quantities of milk which were acquired by handlers primarily for manufacturing purposes. Such dissipated proceeds could accrue to the benefit of producers supplying milk to handlers who do not regularly or dependably furnish the fluid milk needs of consumers in the marketing area. Unless adequate standards of marketing performance are provided to determine which milk and plants will participate fully in the market pool funds, the uniform price of the market could be depressed to the point that it would not serve its function of attracting an adequate supply of milk for the fluid needs of the market without a Class I price higher than otherwise would be necessary.

Since Class I price increases are generally passed on to the public, such price increases necessitated solely because of inadequate performance standards for regulation would be contrary to the public interest. Therefore, in order to share in market pool funds it is essential that plant operators perform marketing functions (i.e., deliver milk to market in specified amounts or proportions) which contribute to providing adequate and dependable market supplies. The marketing performance standards are essential provisions of a milk order if it is to attain the statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that best serves the public interest. The marketing performance standards also minimize the effects of regulation on handlers who have only a minor proportion of their distribution in the regulated market. They do this by exempting such handlers from full regulation.

Any plant, wherever located, may become a pool plant if it meets the marketing performance standards for regulation which at any time are equal for all plants performing the same function. The performance standards for regulation of a plant are an essential means of assuring the regulated market of adequate and dependable supplies of milk. It should be emphasized that these performance standards do not impede the shipment of milk to regulated markets. Quite the contrary, because they require milk to be shipped to the market in order to share in the market pool funds, they encourage milk shipments for Class I use which otherwise might not be made. This incentive is achieved by preventing plants which do not ship milk in accordance with the prescribed standards from sharing in the pool fund. The performance standards are thus the opposite of a barrier to the shipment of milk to the market.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards must be provided for them. A "distributing plant" would be defined as a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes. "Supply plant" would mean a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

In order to qualify as a pool plant under the order, a distributing plant should be required to distribute at least 10 percent of its total Grade A receipts of fluid milk products during the month on routes in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition should be placed on a distributing plant. This is that its route distribution of Class I milk (both inside and outside the marketing area) must amount in any month to not less than 50 percent of its total receipts of Grade A fluid milk products. It would be inappropriate in this market to qualify as a pool plant any distributing plant from which less than half of its Grade A receipts were disposed of on routes. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants. All plants presently qualified as "fluid milk plants" would meet the pooling requirements for "distributing plants."

A plant from which milk for Class I uses is distributed regularly in the marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to quality as a pool plant. There may be from time to time plants supplying milk to the marketing area which would not qualify for pool status. Handlers operating such plants should be required to file reports and make their records available for audit by the market administrator. Plants meeting the partially regulated distributing plant definition, as set forth later, also would be subject to payments hereinafter described.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the marketing area is adequate for its needs. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers to keep their Class I outlets fully supplied. To assure that all producer milk will be available for Class I, supply plant performance standards should be set at levels which require that such milk will be available.

To qualify for pool plant status, a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A plant thus shipping the major portion of its receipts from dairy farmers to regulated distributing plants is making a substantial contribution toward providing an adequate supply for the market and hence may reasonably be considered as an integral part of the fluid milk supply for the market. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under present conditions, be considered contributing sufficiently to the market supply to share in the pool funds.

The demand for milk from supply plants is greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at most local plants is sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant previously qualified may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied a substantial portion of its producer milk to distributing plants in the market during each of the immediately preceding months of seasonally low production. This would be accomplished by providing that a supply plant which shipped 50 percent of its producer milk receipts in the immediately preceding period of September through December to distributing plants which are pool plants would thereby earn pool plant status for the months of January through August. As herein proposed, pool plant status would automatically accrue to such supply plant unless (1) the plant discontinued meeting the Grade A requirements or (2) the operator of the plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the January through August period and the plant would not otherwise qualify as a pool plant. It is expected that the one supply plant presently on the market would meet the pooling requirements herein proposed.

The proposal not to consider as part of a pool plant that portion of a plant which is physically apart from the Grade A portion of such plant and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition should be denied. The order does not now make this distinction between different parts of a regulated plant, and proponent neither cited any instance in which the present provisions have caused a problem nor described any potential problem necessitating or justifying such provision.

"Nonfluid milk plant" is replaced by the "Nonpool plant" category, which is expanded to define a "Partially regulated distributing plant". A partially regulated distributing plant would be a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

The operator of a partially regulated distributing plant must report monthly to the market administrator concerning the receipts and utilization at his plant, and under certain circumstances, must make payment to the producer-settlement fund and for administration expense. Defining the operator of such a plant in a separate category will facilitate application of the order provisions to him.

All producer milk received at regulated plants must be made subject to the classified pricing under the order, whether disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process jeopardized.

If only his "in-area" sales were subject to classification, pricing and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce his average cost of all of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler is fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payments to the producers who supply the market.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Limited quantities (as provided herein) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it is concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice has been taken of the June 19, 1964, decision supporting amendments to several orders, including the Tri-State order. The provisions incorporated in market pool orders on the basis of that decision are equally applicable to the current conditions in this market.

The operator of this partially regulated plant is afforded the option of: (1) Paying the difference between the Class I price and the uniform price per hundredweight on his Class I sales in the marketing area, (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his disposition within the marketing area, or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter representing an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all Class I sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk,

the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

Producer-handler. The conditions under which a handler's own farm production will be exempt from pooling should be stated explicitly in the order. Currently, such a handler is not subject to the provisions of the order if he receives no milk from other dairy farmers.

A producer association proposed that a suitable producer-handler definition be included in the marketwide pool order. Currently, no operation in the market qualifies under the producer-handler category. An appropriate producer-handler definition should be included in the Tri-State order so that equitable treatment will be accorded any producer-handler who may come on the market. There was no opposition to the proposed producer-handler definition.

"Producer-handler" would be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants. The order would exempt such operators from minimum pricing but they should be required to make reports to the market administrator as required. Such reports are necessary to determine whether the operator is a producer-handler and to facilitate the accounting for milk received from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers. It is appropriate, therefore, that to qualify for producer-handler status, the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing and packaging of the milk shall be the personal enterprise and risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is bottled for sale.

Diversion. A pool plant operator or a cooperative association should be permitted under certain conditions to divert milk from a pool plant to a nonpool plant.

Under the present individual-handler pool order, only the operators of regulated plants may divert milk to unregulated plants. Such diversions, which are unlimited in April through July, are not permitted in other months. Since all producer milk in a marketwide pool receives the same uniform price, the order must set forth clearly which milk moved to nonpool plants may be considered producer milk and participate in the marketwide pool.

Under the marketwide pool, a cooperative should be the handler of the producer milk diverted for its account from a pool plant to a nonpool plant. On weekends and in periods of flush production, not all milk is needed in the market and some milk must be moved to nonpool plants for manufacturing. Cooperatives have been performing this function. Currently, milk so diverted is not pooled and the return to cooperatives on such milk is the payment at the manufacturing milk price received from the nonpool plant. Defining the cooperative under the marketwide pool as a handler for such milk will insure that the producer whose milk is so diverted will retain producer status and share in the pool.

When producer milk is not needed in the market for Class I purposes, it is more economical to deliver it directly to a nonpool plant for manufacture instead of receiving it at a pool plant before transferring it to such manufacturing facility. Therefore, reasonable diversion provisions must be maintained to accommodate the efficient handling of producer milk in the Tri-State order market.

Unlimited diversion privileges should be continued in the flush production months of April through July. Permitting unlimited diversion in these months will assist handlers in disposing of seasonal surpluses. In other months, producer milk status for diverted milk should be limited to a quantity no greater than the quantity of producer milk delivered to pool plants from the producer's farm. This will enable handlers to divert producer milk on such occasions as weekends and holidays when the milk is not needed in the market for Class I purposes.

The order now limits diversion to plants that are not regulated by the Tri-State order or any other Federal milk marketing order. Milk moved directly from the farm of a producer to any pool plant under this order is considered producer milk at the plant at which it is physically received. Also, milk moved from the farm of a producer to an other order plant may not be considered producer milk under the Tri-State order. Such milk would most usually be considered "producer milk" under the other order. If this milk were to retain its "producer milk" status under the Tri-State order, it would result in the impractical situation of the same milk being pooled in two separate orders. Hence, it is appropriate to retain in the attached order the provision that diversion be limited to nonpool plants that are not regulated by any Federal milk marketing order.

Milk diverted from a pool plant to a nonpool plant would be deemed to have been received at the location of the pool plant by the diverting handler (the plant operator or a cooperative) who would be required to report to the market administrator and participate in the pool as the responsible handler. It is expected that in the Tri-State market, producer milk will generally be diverted for relatively short periods of time. Under these conditions, it is appropriate that such milk be deemed to have been received at the plant from which diverted for pricing purposes and for determining pool plant status.

Payments to producers. The present order provisions for paying producers should not be changed. As proposed by a producer association, pool plant operators would be required to pay the market administrator at the applicable class prices for all producer milk delivered to their plants. The market administrator, in turn, would distribute such monies to producers either directly or to cooperatives authorized to collect for their members. Except for the proponent cooperative, the proposal received no support at the hearing and was opposed by two producer associations and by handlers.

The purpose of the proposal, as stated by the proponent, is to have the market administrator act as a collecting agency for cooperatives. The proponent claims that if handlers were required to pay the market administrator, he would know more promptly than he now does when a handler is delinquent in his payments for producer milk. It was further suggested that the market administrator could advise a cooperative that it should discontinue shipping milk to a handler who had failed to make payments for his milk. Another advantage of the proposal claimed by the cooperative is that it would assist it in obtaining new members. Such potential new members, it claims, are the producers who are not now members of cooperatives and, as such, feel they have some advantage in continuing to receive payment directly from the handlers whom they supply. The proponent cooperative claims further that the proposed provision would be advantageous to handlers because it would relieve them of much of the work involved in preparing producer payrolls and would reduce the number of checks that handlers have to write in paying producers.

Other reasons cited by the cooperative's spokesman for having the market administrator pay producers are (1) the handlers' accounting to the pool would be simplified, (2) any misunderstanding or confusion which might otherwise attend payments by handlers into, and their withdrawal of monies from, the "equalization fund" would tend to be dispelled, and (3) it would insure more prompt collection of monies due producers and would permit the market administrator to institute action more promptly than at present in the collection of such payments in default.

It was not established how this proposed method would result in more prompt payment for milk, as producers contend. Regardless of the payment system used, handlers need a reasonable time each month to file their reports with the market administrator. Likewise, the market administrator must, in turn, have adequate time to compute the uniform price. The dates for producer payments provided in this decision are the earliest feasible in view of the necessary functions of reporting and price computations.

There is no assurance that the proposed method of payment would reduce the risk of loss to producers from a handler's failure to meet his obligations to the marketwide pool. The method of payment proposed could not assure that a handler would not go out of business or that he would always remit his full obligation to the pool in the manner required. When it is necessary to use enforcement procedures authorized by the Act to collect proceeds due producers,

this may be done under the method of payment herein provided.

Handlers stated that they prefer to pay their own producers. They maintain that they now have good working relations with their producers and that adoption of the proposal would impair these relations. Having the market administrator pay producers, handlers contend, would unnecessarily add an additional party to the transaction between them and their producers in settling for producer deliveries. The cooperative's claim, that the proposed provision would be economically advantageous to handlers because it would eliminate some work in the preparation of producer payrolls, was denied by handlers. Handlers stated that there would be no significant saving accruing directly to them by such proposal and that whether the market administrator or the handler wrote the producers' checks, the ultimate cost of this work, was borne by the handler. In this connection, it is significant that the present method of paying producers has worked satisfactorily in this market.

The change from individual-handler to marketwide pooling does not necessitate any changes in the present procedure of paying producers. The evidence does not establish that the operation of an equalization fund would be more burdensome in the Tri-State market than in any other Federal order market. The testimony fails to show any peculiar reasons in this market that would make it desirable to adopt the procedure requiring handlers to pay the market administrator the full class value of their producer milk receipts and for the market administrator to pay producers. In view of this fact and in view of the opposition of handlers and other cooperatives in the market, the proposal is denied.

Producer-settlement fund. Under the marketwide pool, all producer milk will be paid for on the basis of the same uniform price each month. Because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform prices would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price values would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Any payments on partially regulated milk received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

4. *Revising the supply-demand adjustment provisions.* The supply-demand formula should be revised to (1) reflect the current pattern of production for the market as related to demand, (2) limit monthly changes in the supply-demand adjustment to not more than four cents from the preceding month, (3) increase from two to three the number of months for which production data and Class I sales are used in computing the monthly supply-demand adjustment, and (4) use the total of all producer milk handled during the month instead of only receipts at regulated distributing plants as a factor in computing the supply-demand adjustment.

The present supply-demand formula has caused large month-to-month Class I price changes in recent years. The 38-cent supply-demand adjustment applicable in October of 1962, 1963, and 1964, for example, dropped to zero in each subsequent December. Principally, to eliminate such large monthly supply-demand adjustment changes, producers and handlers proposed revising the supply-demand formula.

The ratio of Class I sales to production for the market varies seasonally. When calculating the supply-demand relationship, it is necessary to compensate for such seasonality; otherwise the supply-demand adjustment factor would unduly reflect seasonal variations rather than longer range changes in the level of receipts and sales. The present supply-demand factors are based on a monthly relationship of production to Class I sales that prevailed when such factors were incorporated into the order in September 1955. Except for the February 1, 1957, amendment, which modified slightly the March and November standard utilization percentages, the present standard utilization percentages have been effective since September 1955.

The "Current Class I utilization percentage" used in computing the monthly supply-demand adjustment is the ratio of Class I sales to receipts from producers in the second and third preceding months. In the first full calendar year that the present standard utilization percentages were effective, 1956, the current Class I utilization percentage ranged from a low of 77 in September to a high of 113 in February, a difference of 36 points. Since that time, there has been a continuous decline in the amount by which the current Class I utilization percentage has varied throughout the year. By 1964, the range had narrowed to 16 points from the lowest to the highest month, 85 in August to 101 in January. The continuous decline since 1956 in the amount of variation in the current Class I utilization percentage throughout the year has been due primarily to the declining seasonality of production for the market. In 1964, the average daily production per producer of 666 pounds in May, the high for the year, was but 10 percent above the 605 pounds in July, the low month. In contrast, the average daily production per producer of 340 pounds in May 1956, the high for that year, was 36 percent above the daily average of 250 pounds in January, the low month.

When the current Class I utilization percentage calculated for the month falls within a designated range, which is specified in the order, no supply-demand adjustment is applicable for the month. This range of percentages, which varies from month to month, covers 5 percentage units and is based on an established relationship in which it is deemed that a reasonable equilibrium exists between Class I sales and production for the market. The percentages within each monthly designated range are known as the "standard utilization percentages" for such month.

The annual average standard utilization percentages now in the order (90 percent maximum and 86 percent minimum) are, under current and prospective conditions in the market, a reasonable measure of the adequacy of supplies for the Class I needs of the market. However, the present minimum and maximum monthly standard utilization percentages are predicated on a significantly different seasonal pattern of production for the market than now exists. The present minimum-maximum monthly standard utilization percentages range from 64–68 (in September) to 103–107 (in both January and February), a difference of 39 percentage points.

Applying the annual average standard utilization percentages (90 percent maximum and 86 percent minimum) to the monthly pattern of production to Class I sales in the market in 1962 through 1964 obtains monthly standard utilization percentages that differ by only 15 points between the highest and lowest months. Such standard utilization percentages, under current conditions, are an appropriate basis for determining the monthly supply-demand adjustment. These monthly standard utilization percentages are:

Month	Standard utilization percentage	
	Minimum	Maximum
January	91	95
February	92	96
March	91	95
April	89	93
May	89	93
June	89	93
July	83	87
August	78	82
September	77	81
October	80	84
November	84	88
December	87	91

The amount of the supply-demand adjustment for each month is computed according to the difference between the

current Class I utilization and the standard utilization percentages. Basically, the supply-demand adjustment is a plus three cents for each percentage point that the current Class I utilization percentage exceeds the maximum standard utilization percentage; and conversely, the supply-demand adjustment is minus three cents for each percentage point the current Class I utilization percentage is below the minimum standard utilization percentage. The amount thus obtained is subject to modification by the differences between the current Class I utilization and the standard utilization percentages for each of the two preceding months. This latter proviso was incorporated into the order effective March 1, 1963, to eliminate the "considerable fluctuation in the amount of price adjustments during brief periods." Official notice is here taken of the Secretary's February 21, 1963, decision (28 F.R. 1802) concerning this proviso.

Both producers and handlers proposed revising the present method of determining the amount of the supply-demand adjustment. They claim that using the current Class I utilization and the standard utilization percentage differences for the two preceding months in calculating the supply-demand adjustment for the current month is unduly cumbersome. They urged simplifying the supply-demand adjustment calculation so that it would be more easily understood. In this connection, they proposed using the Class I percentage of producer milk deliveries in the second, third, and fourth preceding months (instead of the second and third as now provided) as the basis for calculating the amount of the supply-demand adjustment for the current month. Statistically, using these three months as proposed would have resulted in no change in 14 of the 24 months of March 1963 through February 1965, and would have averaged but one cent above the effective supply-demand adjustments in the 24 months. The proposed change would not, however, have lessened the wide month-to-month changes in the amount of the supply-demand adjustment.

In conjunction with their proposal to increase from two to three the preceding months whose receipts and utilizations would be used in calculating the current Class I utilization percentage, producers and handlers proposed limiting to four cents the amount by which the supply-demand adjustment may change from that for the preceding month. The intent of these provisions is to minimize the effect of abnormal conditions that may prevail in a single month and thereby avoid unwarranted fluctuations in the monthly supply-demand adjustment.

Reducing the wide variations in the month-to-month supply-demand adjustment will be helpful to Tri-State handlers because their Class I prices will be more easily predictable. Moreover, limiting to four cents the amount that the supply-demand adjustment may vary from the preceding month and increasing from two to three the number of months the data for which are used in computing the supply-demand adjustment will smooth out such adjustment. Such provisions, by avoiding abrupt swings in the amount of the supply-demand adjustment, will minimize the effect of short term abnormal conditions that would otherwise be reflected in the amount of the monthly supply-demand adjustment.

The supply-demand adjustment is now based on the quantities of producer milk received and Class I sales made by regulated distributing plants. The receipts and sales of regulated supply plants are not now included in the computation. Under the marketwide pooling herein proposed, supply plant milk would be an integral part of the market and producer milk received at such a plant would be pooled. Hence, it would be appropriate to include in the supply-demand computation the receipts and Class I sales of all supply plants which qualify as pool plants.

The supply-demand formula herein proposed would utilize as a factor all producer milk subject to pooling under the order. In addition to milk physically received at all pool distributing plants and supply plants, it would include milk diverted from such pool plants to nonpool plants. Currently, when milk is not needed at the plant of a regulated handler, it is moved to a nonpool plant by a cooperative. Under the individual-handler pool, this milk was not pooled at any plant. Under the marketwide pool, such milk, which would have a continuing association with the market, would be deemed to have been received at the plant from which diverted and included in the pool.

6. *Miscellaneous and conforming changes.* The entire order should be redrafted to incorporate conforming and clarifying changes to facilitate application of its various provisions.

(a) A cooperative association should be permitted to be the handler for milk delivered from the farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Currently, the operator of the plant receiving milk from producers must account for such milk and pay producers. Once milk from a producer has been commingled with milk of other producers in a tank truck, there is no further opportunity to measure, sample or reject the milk of any individual producer whose milk is included in the load. The operator of a pool plant to which the load is delivered has an opportunity to determine only the weight and butterfat test of the total load.

Where a tank truck picking up milk at the farm is operated under the supervision of a cooperative association, it is the association that determines the weight and butterfat content of each producer's milk. It is desirable, therefore, that the cooperative be the responsible handler under such circumstance, if it so elects. The milk delivered by the cooperative as a handler would continue to be classified and allocated at each plant of receipt. The operator of the plant would be obligated to pay for such milk according to the classified prices applicable to producer milk received at the plant.

Enabling a cooperative to be a handler on its member-producers' bulk tank milk will afford a practicable basis of accounting for such milk. In addition, it will provide added flexibility to a cooperative's operations in allocating its members' bulk tank milk among handlers.

The bulk tank milk for which a cooperative is the handler would be considered as a receipt of producer milk by the operator of the pool plant to which it is delivered. Hence, the pool plant operator would continue to be responsible for payment of the administrative assessment on such milk.

(b) The "cooperative association" definition should provide that such association must have full authority in the sale of its members' milk and be engaged in making collective sales of or marketing such milk. The cooperative association definition in the order does not now explicitly make this requirement. The attached order enables a cooperative association to be a handler under certain specified conditions. Accordingly, it is appropriate that a producer association meet the above conditions to be recognized as the responsible agent for marketing its members' milk to qualify as a cooperative association under the order.

(c) Handlers should be required to file their monthly reports of receipts and utilization by the sixth day of the following month. Such reports must now be filed no later than the fifth day of the following month. A handler proposed that the deadline for filing reports be extended to either the fifth working day or the seventh calendar day of the following month, both excluding holidays. This would extend the time for filing the reports by three additional days in some months.

The monthly reports of handlers are the basic data used by the market administrator to compute the monthly uniform price, which he is required to announce by the 12th of the following month. Any delay in completing the uniform price computation would set back the date that producers would be paid for their deliveries. The order now provides that such payments to producers, if paid through a cooperative association, be made on or before the 16th day of the following month; if made directly to the producer by a handler, the payment date is the 18th. There were no proposals to change the dates for announcing the uniform price or for paying producers. Any extensive changes in the time for filing reports would require changing the dates for announcing the uniform price and for paying producers.

Handlers do not frequently experience any difficulties in submitting their reports to the market administrator when due. The handler who requested a change in the filing date stated that his employees were often required to work overtime to complete his report when there was a weekend or holiday in the first five days of the month.

As indicated above, the extensive change proposed could result in producers receiving payment for their milk several days later than at present.

Moreover, it was not shown that the two or three additional days for filing reports that would result under the proposal were actually needed by handlers. The additional day herein provided will provide a reasonable length of time for submitting reports without impeding the completion of the pool computation or setting back the dates that producers will receive payment for their milk.

(d) The proportion of unregulated milk that may be assigned pro rata with producer milk should not be changed.

The present allocation provisions allow full proration of unregulated milk up to the point where such proration gives a handler a 25 percent total reserve over his Class I requirements (the allowable quantity on which proration applies is computed by multiplying a handler's total Class I sales by 125 percent). Any additional unregulated milk is assigned to available Class II. Producers proposed that the 25 percent reserve factor be reduced to 10 percent.

The provision for limited proration on unregulated milk became effective August 1, 1964. The discussion of this matter was included in the June 19, 1964, decision, of which official notice has been taken. That decision recognizes that some handlers may require more or less reserve milk than is represented by the 125 percent factor, depending on the particular operations in their plants. The factor was adopted, however, to accommodate the varying circumstances in which individual handlers might need supplemental milk supplies.

The principal testimony in support of the need for lowering the reserve requirement at this time was that the Tri-State market maintains a lower reserve than is represented by the present factor. In this connection, the June 19 decision recognizes that many Federal order markets will maintain more or less reserve than is represented by the reserve factor (which is a common factor applied to all orders) depending on such variables as seasonal fluctuations in supply and demand, the number and size of regulated handlers, and the actions of cooperatives and handlers in allocating supplies among plants and disposing of surplus milk. However, since the reserve factor applies to individual handlers rather than to the market as a whole, we may not rely solely on a particular market's utilization in determining an appropriate limit for the proration of unregulated milk.

At the time of the hearing, the revised allocation provision on unregulated milk had been in effect about six months. It was not shown that the present provision has caused inequities. Since evidence is lacking concerning specific marketing problems under this provision, we may not reasonably conclude that the provisions will not work satisfactorily in the Tri-State market.

(e) The provisions in the order for determining the classification of milk transferred from a supply plant to a fluid milk plant are not applicable under marketwide pooling and should be deleted.

Presently, producers delivering to supply plants having "passback agreements" with fluid milk plants share the Class I sales of the fluid milk plant during the flush production months even though the supply plant ships no milk. The quantity of Class I sales "passed back" to the supply plant is based on the shipments during the fall qualifying months. Since, under market pooling, all producers share on a pro rata basis the Class I sales of all handlers in the market the need for these provisions is nullified.

(f) The proposal to limit to within a 200-mile radius of Charleston or Huntington the area in which reserve milk may be disposed of and receive a Class II classification should be denied. The present transfer provisions do not limit the distance fluid milk products may be transferred or diverted as Class II milk.

The testimony in support of the mileage limitation was that sufficient outlets are available for the disposition of reserve milk within 200 miles of Charleston or Huntington. Proponent did admit that under today's conditions, if milk is transported more than 200 miles, it would very likely be received at a plant subject to another Federal milk order and, accordingly, classification under the Tri-State order would be based on the allocation under the receiving order.

With the continual opening of new and better high-speed highways, the consolidation and specialization of plants, it would be inappropriate to adopt this proposal. At times, it may be necessary for a handler to transport milk long distances to dispose of it profitably for manufacturing purposes. Restricting the area within which milk may move for Class II disposition could result in some milk being unable to find a market. Moreover, proponent neither cited any instance in which the present provisions have caused a problem nor described any potential abuse of these provisions.

(g) Skim milk and butterfat in fluid milk products dumped should be classified as Class II. Presently, only skim milk and buttermilk dumped may be so classified.

Tri-State handlers have certain amounts of fluid milk products that they are unable to dispose of for Class I uses. Allowing a Class II classification for both the skim milk and butterfat contained in dumped fluid milk products will recognize the impracticability of Tri-State handlers recovering the butterfat in route returns and other fluid milk products that are not salable.

The order now provides as a condition for obtaining a Class II classification for skim milk and buttermilk dumped that, as prescribed by him, the market administrator be notified prior to such disposition. Retaining this condition will insure the practical application of the dump provisions.

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 reason 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.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Tri-State marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

APPLICATION OF PRICES

PAYMENTS

MISCELLANEOUS PROVISIONS

DEFINITIONS

§ 1005.1 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.).

§ 1005.2 Secretary.

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

§ 1005.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1005.4 Person.

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

§ 1005.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

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

(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.

§ 1005.6 Tri-State marketing area.

"Tri-State marketing area", hereinafter called the "marketing area", means all the territory within the following designated districts, including territory within such districts occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) "Charleston-Huntington district" means all the territory within the boundaries of the following:

(i) Kentucky counties of: Boyd, Floyd, Greenup, Johnson, Lawrence, Magoffin, Martin, Pike.

(ii) West Virginia counties of: Boone, Cabell, Fayette, Kanawha, Lincoln, Logan, Putnam, Raleigh, Wayne, Wyoming.

(iii) Lawrence County, Ohio;

(b) "Gallipolis-Scioto district" means all the territory within the boundaries of the following:

(i) Ohio counties of: Gallia, Meigs, Scioto, Jackson.

(ii) Townships of Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union in Pike County, Ohio;

(iii) West Virginia counties of: Jackson, Mason, Roane.

(iv) Magisterial Districts 2, 3, and 8 in Lewis County, Ky.;

(c) "Athens district" means all the territory within the boundaries of the following:

(i) Athens and Washington Counties, Ohio; and

(ii) Wood County, W. Va.

§ 1005.7 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted or fortified milk or skim milk (including "dietary" products), concentrated milk, eggnog, cream (not frozen), cultured sour cream, or any mixture in fluid form of milk or skim milk and cream: *Provided*, That such fluid milk products shall not include ice cream mix, frozen dessert mix, evaporated and condensed milk or skim milk, aerated cream products, dips (mixtures with sour cream or cheese base containing nondairy ingredients) not labeled Grade A, nor products which are sterilized or packaged in hermetically sealed metal containers.

§ 1005.8 Route.

"Route" means a delivery, either direct or through any distribution facility other than a plant (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I pursuant to § 1005.41(a)(1).

§ 1005.9 Distributing plant.

"Distributing plant" means a plant from which a Grade A fluid milk product that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

§ 1005.10 Supply plant.

"Supply plant" means a plant from which a Grade A fluid milk product is shipped during the month to a pool plant.

§ 1005.11 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a) or (b) of this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A fluid milk products physically received at such plant or diverted as producer milk from such plant pursuant to § 1005.16 is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of in the marketing area on routes.

(b) A supply plant from which not less than 50 percent of the Grade A milk physically received from dairy farmers and handlers pursuant to § 1005.13(d) at such plant or diverted as producer milk from such plant pursuant to § 1005.16 during the month is shipped to and physically received in the form of fluid milk products at pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of September through December shall be a pool plant for the months of January through August, unless the milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area or written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant.

§ 1005.12 Nonpool plant.

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk manufacturing, processing or bottling 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, unless such plant is qualified as a pool plant pursuant to § 1005.11 and a greater volume of fluid milk products is disposed of from such plant in this marketing area on routes and to pool plants qualified on the basis of route distribution in this marketing area than in the marketing area regulated pursuant to such other order.

(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 and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1005.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association: *Provided*, That such cooperative association shall not be a handler pursuant to this paragraph unless the market administrator and the handler who is the operator of the pool plant where such milk is to be received are notified in writing that it elects to be the handler for such milk: *And provided further*, That such milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered;

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(f) A producer-handler.

§ 1005.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who received no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1005.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant or diverted pursuant to § 1005.16 from a pool plant to a nonpool plant.

§ 1005.16 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer or a handler pursuant to § 1005.13(d); or

(b) Diverted from a pool plant to a nonpool plant other than an other order plant or a producer-handler plant. Such milk shall be deemed to have been received by the diverting handler at the location of the pool plant from which diverted: *Provided*, That in any month of August through March, the quantity of milk of any producer so diverted that exceeds that delivered to pool plants shall not be deemed to have been received by the diverting handler and shall not be producer milk.

§ 1005.17 Other source milk.

"Other source milk" means the skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products from pool plants, (2) producer milk, or (3) fluid milk products in inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into or combined with another product in the plant during the month.

§ 1005.18 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1005.25 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.

§ 1005.26 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1005.27 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 30 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 such duties and conditioned upon the faithful performance of such 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 its terms and provisions;

(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 provided by § 1005.77, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1005.76, 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 in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

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

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

(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 after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1005.30, 1005.31 and 1005.32, or payments pursuant to §§ 1005.70, 1005.74, 1005.76, 1005.77, 1005.78, and 1005.79.

(i) Upon request, supply on or before the 25th day after the end of each month to each cooperative association with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of producer milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report, such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(j) Publicly announce on or before:

(1) The 5th day of each month, the Class I price and the Class I butterfat differential for the month and the Class II price and the Class II butterfat differential for the preceding month, pursuant to §§ 1005.51 and 1005.52; and

(2) The 12th day after the end of such month, the uniform price pursuant to § 1005.61 and the butterfat differential pursuant to § 1005.71;

(k) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1005.45(a)(8) and the corresponding step of § 1005.45(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;

(l) 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 § 1005.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(m) 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

§ 1005.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler except a handler pursuant to § 1005.13 (e) or (f) shall report to the market administrator for such month, reporting in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Producer milk (or, in the case of handlers pursuant to § 1005.13(b), Grade A milk received from dairy farmers);

(2) Fluid milk products received from pool plants or other handlers;

(3) Other source milk;

(4) Milk diverted to nonpool plants pursuant to § 1005.16; and

(5) Inventories of fluid milk products at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes; and

(c) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1005.31 Producer payroll reports.

(a) Each handler pursuant to § 1005.13 (a), (c), or (d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deduction.

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1005.62(b) shall report to the market administrator on or before the 15th day after the end of the month the same information required of handlers pursuant to paragraph (a) of this section. Such report shall list payments to dairy farmers in lieu of payments to producers.

§ 1005.32 Other reports.

(a) Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who operates an other order plant shall report total receipts and utilization or disposition of skim milk and butterfat at the plant at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler pursuant to § 1005.13(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 6th day after the end of the month the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month.

§ 1005.33 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, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

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

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1005.34 Retention of records.

All books and records required under this part 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 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.

CLASSIFICATION

§ 1005.40 Skim milk and butterfat to be classified.

The skim milk and butterfat required to be reported pursuant to § 1005.30 shall be classified each month pursuant to the provisions of §§ 1005.41 through 1005.45.

§ 1005.41 Classes of utilization.

Subject to the conditions of § 1005.43, 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 as a fluid milk product (except as provided in paragraphs (b) (2), (3), and (4) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(3) Skim milk and butterfat in fluid milk products disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(4) Skim milk and butterfat in fluid milk products disposed of in bulk (other than consumer-type packages or dispenser units) to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of any such receipts in the form of fluid milk products;

(5) Skim milk and butterfat in inventory of fluid milk products on hand at the end of the month;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1005.42(b)(1), but not to exceed 2 percent of the total receipts of skim milk and butterfat in:

(i) Producer milk;

(ii) Receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants; and

(iii) Receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1005.42(b)(2).

§ 1005.42 Assignment of 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, at each plant operated by the handler; and

(b) Shrinkage computed pursuant to paragraph (a) of this section shall be prorated between:

(1) Skim milk and butterfat contained in producer milk and other fluid milk products specified in § 1005.41(b)(6); and

(2) Skim milk and butterfat in remaining other source milk exclusive of that specified in § 1005.41(b)(6).

§ 1005.43 Transfers.

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

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, 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 § 1005.45(a)(8) and the corresponding step of § 1005.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1005.45(a)(3), 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 § 1005.45(a)(7) or (8) and the corresponding steps of § 1005.45(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 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 in Class II in his report submitted pursuant to § 1005.30;

(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 constitute regular sources of supply of Grade A milk 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; and

(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

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraphs (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, movements 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 § 1005.41.

§ 1005.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors all reports submitted pursuant to § 1005.30 and compute for each handler the total pounds of skim milk and butterfat in each class: *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1005.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1005.44, the market administrator shall determine the classification of producer milk for each handler 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 § 1005.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1005.41(b)(2) plus two percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(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;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, in excess of similar transfers to such plant, 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 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) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph.

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1005.27(k) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received from pool plants of other handlers according to the classification of such products pursuant to § 1005.43(a); and

(10) If the pounds of skim milk remaining 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

§ 1005.50 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 Department 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) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent.

§ 1005.51 Class prices.

Subject to the provisions of §§ 1005.52 and 1005.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month adjusted as follows:

(1) Add for plants in each respective district as follows: Charleston-Huntington, $1.60; Gallipolis-Scioto, $1.50; and Athens, $1.40. At a plant outside the marketing area add the amount applicable pursuant to this paragraph at the location of the City Hall of the following cities that is nearest such plant:

Kentucky

Ashland.	Pikeville.
Paintsville.	

Ohio

Athens.	Marietta.
Gallipolis.	Portsmouth.
Jackson.	

West Virginia

Charleston.	Huntington.
Hinton.	Williamson.

(2) Add or subtract a supply-demand adjustment that is not more than 38 cents and that differs from such adjustment from the month immediately preceding by not more than 4 cents computed as follows:

(i) Determine the total hundredweight of producer milk classified (including receipts from own farm production) in the three months ending with the second preceding month;

(ii) Determine the total hundredweight of milk classified in Class I by all handlers pursuant to § 1005.13 (a), (c), and (d) (adjusted to eliminate duplications due to Class I transfers between such handlers) in the three months ending with the second preceding month;

(iii) Determine the "current Class I utilization percentage" by calculating the percentage, rounded to the nearest full percentage, that the amount obtained in subdivision (ii) of this subparagraph is of the amount obtained in subdivision (i) of this subparagraph; and

(iv) Add or subtract three cents for each percent that the current Class I utilization percentage is, respectively, above the maximum or below the minimum standard utilization percentages for the month in the following table:

Month	Standard utilization percentage	
	Minimum	Maximum
January	91	95
February	92	96
March	91	95
April	89	93
May	89	93
June	89	93
July	83	87
August	78	82
September	77	81
October	80	84
November	84	88
December	87	91

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1005.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1005.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Add 1.0 cent to the butterfat differential pursuant to paragraph (b) of this section for the preceding month.

(b) *Class II milk.* Subtract 3.0 cents from the Chicago butter price for the month and multiply the remainder by 0.119.

§ 1005.53 Location adjustments to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant outside the marketing area and more than 45 miles from all the cities listed in § 1005.51(a) shall be reduced 2 cents for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents for each 10 miles or major fraction thereof in excess of 100 miles by the shortest hard-surfaced highway distance as determined by the market administrator, that such plant is from the city hall of the nearest of the cities listed in § 1005.51(a).

§ 1005.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose 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 Prices

§ 1005.60 Computation of the net obligation of each handler.

The net pool obligation of each handler pursuant to § 1005.13 (a), (c), and (d) during each month shall be a sum of money computed as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1005.45 by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1005.45(a)(10) and the corresponding step of § 1005.45 (b) by the applicable class prices;

(c) Add the amount obtained from 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 § 1005.45(a)(5) and the corresponding step of § 1005.45(b);

(d) Add an amount equal to the difference between the value at the Class I and Class II price values of the skim milk and butterfat subtracted from Class I pursuant to § 1005.45(a)(3) and the corresponding step of § 1005.45(b); and

(e) Add the value at the Class I price (adjusted for the location of the nearest nonpool plant from which an equivalent volume was received) of the skim milk and butterfat subtracted from Class I pursuant to § 1005.45(a)(7) and the corresponding step of § 1005.45(b).

§ 1005.61 Computation of the uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values obtained pursuant to § 1005.60 for all

handlers who reported pursuant to § 1005.30 for such month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount obtained by multiplying such difference by the butterfat differential pursuant to § 1005.71 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differential deductions to be made pursuant to § 1005.72;

(d) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund;

(e) 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 § 1005.60(e);

(f) Subtract not less than 4 nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result in all months shall be the "weighted average price," and for the months of January, February, March and August shall be the uniform price;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the total hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by 20 cents for April and July and 25 cents for May and June;

(i) Add for each month of September through December the amount obtained by multiplying the aggregate amount set aside in the immediately preceding months of April through July by 20 percent for each month of September and December and by 30 percent for October and November;

(j) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 nor more than 5 cents from the price computed pursuant to paragraph (j) of this section.

§ 1005.62 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 § 1005.30 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) The obligation that would have been computed pursuant to § 1005.60 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 valued at the Class II price if allocated to such class at the pool plant or other order plant and be valued at the weighted average price (or, in its absence, 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 § 1005.60(e) and a credit in the amount specified in § 1005.74(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1005.30 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 § 1005.11(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 in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) 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;

(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 weighted average price pursuant to § 1005.61 at the same location or at the Class II price, whichever is higher.

Payments

§ 1005.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section each handler shall make payment for producer milk as follows:

(1) On or before the last day of each month, the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 18th day of the following month, the uniform price per hundredweight for his deliveries of producer milk during the month adjusted pursuant to §§ 1005.71, 1005.72, and 1005.76, subject to the following:

(i) Minus payments made pursuant to subparagraph (1) of this paragraph;

(ii) Less proper deductions authorized in writing by the producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1005.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) On or before the second day preceding the date payments are due pursuant to paragraph (a) of this section each handler shall pay a cooperative association which is authorized by its producer members to collect payment for their milk and which has so requested any handler in writing the sum of the individual payments due such producers pursuant to paragraph (a) of this section; and

(c) In making the payments pursuant to paragraphs (a) and (b) of this section, the handler shall furnish each producer or cooperative association with a supporting statement, in such form that it may be retained by the recipient, which shall show for each month:

(1) The month and the identity of both the producer and the handler;

(2) The quantity and the average butterfat content of milk delivered by each producer; and

(3) The net amount of each payment, together with the price paid and the amount and nature of each deduction.

§ 1005.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate (rounded to the nearest one-tenth cent) determined by multiplying the Chicago butter price for the month by 0.12.

§ 1005.72 Location differentials to producers and on nonpool milk.

The uniform price for producer milk received at the pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1005.53 and shall be further reduced at pool

plants at which the Gallipolis-Scioto and Athens district Class I prices are applicable at the rate of 10 and 20 cents, respectively. For purposes of computations pursuant to § 1005.74(b)(2), adjustments pursuant to this section shall be computed according to the location of the nonpool plant from which other source milk was received.

§ 1005.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1005.62 and 1005.74 and out of which he shall make all payments from such fund pursuant to § 1005.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1005.74 Payments to the producer-settlement fund.

On or before the 14th 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 exceeded the amounts specified in paragraph (b) of this section:

(a) The net pool obligation pursuant to § 1005.60 by such handler; and

(b) The sum of:

(1) The value of such handler's producer milk and the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) of other source milk for which a value is computed pursuant to § 1005.60(e).

§ 1005.75 Payments from the producer-settlement fund.

On or before the 15th 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 § 1005.74(b) exceeds the amount computed pursuant to § 1005.74(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.

§ 1005.76 Marketing services.

(a) Except as provided in paragraph (b) of this section, each handler in making payments for producer milk received during the month shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe (except on such handler's own farm production) and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month pay over such deductions to the association rendering such services.

§ 1005.77 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 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own farm production);

(b) Other source milk allocated to Class I pursuant to § 1005.45(a) (3) and (7) and the corresponding steps of § 1005.45(b); and

(c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1005.78 Adjustment of accounts.

When verification by the market administrator of reports or payments of any handler discloses errors resulting in monies due 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 not later than the date for making payment next following such disclosure.

§ 1005.79 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1005.70 through 1005.78 shall be increased one-half percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1005.80 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such two-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 month(s) 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 an association of producers, 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 or his representatives all books and records required by this part to be made available, the market administrator may within the two-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 two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative; and

(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.

MISCELLANEOUS PROVISIONS

§ 1005.90 Effective time.

The provisions of this part or any amendment of this Part 1005 shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1005.91.

§ 1005.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate, the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1005.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, or agency, as the Secretary may designate;

(b) The market administrator, or such other person as the Secretary may designate shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary may direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 1005.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1005.94 Agents.

The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this Part 1005.

§ 1005.95 Separability of provisions.

If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of this part and the application of such provision to other persons or circumstances, shall not be affected thereby.

Signed at Washington, D.C., on August 3, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-8282; Filed, Aug. 5, 1965; 8:48 a.m.]

[7 CFR Parts 1030, 1031, 1032, 1038, 1039, 1051, 1062, 1063, 1067, 1070, 1078, 1079]

[Docket Nos. AO 101-A30 etc.]

CHICAGO, ILL., MARKETING AREA ET AL.

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part—	Marketing areas	Docket Nos.
1030	Chicago, Ill.	AO 101-A30.
1031	Northwestern Indiana	AO 170-A17.
1032	Suburban St. Louis	AO 313-A7.
1038	Rock River Valley	AO 194-A9.
1039	Milwaukee, Wis.	AO 212-A15.
1051	Madison, Wis.	AO 329-A2.
1062	St. Louis, Mo.	AO 10-A32.
1063	Quad Cities-Dubuque	AO 105-A19.
1067	Ozarks	AO 223-A16.
1070	Cedar Rapids-Iowa City	AO 229-A11.
1078	North Central Iowa	AO 272-A6.
1079	Des Moines, Iowa	AO 295-A7.

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), notice is hereby given of a public hearing to be held at the Pick Congress Hotel, 520 South Michigan Avenue, Chicago, Ill., beginning at 10 a.m., local time, on September 15, 1965, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Chicago, Ill.; Northwestern Indiana; Suburban St. Louis; Rock River Valley; Milwaukee, Wis.; Madison, Wis.; St. Louis, Mo.; Quad Cities-Dubuque; Ozarks; Cedar Rapids-Iowa City; North Central Iowa; and Des Moines, Iowa, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Alto Cooperative Creamery Co., Antigo Milk Products Cooperative, Barron Cooperative Creamery, Central Wisconsin Cooperative Dairy, Columbus Milk Producers Cooperative, Consolidated Badger Cooperative, Hillpoint Cooperative Dairies, Lake to Lake Cooperative, Outagamie Producers Cooperative, Wisconsin Dairies Cooperative, Pure Milk Association:

Proposal No. 1. Suspend or delete the supply-demand adjustment factor applicable pursuant to § 1030.51(a) (Chicago).

Proposed by Pure Milk Products Cooperative:

Proposal No. 2. Eliminate the supply-demand adjustment factor applicable pursuant to §§ 1030.51(a) (Chicago); 1051.51(a) (Madison); and 1039.51(a) (Milwaukee).

Proposed by Mid-West Dairymen's Co.:

Proposal No. 3. Suspend or delete the supply-demand adjustment factor applicable pursuant to §§ 1030.51(a) (Chicago) and 1038.51(a), (Rock River Valley).

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Since any change in the provisions of the Chicago order as a result of proposals number 1, 2, and 3 would affect the Class I prices in the following markets, the respective provisions of such orders which establish Class I prices are hereby noticed for reconsideration or modification.

§ 1031.51(a) Northwestern Ind.
§ 1032.51(a) Suburban St. Louis.
§ 1038.51(a) Rock River Valley.
§ 1039.51(a) Milwaukee, Wis.
§ 1051.51(a) Madison, Wis.
§ 1062.51(a) St. Louis, Mo.
§ 1063.50(b) Quad Cities-Dubuque.
§ 1067.51(a) Ozarks.
§ 1070.50(b) Cedar Rapids-Iowa City.
§ 1078.50(b) North Central Iowa.
§ 1079.50(b) Des Moines, Iowa.

Proposal No. 5. Make such changes as may be necessary to make all of the noticed marketing agreements and orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator, 72 West Adams Street, Room 814, Chicago, Ill., 60603, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected. Copies of the respective orders may be procured from Market Administrators at the following addresses: Chicago and Rock River Valley, 72 West Adams Street, Room 814, Chicago, Ill., 60603; Northwestern Indiana, 220 South William, South Bend, Ind., 46624; St. Louis, Suburban St. Louis, Ozarks, 2710 Hampton Avenue, St. Louis, Mo., 63139; Milwaukee, 4920 West Burleigh Street, Milwaukee, Wis., 53210; Madison, 1821 South Park Street, Madison, Wis., 53704; Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, Watch Tower Plaza, 924-37th Avenue, Rock Island, Ill., 61202; Des Moines, 3108 Ingersoll Avenue, Des Moines, Iowa, 50304.

Signed at Washington, D.C., on August 3, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-8283; Filed, Aug. 5, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-96]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would establish controlled airspace in the Willmar, Minn., terminal area.

At the present time, there is no controlled airspace designated in the vicinity of Willmar.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Willmar terminal area, including studies attendant to the implementation of the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, proposes the following airspace action:

Designate the Willmar, Minn., transition area as that airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 104° and 284° bearings from Willmar, Minn. Municipal Airport (latitude 45°-06'52'' N., longitude 95°05'11'' W.), extending from 7 miles E to 13 miles W of the airport.

The proposed transition area would provide controlled airspace protection for aircraft departing Willmar Municipal

Airport during their climb from 700 to 1,200 feet above the surface. Arriving aircraft executing the prescribed instrument approach procedure would be provided controlled airspace protection during descent from 1,200 to 700 feet above the surface. The proposed transition area would also provide controlled airspace for the holding pattern at Willmar, Minn.

There would be no instrument approach procedure changes required by the airspace action proposed herein.

The floor of the airway which would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on July 24, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-8260; Filed, Aug. 5, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition for Sales of Government Property

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 5) by amending the definition of a small business manufacturer for sale of Government property.

The present definition of a small manufacturer for the sale of Government property is that any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons.

The present definition has been determined by SBA to be inappropriate for SIC Industry 2911, Petroleum refining. Therefore, it is proposed that a small manufacturer for this industry be defined as small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

Interested persons may file with the Small Business Administration within thirty (30) days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the proposed definition.

All correspondence shall be addressed to:

Office of Economic Analysis, Small Business Administration, Washington, D.C., 20416.

It is proposed to revise the definition of a small business manufacturer for sales of Government property as follows:

1. Deleting § 121.3-9(a)(1) in its entirety and substituting in lieu thereof new § 121.3-9(a)(1) as follows:

§ 121.3-9 Definition of small businesses for sale of Government property.

(a) *Sales of Government-owned property other than timber.*—(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

* * * * *

Dated: July 26, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-8254; Filed, Aug. 5, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-35]

BARGES CARRYING BULK CHEMICAL CARGOES

Dangerous Characteristics in Addition to Flammability or Combustibility

The Coast Guard published in the FEDERAL REGISTER on March 9, 1965 (30 F.R. 3219-3223), special requirements for barges carrying bulk dangerous cargoes (46 CFR Parts 31, 32, 35, and 98), which become effective September 1, 1965. The barges subject to these special requirements are those carrying one or more of the following bulk cargoes:

1. Flammable liquids having a Reid vapor pressure in excess of 25 pounds per square inch, absolute, in independent tanks (46 CFR Part 32).

2. Liquefied flammable gases (46 CFR Part 38).

3. Certain flammable or combustible liquids having lethal characteristics (Class B or C poisons) (46 CFR Part 39).

4. Certain flammable or combustible dangerous cargoes (46 CFR Part 40).

5. Certain named dangerous cargoes (46 CFR Part 98).

For those barges carrying any of the above described cargoes, which have dangerous characteristics in addition to flammability or combustibility, additional requirements are also applicable. Administrative determinations have been made that certain bulk cargoes have "dangerous characteristics in addition to flammability or combustibility." These determinations are not "all-inclusive," and will be revised from time to time as new proposals are received and evaluated.

The list of chemical cargoes requiring information cards, warning signs, and special manning standards (including those already described in certain regulations) when being transported in bulk in barges is as follows:

1. Liquefied flammable gases having significant hazards other than flammability (46 CFR 35.01-55(a)(1)):
   (A) Hydrogen, liquefied.
   (B) Butadiene, inhibited.
   (C) Methyl chloride.
   (D) Dimethyl amine.
   (E) Vinyl chloride.

2. Flammable or combustible liquids having lethal characteristics (46 CFR 35.01-55(a)(2)):
   (a) Acetone cyanohydrin.
   (b) Allyl alcohol.
   (c) Aniline (aniline oil).
   (d) Phenol (carbolic acid).
   (e) Epichlorohydrins and crude chlorohydrins.
   (f) Methyl bromide.
   (g) Motor fuel anti-knock compound (containing either tetraethyl lead, tetramethyl lead, or both).
   (h) Nonyl phenol.

3. Certain flammable or combustible dangerous cargoes (46 CFR 35.01-55(a)(3)):
   (i) Ethylene oxide.

4. Certain named dangerous cargoes (46 CFR 98.03-35(f)(2)):
   (I) Elemental phosphorous (yellow phosphorus, white phosphorus).
   (II) Sulfuric acid.
   (III) Hydrochloric acid.
   (IV) Chlorine.
   (V) Ammonia, anhydrous.

The Officers in Charge, Marine Inspection, under the general supervision of their respective District Commanders, shall require, on and after September 1, 1965, that barges, when transporting one or more of the named chemicals in bulk listed herein, comply with the applicable requirements in 46 CFR, §§ 31.15-5, 31.15-6, 32.63-1, 35.01-45, 35.01-50, 35.01-55, 35.30-1, 35.35-1, 98.03-1, 98.03-35, 98.03-40, and 98.03-45, which were published on March 9, 1965.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended, 4472, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 375, 391a, 416, 170, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, Nov. 26, 1954, 19 F.R. 8026)

Dated: August 2, 1965.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 65-8278; Filed, Aug. 5, 1965; 8:47 a.m.]

[CGFR 65-19]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

Correction

In F.R. Doc. 65-8173, appearing at page 9725 of the issue for Wednesday, August 4, 1965, the following correction is made in Part I: In the fourth line of the second paragraph, "Buddy Schoellkopf Products" should read "Crawford Manufacturing Co.".

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-G-11]

WALLACE J. BOUDREAUX

Notice of Hearing

Wallace J. Boudreaux, Brownsville, Tex., has applied for a fishing vessel construction differential subsidy to aid in the construction of an 82-foot overall steel vessel to engage in the fishery for shrimp, including royal red shrimp, Atlantic tuna, snapper, and spiny lobster.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on September 9, 1965, at 10 a.m., e.d.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

AUGUST 3, 1965.

[F.R. Doc. 65-8265; Filed, Aug. 5, 1965; 8:46 a.m.]

National Park Service

[Order 1, Amdt. 1]

CAPE COD NATIONAL SEASHORE, MASS.

Job Corps Conservation Center Director et al.; Delegation of Authority

Delegation of authority regarding execution of purchase orders for supplies, equipment or services.

SEC. 2. *Job Corps Conservation Center Director and Administrative Supervisor, and Cape Cod National Seashore Personnel Management Assistant.* The Job Corps Conservation Center Director and Administrative Supervisor and Cape Cod National Seashore Personnel Management Assistant may issue Purchase Orders not in excess of $2,500.00 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Northeast Region Order No. 4 (29 F.R. 13405))

Dated: July 6, 1965.

ROBERT F. GIBBS,
Superintendent,
Cape Cod National Seashore.

[F.R. Doc. 65-8266; Filed, Aug. 5, 1965; 8:46 a.m.]

Office of the Secretary

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28,

1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) I have acquired an additional 100 shares of Common Stock of the Cessna Aircraft Co.
(3) None.
(4) None.

This statement is made as of July 27, 1965.

Dated: July 27, 1965.

S. J. SICKEL.

[F.R. Doc. 65-8263; Filed, Aug. 5, 1965; 8:46 a.m.]

Southwestern Power Administration

[SPA General Order No. 218, Revised]

CONTRACTING AND PROCUREMENT

Redelegations of Authority and Instructions

JULY 30, 1965.

SPA General Order No. 218, dated October 21, 1961 (26 F.R. 9921), as amended, is revised in its entirety to read as follows:

Sec.
1. Authority.
2. Purpose.
3. Procurement Contracts (General).
4. Construction Contracts.
5. Power Contracts.
6. Real Estate Acquisitions.
7. Small Purchases, $500 or less.
8-9. (Reserved for future redelegations.)
10. General Delegations.
11-13. (Reserved for administrative instructions.)
14. Limitations.
15. Redelegations.

SECTION 1. *Authority.* This order is issued pursuant to the authority granted by the Secretary of the Interior in Order No. 2509, as amended (22 F.R. 5778); Order No. 2850 (24 F.R. 3615); 205 DM 9.4 (26 F.R. 3543); 205 DM 11.1 (26 F.R. 11748); 205 DM 11.4 (27 F.R. 9359); 270 DM 2.1 (29 F.R. 18017); and 270 DM 2.2 (28 F.R. 6198), as superseded by publications in the FEDERAL REGISTER.

SEC. 2. *Purpose.* To redelegate authority to (a) enter into procurement contracts and amendments or modifications thereof; (b) lease physical facilities; (c) dispose of personal property; (d) to acquire real property and interests in real property, including electric utility facilities as necessary for the Administration's program; (e) reimburse expenses and other losses and damages incurred by owners and tenants of lands acquired for the Administration's program; and (f) enter into contracts for the sale or interchange of electric power and energy.

SEC. 3. *Procurement contracts (general).* The Chief, Division of Administrative Services, the Assistant Chief, Division of Administrative Services, the Chief, Branch of Supply, the Procurement Officer, and the Procurement Agent in the Branch of Supply, are designated Contracting Officers and are authorized to:

(a) Enter into procurement contracts and amendments or modifications thereof for supplies or services, including construction contracts, except for authority to award, administer, and terminate construction contracts as specifically assigned to others in section 4 hereof (205 DM 11.1, 26 F.R. 11748); acquire electric utility facilities, including land upon which they are located and used incident thereto (270 DM 2.1, 29 F.R. 10617); lease special purpose space and facilities (Secretary's Order No. 2509, as amended, 22 F.R. 5778); and make all determinations, findings, and commitments incident to disposal of surplus personal property (205 DM 9.4, 26 F.R. 3543).

(b) Negotiate and enter into contracts without advertising pursuant to the provisions of section 302(e), 1 to 14 inclusive, of the Federal Property and Administrative Services Act of 1949, as amended, subject to the provisions and limitations of 205 DM 11.4A, B, C, and D (27 F.R. 9359).

SEC. 4. *Construction contracts.* The Chief, Division of Power, the Assistant Chief, Division of Power, the Chief, Branch of Construction, are designated Contracting Officers and are authorized to award, administer, and terminate procurement contracts developed through negotiation or advertising for competitive sealed bids for construction of electric transmission lines, related facilities, and supplies and services for construction projects, including amendments and modifications thereof (205 DM 11.1, 26 F.R. 11748). This authority extends to all related actions subsequent to award except as assigned to others in section 3 hereof.

SEC. 5. *Power contracts.* The Chief, Division of Power, the Assistant Chief, Division of Power, the Assistant to Chief, Division of Power, and the Chief, Branch of Customer Service are authorized, subject to applicable statutes, executive orders, and directives of the Secretary of the Interior, to exercise the authority delegated to the Administrator, Southwestern Power Administration, by the Secretary of the Interior under 270 DM 2.1 (29 F.R. 18017) and 270 DM 2.2 (28 F.R. 6198), to enter into contracts for the sale or interchange of electric power and energy.

SEC. 6. *Real estate acquisitions.* The Chief, Division of Power, the Assistant Chief, Division of Power, and the Chief, Branch of Land Acquisition are designated Contracting Officers and are authorized to:

(a) Negotiate and execute agreements for acquisition of real estate, interests in real estate, and other rights and privileges pertaining thereto, necessary for the Administration's program, except as specifically assigned to others in section 3.01 of this order.

(b) Determine reimbursements to which owners, or tenants of lands acquired for the Administration's program, may be entitled for expenses, losses, and damages incurred by them for moving as is directly occasioned by such acquisition and approve payment therefor (Secretary's Order No. 2840, 24 F.R. 3615).

SEC. 7. *Small purchases, $500 or less.* The Assistant Administrator (Washington), Chief, Branch of Office Services, Purchasing Agents, Foremen, Clerks (maintenance depots and Branch of Office Services), Chief Dispatcher, Construction Engineers, Realty Officer, Realty Specialists and Appraisers, are authorized to purchase supplies and nonpersonal services over-the-counter, in amounts not to exceed $500, by simplified small purchase procedures direct from commercial sources through charge accounts, use of U.S. Government Purchase Order-Invoice-Voucher (Standard Form 44), Imprest Funds, blanket purchase agreements, or otherwise, to meet emergency, occasional, or special needs (205 DM 11.1, 26 F.R. 11748).

SEC. 8-9. Reserved for future redelegations.

SEC. 10-14. Relate to internal management and not published in the FEDERAL REGISTER.

SEC. 15. *Redelegations.* The authorities granted herein may not be redelegated.

DOUGLAS G. WRIGHT,
Administrator.

[F.R. Doc. 65-8264; Filed, Aug. 5, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-22496]

ALLIED VAN LINES, INC., ET AL.

Domestic and International Air Freight Forwarder Authority; Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1965.

In the Air Freight Forwarder Authority Case, Docket 12193 (Order E-21056), the Board concluded that certain long-distance household goods movers should be granted restricted air freight forwarder authority for a five-year experimental period. Subsequent to the Board's decision in the foregoing case, applications for air freight forwarder authority were filed by Allied Van Lines, Inc. (Allied) and other surface household goods movers, including Asiatic Forwarders, Inc. (Asiatic), City Transfer & Storage Co., Inc. (City), Federal Warehouse Co. (Federal), HC&D Moving & Storage Co. (HC&D), and Monumental-Security Storage Co. (Monumental), that participate in the operations of the Allied cooperative organization.[1]

A review of the foregoing applications reveals that many of the individuals who have financial interests and/or management positions in Asiatic, City, Federal, and Monumental, also have management

[1] The Allied cooperative organization consists of 499 household goods motor carriers that share the interstate household goods motor carrier operating rights of the Allied cooperative. Each of the motor carriers owns one share of Allied common stock and acts as a hauling and/or booking "member-agent" for the Allied cooperative organization. In addition to the member-agent motor carriers, Allied is represented by several hundred other types of surface household goods movers pursuant to booking contracts or other types of agreements that provide for packing and crating or port handling services.

positions in Allied,[2] and financial interests and/or management positions in other corporations that operate as "member-agents" in the Allied cooperative organization.[3] Furthermore, the individuals who own and manage Asiatic and City,[4] together with certain Allied "member-agent" corporations,[5] directly or indirectly own all the common stock of two corporations which represent Allied and the other applicants in foreign countries.[6] Each of the applicants is linked to the Allied cooperative organization directly or indirectly through contractual relationships as "member-agents".

We have tentatively concluded as a matter of policy that a grant of more than one domestic and one international air freight forwarder operating authorization to a group of related household goods movers would be contrary to the public interest.[7] Financial and interlocking relationships between companies authorized to perform the same type of air freight forwarder services could lead to discriminatory practices, and could hinder enforcement of the Board's regulations. For example, each air freight forwarder within a group of related companies could file a different tariff rate for same service, and thus create opportunities for rate discrimination between different types of customers served by the group.

We also believe that interlocking relationships, common ownership interests, and close operational ties based on contractual relationships between household goods movers that participate in a cooperative organization could lead to unfair competitive practices in the event more than one company in the group is granted air freight forwarder authority. Competitive decisions made by each company within the group could be influenced by the effect such decisions would have on the group, and each separate company could hold out to the public as if it were in competition with related companies, when in fact, the managers of each company would influence the choice of services to be performed and the rates to be charged by all the companies.

In reviewing the applications for air freight forwarder authority filed by Allied, Asiatic, City, Federal, HC&D, and Monumental we find that the financial and/or interlocking relationships as well as the contractual relationships that link the applicants to the Allied cooperative organization could be contrary to the public interest in the event each applicant were granted air freight forwarder authority. In accordance with the tentative conclusions expressed above, we propose to consider Allied, Asiatic, City, Federal, HC&D, and Monumental as a single operational entity.[8] Consequently, we propose to grant no more than one domestic and one international air freight forwarder operating authorization to this group of household goods movers. Allied, Asiatic, City, Federal, HC&D, and Monumental may conform to our tentative decision by terminating their financial, interlocking and contractual relationships, or by electing a single applicant to receive air freight forwarder authority on behalf of the group.

Before making final the foregoing tentative findings and conclusions, we will afford all interested persons an opportunity to file comments.[9]

Accordingly, it is ordered:

1. That Allied, Asiatic, City, Federal, HC&D, and Monumental, and all other interested persons, be and they hereby are, afforded 15 days from the date of service of this order to file comments on the aforementioned tentative findings and conclusions;

2. That processing of the applications for air freight forwarder authority filed by Allied, Asiatic, City, Federal, HC&D, and Monumental be, and it hereby is, deferred pending consideration of the comments filed pursuant to paragraph 1; and

3. That copies of this order shall be served upon all persons listed in appendix A.[10]

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 65-8275; Filed, Aug. 5, 1965; 8:47 a.m.]

[2] Messrs. J. Brooke, J. Cummins, R. Cavanaugh, R. Rolapp, and J. Ullman serve as Directors of Allied. Mr. R. Rolapp is Chairman of the Board of Allied.

[3] Mr. R. Rolapp owns 5 percent of Asiatic, 5 percent of Asiatic International, Inc. and 25 percent of Beverly Hills Transfer & Storage Co. Mr. R. Rolapp serves as an officer of Beverly Hills Transfer & Storage Co. Mr. J. Brooke owns 98 percent of Utility Cartage, Inc., 15 percent of Asiatic, and 8 percent of Asiatic International, Inc. Mr. J. Brooke serves as an officer and director of Utility Cartage, Inc., Asiatic, Asiatic Trans-Pacific, Inc., and Asiatic International, Inc. Mr. J. Cummins owns 100 percent of Market Street Van & Storage Co. and Wings Van & Storage Co., as well as 36 percent of Asiatic, 36 percent of Asiatic Trans-Pacific, Inc. and 35 percent of Asiatic International, Inc. Mr. J. Cummins serves as an officer and director of each of the foregoing companies. Mr. R. Cavanaugh owns 60 percent of Monumental and serves as its President. Mr. J. Ullman owns 30 percent of Federal and serves as its President. Messrs. R. Reis and R. Smith each own 50 percent of City and 10 percent of Asiatic International, Inc. and serve as officers and directors of City.

[4] Messrs. J. Brooke, J. Cummins, F. Nason, R. Reis, and R. Smith.

[5] These Allied "member-agent" corporations include HC&D Ltd., which owns 100 percent of HC&D, Beverly Hills Transfer & Storage Co. (54 percent owned by F. Nason), Utility Cartage, Inc., and City. The foregoing companies own 9 percent, 20 percent, 15 percent and 20 percent of Asiatic Trans-Pacific, respectively. Utility Cartage, Inc. and HC&D Ltd. own 8 percent and 9 percent of Asiatic International, Inc., respectively.

[6] Asiatic Trans-Pacific, Inc., and Asiatic International, Inc.

[7] See Order E-22185, May 20, 1965.

[8] This approach is consistent with the Board's tentative view in Order E-22185.

[9] Comments by applicants and interested parties shall conform to the general requirements of the Board's Rules of Practice in Economic Proceedings, and should be submitted in triplicate to the Board's Bureau of Economic Regulation. Since we are providing for the submission of comments, petitions for reconsideration of this Order will not be entertained.

[10] Not filed as part of original document.

[Docket Nos. 16230, 16240; Order E-22498]

HAWAIIAN AIRLINES, INC., AND ALOHA AIRLINES, INC.

Rates for Certain Mail Carriage in Hawaii; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1965.

Hawaiian Airlines, Inc. (Hawaiian) on June 10, 1965, and Aloha Airlines, Inc. (Aloha) on June 14, 1965, petitioned the Board to establish a rate of 19 cents per ton mile for the carriage of mail other than airmail and air parcel post within the State of Hawaii. Both petitions specify that the ton miles be calculated on the basis of nonstop (great circle) mileages and that empty mail equipment will be transported without charge. Hawaiian also requests that the current rate of 30 cents per ton mile[1] for the intra-Hawaii transportation of first-class mail remain effective until the Post Office Department tenders additional mail now moving via surface transportation.

In support of its petition, Hawaiian states that an "all up" mail service within Hawaii will be of tremendous value to the businesses, and residents of Hawaii and the United States, and will expedite mail service without an increase in postal rates. Hawaiian estimates that on an additional cost basis the revenues at 19 cents per ton mile for the 662,039 mail ton miles it estimates[2] will be generated, will add about $32,000[3] to Hawaiian's net income, before Federal income taxes, in the first year of operation. Hawaiian avers that it has adequate capacity in its combination and all-cargo aircraft to accommodate the mail now being transported intra-Hawaii by surface means. The carrier also provides data showing that the additional mail will improve its weight load factor from 49.5 percent to 52.8 percent[4] and that it will reap a modest improvement in its directional imbalance problem.

Aloha states that with a large number of flights being operated between the Islands, the public interest requires expeditious air movement rather than dependence on slow ocean going barges. The carrier points out it requested the Board to set a rate for the carriage of preferential mail on July 9, 1959, in order to overcome the unsatisfactory nature of low frequency barge service, and that such barge service is still unsatisfactory. Although it has not made a cost analysis, the carrier believes a rate of 19 cents per ton mile for the carriage of mail other than airmail and air parcel post on a space-available basis to be fair and reasonable and anticipates it will cover its costs and provide a return on investment.

On June 24, 1965, the Postmaster General filed an answer supporting the peti-

[1] Preferential Mail Rates, Hawaii, 24 CAB 799 (1956).

[2] Derived from tonnage and distribution data provided by the Post Office Department.

[3] Net of an estimated loss of $1,975 per year from the reduction in the rate for first-class mail from 30 to 19 cents per ton mile.

[4] Taking into account flights now classified as ferry flights for lack of revenue traffic.

tions of Hawaiian and Aloha. The answer states that the movement of all classes of mail by air between the islands will offer substantial improvement over surface transportation and materially advance delivery of such mail. The requested rate of 19 cents per ton mile will involve minimum added costs to the Department, on the basis of estimated annual volumes of mail now transported by barge. Budgetary limitations restrict the Department's expenditures for intra-Hawaiian transportation by air of bulk mail to those amounts expended for surface transportation.

The Department states that it anticipates that the transfer of bulk mail from barge transportation to air transportation could be effected before August 23, 1965. The Department has no objection to Hawaiian's proposal that the existing 30 cent per ton mile nonpriority rate remain in effect until the date that the Department transfers bulk mail from barge to air transportation.

The petitioners' overall load factors, by quarters and for the 12 months ended March 31, 1965, reported on Form 41, are tabulated below:

Quarter ended	Hawaiian	Aloha
	Percent	*Percent*
June 30, 1964	53.0	63.5
Sept. 30, 1964	55.7	71.9
Dec. 31, 1964	51.7	60.7
Mar. 31, 1965	54.9	61.1
Year ended Mar. 31, 1965	53.9	64.8

These data tend to confirm Hawaiian's allegation that it has ample capacity to assimilate the additional nonpriority mail on a space-available basis.

Hawaiian's estimates of volume and net income are predicated upon the assumption that it will transport all the additional mail. In fact, Aloha can be expected to share in such carriage, although, in view of the higher load factors it is experiencing, as tabulated previously, its participation in such additional traffic may be expected to fall short of that of Hawaiian. In any event, to the extent that Aloha shares in the transportation, Hawaiian's capability to accommodate the mail on a space available basis is enhanced. Therefore, there is no reason to doubt that the forecast total volume of additional nonpriority mail can be accommodated on a space available basis, particularly in regard to the unused capacity available when both carriers are considered.

Relative to Hawaiian's estimate of net income, should Aloha participate in the carriage, the dilution of volume does not appear to affect the conclusion that Hawaiian will enjoy an improvement in profit. Since the additional costs estimated by Hawaiian also will be reduced with the reduction in volume, it would have some, albeit lesser, improvement in net income. Aloha avers that it expects the 19 cent per ton-mile rate will cover costs and contribute to its profits. The Department alleges budgetary limitations restrict its ability to pay more for the service than the rate proposed by Hawaiian and Aloha. As we observed in the Nonpriority Mail Rate Case[3] which established a nonpriority rate for domestic services yielding about 18.2 cents per ton-mile, where the rates should fall within the range between fully allocated costs but above added costs is largely a matter of judgment, exercised in the light of the particular circumstances of the case.

In consideration of the benefits in the public interest that the proposed mail service will provide, that the estimated volume of nonpriority mail can be accommodated on a space-available basis with revenues in excess of the added costs of such service, and the current costs of surface transportation which exerts a budgetary limitation for the Post Office Department, we find that a rate of 19 cents per ton-mile for the carriage of mail other than airmail and air parcel post within the State of Hawaii is fair and reasonable.

Since the Post Office Department has indicated that the new service could be inaugurated before August 23, 1965, and a new Post Office Department accounting period starts August 14, 1965, we tentatively propose that the effective date be August 14, 1965. Until such date, as requested by Hawaiian and as acceded to by the Department, the existing rate of 30 cents per ton-mile for nonpriority mail will be undisturbed.

Upon consideration of the foregoing, Aloha's and Hawaiian's petitions, the answer of the Postmaster General and matters officially noticed, the Board proposes to issue an order to include the following conclusions:

1. The fair and reasonable rate of compensation to be paid Aloha Airlines, Inc., and Hawaiian Airlines, Inc., for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, within the State of Hawaii, on and after August 14, 1965, is 19 cents per ton mile;

2. The ton miles shall be computed on the direct airport-to-airport mileage between the points actually served on each trip operated with nonpriority mail;

3. Returning empty nonpriority mail equipment will be transported without charge to the Post Office Department;

4. The aforesaid rate of compensation shall be service mail rates payable in their entirety by the Postmaster General;

5. The "nonpriority mail" for which the aforesaid rate is established is defined as all classes of mail except air mail and air parcel post;

6. Order E-10903, December 31, 1956, insofar as it applies to first-class mail and other preferential mail (other than air mail and air parcel post) between points within the State of Hawaii, shall be superseded by the final order issued herein.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That,

1. Aloha Airlines, Inc., Hawaiian Airlines, Inc., and the Postmaster General are each directed to show cause why the Board should not adopt the provisional findings and conclusions stated above, and fix and determine a rate of 19 cents per ton mile as the fair and reasonable final rate of compensation to be paid Aloha Airlines, Inc., and Hawaiian Airlines, Inc., for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, within the State of Hawaii, on and after August 14, 1965;

2. All further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 7 days, and if notice is filed, written answer and supporting documents shall be filed within 10 days, after the date of service of this order;

3. If notice of objection is not filed within 7 days, or if notice is filed and answer is not filed within 10 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

4. If answer is filed, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order be served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 65-8276; Filed, Aug. 5, 1965; 8:47 a.m.]

[Docket No. 14274]

INVESTIGATION OF EXCESS BAGGAGE CHARGES

Notice of Postponement of Hearing

In view of the concurrently issued notice to all parties fixing a date for a further prehearing conference, the hearing in the above proceeding presently scheduled to be held on August 9, 1965, is hereby postponed until further notice.

Dated at Washington, D.C., August 3, 1965.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 65-8277; Filed, Aug. 5, 1965; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

VEGETABLE TANNIN EXTRACTS HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e),

[3] 34 CAB 143 (1961).

notice is hereby given of a proposed disposition of approximately the following excess quantities of vegetable tannin extracts now held in the national stockpile: 15,000 long tons of chestnut, 111,457 long tons of quebracho and 23,962 long tons of wattle.

These quantities of tannin extracts are excess to the needs of the stockpile as a result of a revised determination made by the Office of Emergency Planning pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a, with respect to the quantities of vegetable tannin extracts to be stockpiled.

Since the revised determination is not by reason of obsolescence of the tannin extracts for use in time of war, this proposed disposition is being referred to the Congress for its express approval as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to make said vegetable tannin extracts available for transfer to other Government agencies, for sale on a competitive or shelf-item basis, or for disposition in such other manner as may be in the best interest of the Government, upon the express approval by the Congress of this proposed disposition, but not prior to the expiration of 6 months after the date of publication of this notice in the FEDERAL REGISTER unless earlier disposal may be authorized by law.

No annual disposal rate is being established now for chestnut extract, pending the time when normal supplies again become available from usual production sources. The quantities to be made available for disposal will be consistent with market requirements. The annual rates of disposal, exclusive of direct Government use, for the first disposal year will be approximately 3,000 long tons for quebracho extract and approximately 1,500 long tons for wattle extract, the rates of disposal in subsequent years to be subject to adjustment as market conditions warrant.

The plan and dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets, as well as the protection of the United States against avoidable loss.

Dated: July 30, 1965.

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

[F.R. Doc. 65-8273; Filed, Aug. 5, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

EDGERTON, GERMESHAUSEN & GRIER, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 2, 1965.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: Edgerton, Germeshausen & Grier, Inc., File 7-2459, M. A. Hanna Co., File 7-2460, Varian Associates, File 7-2461.

Upon receipt of a request, on or before August 18, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proppses to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-8261; Filed, Aug. 5, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9792]

CITIES SERVICE OIL CO. ET AL.

Findings and Order

JULY 29, 1965.

Cities Service Oil Co. (successor to Imperial Oil of Kansas, Inc.) and other applicants listed herein, Docket Nos. G-9792 et al.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors corespondents, substituting respondent, redesignating proceedings, requiring filing of agreement and undertaking, requiring filing of surety bond, 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 General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Cities Service Oil Co., Applicant in Docket No. G-9792 proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Imperial Oil of Kansas, Inc., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Cities Service. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-20302.[1] A subsequent increased rate has been filed and suspended in Docket No. RI65-451 and has not been made effective. Cities Service has requested to be made party respondent in the rate proceedings and has agreed to file an agreement and undertaking in Docket No. G-20302 to assure the refund of any amount collected by it as of the date of acquisition of the producing properties, April 1, 1965, in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Cities Service will be made a corespondent in the proceeding pending in Docket No. G-20302 and will be substituted as respondent in the proceeding pending in Docket No. RI65-451, said proceedings will be redesignated, and Cities Service will be required to file an agreement and undertaking in Docket No. G-20302.

South States Oil & Gas Co., Applicant in Docket No. G-13087, proposed to continue the sale of natural gas heretofore authorized in said docket and made pursuant to James A. Wood, Trustee (Operator), et al., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of South States. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-20.[2] A prior increased rate was collected for a locked-in period by Wood subject to refund in Docket No. G-20070.[2] South States has requested to be made corespondent in said proceedings and has agreed to file a surety bond to assure the refund of any amount collected by it as of the date of transfer of the producing properties, January 1, 1965, in excess of the amount determined to be just and reasonable. Accordingly, South States will be made corespondent in the proceedings pending in Docket Nos. G-20070 and RI61-20, and proceedings will be redesignated accordingly, and South States will be required to file a surety bond in Docket No. RI61-20.

After due notice, no petitions to intervene, notices of intervention, or protests

[1] Consolidated with Docket No. AR64-1, et al.

[2] Consolidated with Docket No. AR64-2, et al.

to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on July 27, 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 appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued in Docket Nos. G–9792, G–12271, G–13087, G–13228, G–13633, G–17246, G–17248, CI60–472, CI61–385, CI61–516, CI62–470, CI63–208, CI63–274, CI64–1035, CI64–1081, CI64–1482, CI65–199, CI65–338, CI65–743 and CI65–792 should be amended as hereinafter ordered.

(6) 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.

(7) 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.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cities Service Oil Co. should be made a corespondent in the proceeding pending in Docket No. G–20302 and should be substituted in lieu of Imperial Oil of Kansas, Inc., as respondent in the proceeding pending in Docket No. RI65–451, that said proceedings should be redesignated accordingly, and that Cities Service should be required to file an agreement and undertaking in Docket No. G–20302.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that South States Oil & Gas Co. should be made a corespondent in the proceedings pending in Docket Nos. G–20070 and RI61–20, that said proceedings should be redesignated accordingly, and that South States should be required to file a surety bond.

(10) 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 are 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 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, shall be filed prior to the applicable date, as indicated by footnotes 10 and 13 in the attached tabulation.

(E) The certificate issued herein in Docket No. CI65–1279 is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35).

(F) The certificates heretofore issued in Docket Nos. G–13633, G–17246, G–17248, CI62–470, and CI65–199 are 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.

(G) The certificate heretofore issued in Docket No. CI61–516 is amended to include the sale of natural gas from the additional acreage and such authorization is subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(H) The certificate heretofore issued in Docket No. CI64–1035 is amended to include the sale of natural gas from the additional acreage. The rate for the additional service shall be 15.0 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement.

(I) The certificates heretofore issued in Docket Nos. G–13228 and CI63–274 are amended by deleting therefrom authorization granted herein in Docket Nos. CI65–1327 and CI65–1308.

(J) The certificate heretofore issued in Docket No. CI63–208 is amended to reflect the change of corporate name from Sylvester-Anderson Oil Co., Inc., to American Petroleum Associates, Inc.

(K) The certificates heretofore issued in Docket Nos. CI65–338 and CI65–792 are amended to add the interest of nonsignatory co-owners, and the related rate schedule in Docket No. CI65–792 is redesignated as Gulf Oil Corp. (Operator), et al.

(L) The certificates heretofore issued in Docket Nos. G–9792, G–12271, G–13087, CI60–472, CI61–385, CI64–1081, CI64–1482, and CI65–743 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(M) 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 granted.

(N) The certificates heretofore issued in Docket Nos. G–16161, G–19648, CI60–109, and CI62–1256 are terminated.

(O) Cities Service Oil Co. is made a corespondent in the proceeding pending in Docket No. G–20302 and is substituted in lieu of Imperial Oil of Kansas, Inc., as respondent in the proceeding pending in

Docket No. RI65–451, and said proceedings are redesignated accordingly.[3]

(P) Within 30 days from the date of this order, Cities Service Oil Co. 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–20302 to assure the refund of any amounts collected by it as of April 1, 1965, 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 within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Q) Cities Service Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder, and the agreement and undertaking filed by Cities Service in Docket No. G–20302 shall remain in full force and effect until discharged by the Commission.

(R) South States Oil & Gas Co. is made a co-respondent in the proceedings pending in Docket Nos. G–20070 and RI61–20, and said proceedings are redesignated accordingly.[4]

(S) Within 30 days from the issuance of this order, South States Oil & Gas Co. shall execute in the form set out below and shall file with the Secretary of the Commission a surety bond in Docket No. RI61–20 in the amount of $2,500 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected by it as of January 1, 1965, 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 surety bond shall be deemed to have been accepted for filing.

(T) South States Oil & Gas Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder, and South States' surety bond filed in Docket No. RI61–20 shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the succession herein are 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] Docket No. G–20302, Imperial Oil of Kansas, Inc., and Cities Service Oil Co., Docket No. RI65–451, Cities Service Oil Co.

[4] Docket No. G–20070, James A. Wood, Trustee (Operator), et al., and South States Oil & Gas Co.; Docket No. RI61–20, James A. Wood, Trustee (Operator), et al., and South States Oil & Gas Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–9792 E 4–28–65	Cities Service Oil Co. (successor to Imperial Oil of Kansas, Inc.).	Cities Service Gas Co., Medicine Lodge Field, Barber County, Kans.	Imperial Oil of Kansas, Inc., FPC GRS No. 1.	200	
			Supp. Nos. 1–3	200	1–3
			Notice of succession 4–28–65.		
			Supplement 5–21–65 [1]	200	4
			Effective date: 4–1–65		
G–12271 E 6–10–65	Bob Miner (Operator), et al. (successor to James Rolland Matthews (Operator), et al.).	United Gas Pipe Line Co., Bloomington Field, Victoria County, Tex.	James Rolland Matthews (Operator), et al., FPC GRS No. 1.	2	
			Supplement Nos. 1–6	2	1–6
			Notice of succession 6–3–65.		
			Assignment 3–1–65 [2]	2	7
			Effective date: 3–1–65		
G–13087 E 6–11–65	South States Oil & Gas Co., (successor to James A. Wood, Trustee (Operator), et al.).	Tennessee Gas Transmission Co., North Ross Field, Starr County, Tex.	James A. Wood, Trustee (Operator), et al., FPC GRS No. 1.	4	
			Supplement Nos. 1–4	4	1–4
			Notice of succession (undated).		
			Assignment 2–10–65 [2]	4	5
			Assignment 2–10–65 [2]	4	6
			Assignment 2–10–65 [2]	4	7
			Assignment 2–10–65 [2]	4	8
			Effective date: 1–1–65		
G–13633 D 3–15–65	Union Producing Co.	United Gas Pipe Line Co., Monroe Field, Union Parish, La.	Supplemental agreement 2–17–65. [4]	138	13
			Supplemental agreement 2–17–65. [4]	141	13
			Supplemental agreement 2–17–65. [4]	142	13
			Supplemental agreement 2–17–65. [4]	177	13
			Supplemental agreement 2–17–65. [4]	181	13
	Union Producing Co. (Operator), et al.				
G–17246 D 6–14–65	Socony Mobil Oil Co., Inc. (Operator), et al. (partial abandonment).	Sinclair Oil & Gas Co., Abell Field, Pecos County, Tex.	Amendment 1–11–65 [4]	197	6
G–17248 D 6–14–65	Socony Mobil Oil Co., Inc. (Operator), et al.	do	Amendment 1–11–65 [4]	193	2
CI60–472 E 6–11–65	Michel T. Halbouty (successor to the Pure Oil Co. (Operator), et al.).	United Gas Pipe Line Co., Fostoria Field, Montgomery County, Tex.	The Pure Oil Co. (Operator), et al., FPC GRS No. 51.	10	
			Supplement Nos. 1–2	10	1–2
			Notice of succession 6–11–65.		
			Assignment 5–17–65 [2]	10	3
			Effective date: 3–1–65		
CI61–385 E 4–29–65	Cities Service Oil Co., et al. (successor to Imperial Oil of Kansas, Inc.).	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Imperial Oil of Kansas, Inc., FPC GRS No. 2.	201	
			Notice of succession 4–28–65.		
			Supplement 5–21–65 [1]	201	1
			Effective date: 4–1–65		
			Ratification agreement 6–7–60. [4]	201	2
CI61–516 C 5–20–65 [10]	Pan American Petroleum Corp. (Operator), et al. [11]	Michigan Wisconsin Pipe Line Co., Woodward Area, Major and Woodward Counties, Okla.	Amendment 4–9–65 [12]	330	20
CI62–470 C 6–15–65 [13]	Sun Oil Co. (Southwest Division).	Arkansas Louisiana Gas Co., Manziel Field, Wood County, Tex.	Amendment agreement 5–14–65. [2]	141	6
CI63–208 6–24–65 [14]	American Petroleum Associates, Inc. (formerly Sylvester-Anderson Oil Co., Inc.).	Consolidated Gas Supply Corp., Pleasants District, Clay County, W. Va.	Sylvester-Anderson Oil Co., Inc., FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Certification of adoption 5–24–65.		
			Articles of amendment 5–5–64. [15]	1	2
			Effective date: 5–14–64		
CI64–1035 C 5–28–65 [16]	Tenneco Oil Co. [18] (Operator), et al.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Agreement 3–10–65 [2]	79	11
CI64–1081 E 6–10–65	Harry Allen Chapman (successor to George A. Carlson).	Cities Service Gas Co., acreage in Kay County, Okla.	George A. Carlson, FPC GRS No. 1.	1	
			Notice of succession 6–10–65.		
			Assignment 2–22–65	1	1
			Effective date: 2–22–65		
CI64–1482 E 6–11–65	Harry Allen Chapman (successor to George A. Carlson and Western Petroleum Co., Inc.).	Panhandle Eastern Pipe Line Co., acreage in Stafford County, Kans.	George A. Carlson and Western Petroleum Co., Inc., FPC GRS No. 1.	3	
			Notice of succession 6–11–65.		
			Assignment 2–22–65	3	1
			Effective date: 2–22–65		

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.
CI65-199 C 6-10-65 [12]	Texaco Inc.	El Paso Natural Gas Co., Basin Dakota Formation, San Juan County, N. Mex.	Supplemental agreement 5-19-65.[3]	341	1
CI65-338 6-11-65 [17] [18]	The Pure Oil Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Badwater Area, Fremont and Natrona Counties, Wyo.	Ratified 3-9-65 [13]	84	2
			Ratified 3-9-65 [14] [3]	84	3
CI65-743 E 6-11-65	Harry Allen Chapman (successor to George A. Carlson).	Arkansas Louisiana Gas Co., North Enid Field, Garfield County, Okla.	George A. Carlson, FPC GRS No. 2.	2	
			Supplemental No. 1	3	1
			Notice of succession 6-11-65.		
			Assignment 2-22-65	2	2
			Effective date: 2-22-65 (20)		
CI65-792 5-18-65 [15] [21]	Gulf Oil Corp. (Operator), et al.	Lone Star Gas Co., North Dibble Field, McClain County, Okla.			
CI65-1265 A 5-26-65 [22]	The Shamrock Oil and Gas Corp.	Western Gas Service Co., acreage in Ochiltree County, Tex.	Contract 3-11-65	44	
			Amendment 4-22-65 [23] [3]	44	1
CI65-1279 A 6-7-65 [24]	Carl E. Gungoll, et al.[24]	Panhandle Eastern Pipe Line Co., South Tegarden Field, Woods County, Okla.	Contract 5-6-65 [25]	5	
			Contract 10-4-62	5	1
			Amendment 3-1-63 [26]	5	2
			Amendment 4-15-63 [26]	5	3
CI65-1293 (CI60-100) B 6-10-65	Gulf States Development Corp. (Operator), et al.	Trunkline Gas Co., Reynolds Ranch, Jim Wells County, Tex.	Notice of cancellation 6-3-65.[3] [20]	2	2
CI65-1294 (CI60-1256) B 6-10-65	do	The Allex Corp., Tom Graham Field, Jim Wells County, Tex.	Notice of cancellation 6-3-65.[3] [20]	3	1
CI65-1295 (G-19648) B 6-10-65	do	Trunkline Gas Co., Pasiano & Orange Grove Fields, Jim Wells County, Tex.	Notice of cancellation 6-3-65.[3] [20]	1	5
CI65-1296 A 6-11-65 [22]	William Triant	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	Contract 3-24-65 [3]	1	
CI65-1299 A 6-11-65 [12]	John S. Bailey, Jr., et al. d.b.a. Tri-Apco, Inc.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va	Contract 3-30-65 [3]	2	
CI65-1300 A 6-11-65 [12]	Hanlon Oil Co.	Consolidated Gas Supply Corp., McKim and Lafayette Districts, Pleasants County and Grant District, Ritchie County, W. Va.	Contract 4-15-65 [3]	7	
CI65-1301 A 6-11-65 [12]	Hays and Co., Agent for Delta Petroleum Co. by James N. Ryan.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 3-24-65 [3]	41	
CI65-1302 A 6-11-65 [12]	George W. Miller, et al.	Consolidated Gas Supply Corp., DeKalb District, Gilmer County, W. Va.	Contract 3-10-65 [3]	40	
CI65-1303 A 6-12-65 [12]	George Moses	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Contract 4-7-65 [3]	11	
CI65-1304 A 6-11-65 [12]	Francis Friestad, et al.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 3-13-65 [3]	5	
CI65-1305 A 6-11-65 [12]	Stonestreet Lands Co., et al.	Consolidated Gas Supply Corp., DeKalb District, Gilmer County, W. Va.	Contract 3-11-65 [3]	25	
CI65-1306 A 6-10-65 [12]	MWJ Producing Co.	El Paso Natural Gas Co., acreage in Reagan County, Tex.	Contract 5-17-65 [3]	7	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI65-1308 (CI63-274) F 5-24-65	Petroleum International, Inc. (Operator), et al. (successor to Woods Exploration & Producing Co., Inc. (Operator), et al.).	Texas Eastern Transmission Corp., Doehrmann Field, DeWitt County, Tex.	Woods Exploration & Producing Co., Inc. (Operator), et al., FPC GRS No. 5.	3	
			Supplement No. 1	3	1
			Notice of succession 5-18-65.		
			Assignment 12-24-64 [27]	3	2
			Assignment 12-24-64 [28]	3	3
			Assignment 12-24-64 [29]	3	4
			Assignment 12-24-64 [30]	3	5
			Assignment 12-24-64 [31]	3	6
			Assignment 12-28-64 [32]	3	7
			Assignment 12-29-64 [33]	3	8
			Effective date: 12-1-64.		
CI65-1309 A 6-14-65 [12]	Continental Oil Co.	Arkansas Louisiana Gas Co., Southeast Lahoma Field, Garfield County, Okla.	Contract 5-4-65 [34]	300	
			Contract 7-2-62 [3]	300	1
CI65-1312 A 6-11-65 [12]	Sun Oil Co. (Southwest Division).	Arkansas Louisiana Gas Co., Cheniere Field, Ouachita Parish, La.	Contract 5-11-65 [35]	188	
			Contract 11-9-62 [36] [3]	188	1
CI65-1313 A 6-14-65 [12]	Sam D. Ares & Albert L. Ares (Operator), et al.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	Contract 5-28-54 [37]	4	
			Assignment 10-31-64 [38]	4	1
			Effective date: 9-1-64.		
CI65-1314 A 6-14-65 [12]	Pan American Petroleum Corp.	Northern Natural Gas Co., Southwest Ozona Canyon Field, Crockett County, Tex.	Contract 3-17-65 [3]	419	
CI65-1315 A 6-14-65 [12]	Petroleum Promotions, Inc., et al.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Contract 3-1-65 [3]	13	
CI65-1316 A 6-14-65 [12]	Hays & Co., Agent for Bilco, Inc.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 4-22-65 [3]	38	
CI65-1317 A 6-14-65 [12]	Francis E. Cain, Agent for Sam Gumm Oil & Gas Partnership No. 1 and No. 2.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 2-9-65 [3]	27	
CI65-1318 A 6-14-65 [12]	Queen Gas Co., et al.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	Contract 4-22-65 [3]	12	
CI65-1320 A 6-15-65 [12]	C. L. Elson, et al. d.b.a. Jumbo Oil & Drilling Co., et al.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 4-27-65 [3]	3	
CI65-1321 A 6-15-65 [12]	Tuscarora Oil & Gas Corp., et al.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	Contract 3-25-65 [3]	2	
CI65-1322 A 6-15-65 [12]	Hays and Co., Agent for Ferrell L. Prior, et al. d.b.a. Pepway & Prior Oil Co.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Contract 4-27-65 [3]	29	
CI65-1323 A 6-15-65 [12]	Jumbo Oil & Gas, Inc., et al.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	Contract 4-27-65 [3]	3	
CI65-1324 A 6-15-65 [12]	A. M. Van Flick	Equitable Gas Co., Sand Fork Field, Glenville District, Gilmer County, W. Va.	Contract 3-26-65	4	
			Letter agreement 6-2-65 [39] [3]	4	1
CI65-1325 (G-16161) B 6-16-65	The Pure Oil Co.	Lone Star Gas Co., Aylesworth Field, Marshall County, Okla.	Notice of cancellation 6-14-65.[40] [3]	42	4
CI65-1326 A 6-15-65 [12]	Jas. F. Smith	Cities Service Gas Co., Yellowstone Field, Woods County, Okla.	Contract 2-23-64 [6]	16	
			Contract 6-11-64	16	1
			Amendment 8-18-65 [40]	16	2
			Letter agreement 6-17-65.[6]	16	3

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.
A CI65-1327 (G-13228) F 6-11-65	Van-Grisso Oil Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 3-9-57 [4] Assignment 9-17-64 [5]	5 5	---------- 1

[1] Consists of an assignment effective Apr. 1, 1965, from Imperial Oil of Kansas, Inc., to Valor Oil Co. and a description only of a bulky conveyance dated Apr. 30, 1965, from Valor to Cities Service Oil Co. filed in Cities FPC GRS No. 199.
[2] Assignment of working interest from James Rolland Matthews to Bob Miner.
[3] Assignment of acreage from James A. Wood Trustee, et al., to South States Oil & Gas Co.
[4] Deletes nonproducing zones which Applicant states are uneconomical to develop.
[5] Effective date: Date of this order.
[6] Sinclair agrees to deletion of two nonproducing leases because the leases were canceled and the wells thereon plugged.
[7] Conveys acreage from the Pure Oil Co. and P. H. Welder, the only et al. party to Halbouty.
[8] Commits interest of Imperial Petroleum Co., et al., to basic contract. This agreement, through inadvertance, was not previously filed by predecessor.
[9] Effective date: Date of this order.
[10] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[11] By letter filed July 12, 1965, Applicant agreed to accept authorization for the additional acreage conditioned similarly to the certificates issued in Opinion No. 353.
[12] Adds a total of 498 acres to basic contract; 495 acres in the Downing Unit in Major County and 3 acres in the Wheelock Unit "B" in Woodward County.
[13] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[14] Amendment to the certificate filed to reflect the change of corporate name only.
[15] Amends "Articles of Incorporation" of Sylvester-Anderson Oil Co., Inc., to reflect name change to Sylvester Oil Co., Inc. (this change was not filed with the Commission) and in turn to American Petroleum Associates, Inc.
[16] Revised billing statement filed June 11, 1965. Contract rate is 15.0 cents plus tax reimbursement; however, by letter dated June 9, 1965, Applicant agreed to accept authorization for the additional acreage at 15.0 cents including tax.
[17] Applicant filed amendment to the certificate to cover the interest of Husky Oil Co. and the Superior Oil Co.
[18] Husky Oil Co. (Supp. No. 2) and the Superior Oil Co. (Supp. No. 3) ratified the basic contract of Aug. 6, 1964, between the Pure Oil Co. and Kansas-Nebraska Natural Gas Co., Inc.
[19] Amendment to the certificate filed to cover interest of nonsignatory co-owner and to redesignate the related rate schedule to read "(Operator), et al."
[20] Applicant submitted, as an exhibit to its petition, a letter of May 13, 1965, authorizing it to file to cover Texaco Inc.'s 0.7798-percent interest in the Purnam Wilson No. 1 Unit. Since Texaco is a nonsignatory co-owner, no rate schedule filing was made.
[21] Provides a new price schedule. Rate of 19.0 cents contractually due July 1, 1965, but Applicant is proposing 17.0 cents initial contract rate.
[22] By letter filed July 12, 1965, Applicant advised its willingness to accept a permanent certificate conditioned similarly to the certificates issued in Opinion No. 350.
[23] Ratifies contract between Shell Oil Co. and buyer dated Oct. 4, 1962. Established Shell's date of initial delivery (Sept. 1, 1963) as their own insofar as contract year and periodic escalations are concerned.
[24] Deletes contract provision which provides price redetermination if parties elect to keep contract in force beyond 20-year term.
[25] Provides a formula for determination of yearly production volumes.
[26] Source of gas depleted.
[27] Assignment of working interest from J. Stanley Halperin to Calvin Michelson.
[28] Assignment of working interest from U. V. Misscio to Calvin Michelson.
[29] Assignment of working interest from Joseph Giordano to Calvin Michelson.
[30] Assignment of working interest from Woods Exploration & Producing Co., Inc., to Calvin Michelson.
[31] Assignment of working interest from Stanley C. Woods to Calvin Michelson.
[32] Assignment of working interest from Consolidated Production Corp. to Stanley C. Woods.
[33] Assignment of working interest from Calvin Michelson to Petroleum International, Inc.
[34] Ratifies contract dated July 2, 1962, between buyer and Harper Oil Co., et al., on file as Harper's FPC GRS No. 32.
[35] Adopts terms of contract dated Nov. 9, 1962 (Supp. No. 1).
[36] Between Pan American Petroleum Corp. and buyer.
[37] Between W. H. Black, seller and El Paso, buyer. Black has made no filings for this acreage.
[38] Assigns acreage from W. H. Black to Ares, et al.
[39] Additional acreage dedication.
[40] Gas can no longer be delivered into purchasers' pipeline due to decline in wellhead pressure.
[41] Adopts terms of June 11, 1964, contract between Champlin Refining Co. and buyer (Supp. No. 1).
[42] Eliminates indefinite pricing provisions from the terms of the contract.
[43] Eliminates the use of a gravitometer of the metering station located at the point of delivery and provides for specific gravity determinations.
[44] Basic contract between Cities Service Oil Co. and buyer; on file as Cities Service Oil Co. FPC GRS No. 182. Applicant is being placed in the same rate status as its predecessor.
[45] Conveys acreage from Cities Service to Applicant and covers 320 acres; 12.5 percent of the acreage is assigned to Applicant and 87.5 percent is assigned to Pan American (Pan American was granted authorization in Docket No. CI62-589 covering its acreage by order issued June 14, 1965, in Docket Nos. G-8025, et al.). Assignment covers only the acreage down to a depth of 7,100 feet.

[F.R. Doc. 65-8211; Filed, Aug. 5, 1965; 8:45 a.m.]

[Docket No. G-4029 etc.]

HOUSTON ROYALTY CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 28, 1965.

Houston Royalty Co. (Operator), et al., and other applicants listed herein, Docket Nos. G-4029, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: Provided, however, that pursuant to section 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4029 C 6-23-65 [2] 7-19-65 [3]	Houston Royalty Co. (Operator), et al., 3057 Humble Bldg., Houston, Tex., 77002.	United Gas Pipe Line Co., Poehler Field, Cabeza Creek Area, Goliad County, Tex.	13.1584	14.65
G-7753 E 6-30-65	Apco Oil Corp. (Operator), et al. (successor to Schermerhorn Oil Corp. et al.), Liberty Bank Bldg., Oklahoma City, Okla., 73102.	Northern Natural Gas Co., Eumont Field, Lea County, N. Mex.	[4] 11.2243	14.65
		do	[4] [5] 11.7113	14.65
G-8751 E 7-15-65	George R. Brown (successor to Herman Brown Estate), c/o J. L. Bianchi, Attorney, 1201 San Jacinto Bldg., Houston, Tex., 77002.	Arkansas Louisiana Gas Co., Southwest Mayfield Field, Beckam County, Okla.	11.0	14.65

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.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-9371 E 6-30-65	Apco Oil Corp. (Operator), et al. (successor to Schermerhorn Oil Corp. et al.).	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	[4] [7] 15.3993	14.65
G-9936 E 6-30-65	Apco Oil Corp. (Operator), et al. (successor to Schermerhorn Oil Corp.).	do	[8] 15.8563	14.65
G-10459 E 6-30-65	Apco Oil Corp. (Operator), et al. (successor to Schermerhorn Oil Corp. (Operator) et al.).	do	[7] [9] 15.3993	14.65
G-11790 C 6-21-65 [3]	Graham-Michaelis Drilling Co., 251 North Broad way, Wichita, Kans., 67202.	Cities Service Gas Co., Aetna Mississippi Field, Barber County, Kans.	14.0	14.65
G-13200 E 6-30-65	Apco Oil Corp. (successor to Schermerhorn Oil Corp.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
G-13389 E 6-30-65	Apco Oil Corp. (successor to Schermerhorn Oil Corp. et al.).	El Paso Natural Gas Co. South Blanco-Pictured Cliffs Field, San Juan County, N. Mex.	[10] 12.2295	15.025
G-16367 D 6-7-65	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	Transwestern Pipeline Co., Feldman-Tonkawa Field, Hemphill and Lipscomb Counties, Tex.	[11]	
G-17202 E 60-30-65	Apco Oil Corp. (successor to Schermerhorn Oil Corp. et al.).	Northern Natural Gas Co., Eumont Field, Lea County, N. Mex.	[12] 10.7688	15.025
G-18087 E 6-30-65	Apco Oil Corp. (successor to Schermerhorn Oil Corp.).	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	[7] [13] 15.3993	14.65
G-18162 E 6-30-65	Apco Oil Corp. (Operator), et al. (successor to Schermerhorn Oil Corp. (Operator), et al.).	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	7.5	14.65
G-18245 E 7-15-65	Talbert G. Byers (successor to Ralph T. Folwell, et al.), 712 Fifth St., St. Marys, W. Va.	Consolidated Gas Supply Corp., McKim District, Pleasants County, W. Va.	20.0	15.325
G-19449 E 6-30-65	Apco Oil Corp. (successor to Schermerhorn Oil Corp.).	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	7.5	14.65
G-20089 E 6-30-65	Apco Oil Corp. (successor to Schermerhorn Oil Corp. (Operator) et al.).	Zenith Gas System, Inc., Davis Ranch Field, Barber County, Kans.	[14] 13.0	14.65
CI60-115 E 6-30-65	do	Cities Service Gas Co., Davis Ranch Field, Barber County, Kans.	[15] 13.0	14.65
CI60-532 E 7-12-65	Sword Co. (successor to Continental Oil Co.), 1240 Republic Bank Bldg., Dallas, Tex., 75201.	United Fuel Gas Co., East Go Around Bayou Area, Cameron Parish, La.	[16] 19.5	15.025
CI62-1337 E 7-14-65	W. J. Fellers (Operator), et al. (successor to George B. McClellan, d.b.a. McClellan Drilling Co. (Operator) et al.), 822 Amarillo Bldg., Amarillo, Tex.	Panhandle Eastern Pipe Line Co., Acreage in Seward County, Kans.	16.0	14.65
CI63-485 E 6-30-65	Apco Oil Corp. (successor to Schermerhorn Oil Corp. (Operator), et al.).	Cities Service Gas Co., North Gerke Field, Pratt County, Kans.	[17] 13.0	14.65
CI64-988 E 7-12-65	Charles O. Hardey (Operator), et al. (successor to Tenneco Oil Co.), c/o John M. Shuey, Attorney, 604 Johnson Bldg., Shreveport, La.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	[18] 11.3632	15.025
CI64-1035 C 7-16-65	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex., 77002.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	.1397	[19] 14.65
CI64-1336 E 7-19-65	Reading & Bates Offshore Drilling Co. (successor to I. W. Lovelady (Operator), et al.), c/o Doerner, Stuart Moreland & Saunders, 1200 Atlas Life Bldg., Tulsa, Okla.	El Paso Natural Gas Co., North Justis Blinebry and North Justis Tubb-Drinkard Fields, Lea County, N. Mex.	9.0	14.65
CI65-608 E 7-14-65	Harry Allen Chapman (successor to Western Petroleum Co., Inc.), 816-12 National Bank of Tulsa Bldg., Tulsa, Okla.	Arkansas Louisiana Gas Co., North Enid Area, Garfield County, Okla.	12.0	[20] 14.65
CI65-1168 F 5-5-65 [21] 7-21-65 [22]	Tenneco Oil Co. (successor to Delhi-Taylor Oil Corp.), Post Office Box 2511, Houston, Tex., 77001.	Florida Gas Transmission Co., McGill Ranch Field, Kenedy County, Tex.	16.5	14.65
CI65-1185 F 5-10-65 [21] 7-22-65 [22]	Continental Oil Co. (successor to Delhi-Taylor Oil Corp.), Post Office Box 2197, Houston, Tex., 77001.	do	16.5	14.65

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-34 A 7-15-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	American Louisiana Pipe Line Co., Hog Bayou Field, Block I, offshore Cameron Parish, La.	19.0	15.025
CI66-36 A 7-16-65	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex., 75206.	Transcontinental Gas Pipe Line Corp., West Cameron Area, offshore Louisiana.	[23] 19.5	15.025
CI66-37 A 7-19-65	Dawon Drilling Co., Post Office Box 12509, 2630 Northwest Expressway, Oklahoma City 12, Okla.	Panhandle Eastern Pipe Line Co., Oakdale Pool, Woods County, Okla.	[24] 15.0+ Btu Adjustment	14.65
CI66-38 A 7-19-65	Pacific States Gas & Oil, Inc., c/o A. M. Van Flick, Agent, 211 Water St., Weston, W. Va., 26452.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI66-39 A 7-19-65	Occidental Petroleum Corp. et al., c/o H. H. Hillyer, Jr., attorney, 1122 Whitney Bldg., New Orleans, La., 70130.	Southern Natural Gas Co., Mystic Bayou Field, St. Martin Parish, La.	15.0	15.025
CI66-40 A 7-19-65	Roger K. Gray and Nancy G. Cheek, 9½ West Main, Ardmore, Okla., 73401.	Cities Service Gas Co., South Bishop Field, Ellis County, Okla.	17.0	14.65
CI66-41 A 7-12-65	National Cooperative Refinery Association (Operator), et al., c/o W. V. Carpenter, Haskell, Helmick, Carpenter & Evans, 1110 Denver Club Bldg., Denver, Colo., 80202.	Kansas-Nebraska Natural Gas Co., Inc., Wallace Creek Unit Area, Natrona County, Wyo.	15.0	14.65
CI66-42 F 7-19-65	Herbert L. Dillon, Jr. and the Fort Worth National Bank, Trustee (successors to J. M. Leonard et al.), c/o Robert Stahala, Attorney, 308 West First St., Fort Worth, Tex., 76102.	United Gas Pipe Line Co., Yoogeen Field, Bee County, Tex.	16.0	14.65
CI66-43 B 7-19-65	The Pure Oil Co., 200 East Golf Rd., Palatine, Ill., 60067.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Depleted	
CI66-44 A 7-19-65	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla., 73102.	Transcontinental Gas Pipe Line Corp., Johnson Bayou Field, Cameron Parish, La.	20.625	15.025
CI66-45 B 7-19-65	Ben S. Curtis, II A St. Northwest, Ardmore, Okla., 73401.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[25]	
CI66-46 A 7-15-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Panhandle Eastern Pipe Line Co., Selling Field, Woods County, Okla.	17.0	14.65
CI66-47 A 7-8-65	Orville Eberly, Agent, 510 Gallatin Bank Bldg., Uniontown, Pa.	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	20.0	15.325
CI66-48 A 7-12-65	American Exploration and Development Corp., 1815 National Bank of Commerce Bldg., San Antonio, Tex., 78209.	Texas Eastern Transmission Corp., Siloam Field, Clay County, Miss.	[26] 20.6186	15.025
CI66-49 A 7-21-65	Louis J. Smith, Exchange, W. Va.	Equitable Gas Co., Center District, Gilmer County, W. Va.	25.0	15.325

[1] Application previously noticed July 1, 1965, in Docket Nos. G-3083, et al., at a total initial rate of 13.0 cents per Mcf.
[2] Amendment to application filed to reflect a total initial rate of 13.1664 cents per Mcf in lieu of 13.0 cents.
[3] Rate in effect subject to refund in Docket No. RI64-608.
[4] Subject to 0.4875 cent per Mcf deduction for compression.
[5] Rate in effect subject to refund in Docket No. RI64-580.
[6] Rate in effect subject to refund in Docket No. RI65-148.
[7] Subject to 0.4467 cent per Mcf deduction for compression.
[8] Rate in effect subject to refund in Docket No. RI65-149.
[9] Application erroneously noticed July 1, 1965, in Docket Nos. G-3083 et al., at a total initial rate of 13.0 cents per Mcf.
[10] Rate in effect subject to refund in Docket No. RI64-490.
[11] Deletes nonproductive acreage.
[12] Subject to 0.5 cent deduction for compression.
[13] Rate in effect subject to refund in Docket No. RI65-150.
[14] Rate in effect subject to refund in Docket No. RI64-637.
[15] Subject to Btu adjustment and 1.5 cents deduction for compression.
[16] Includes 1.5 cents per Mcf tax reimbursement.
[17] Subject to B.t.u. adjustment.
[18] Subject to reduction for compression when pressure drops below 800 p.s.i.g.
[19] Application previously noticed May 11, 1965, in Docket Nos. G-5077 et al., at a total initial price of 17.5 cents per Mcf.

[8] Amendment to application filed to reflect a total initial rate of 16.5 cents per Mcf in lieu of 17.5 cents.
[9] Application previously noticed May 18, 1965, in Docket Nos. G-3912 et al., at a total initial price of 17.5 cents per Mcf.
[10] Applicant agrees to accept certificate at a total initial price of 15.0 cents per Mcf at 14.65 p.s.i.a.
[11] Producing properties sold to Purchaser.
[12] Includes 0.6186 cent per Mcf tax reimbursement.

[F.R. Doc. 65-8212; Filed, Aug. 5, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12865; FCC 65M-1007]

CHRONICLE PUBLISHING CO. (KRON-TV)

Order Continuing Hearing Conference

In re application of Chronicle Publishing Co. (KRON-TV), San Francisco, Calif., Docket No. 12865, File No. BPCT-2168, for construction permit to increase antenna height.

Because of a conflict in the Hearing Examiner's hearing schedule: *It is ordered*, This 2d day of August 1965, that the hearing conference now scheduled for September 30, 1965, be and the same is hereby rescheduled for September 16, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: August 3, 1965.

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

[F.R. Doc. 65-8284; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket Nos. 16033, 16034; FCC 65M-1002]

EASTERN LONG ISLAND BROADCASTERS, INC., AND REUNION BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Eastern Long Island Broadcasters, Inc., Sag Harbor, N.Y., Docket No. 16033, File No. BPH-4321; Reunion Broadcasting Corp., East Hampton, N.Y., Docket No. 16034, File No. BPH-4460; for construction permits.

The Hearing Examiner having under consideration a motion filed on July 28, 1965, by Reunion Broadcasting Corp., requesting that certain changes be made in procedural dates heretofore specified in the above-entitled proceeding, in order to allow more time for the preparation and filing of required data; and

It appearing, that because of other unexpectedly pressing matters, counsel for Reunion will not be able to assemble, edit and prepare exhibits properly by the presently scheduled date for exchange of August 9; and since Broadcast Bureau counsel will be unavailable to review the exchanged exhibits from August 13 to September 8, an extension in the presently scheduled hearing date of September 16, 1965, will also be required in order to retain an orderly procedure; and

It further appearing, that counsel for the Broadcast Bureau and counsel for the other applicant have informally agreed to a waiver of the provisions of the four-day requirement of the Commission's Rules and interpose no objection to a grant of the instant motion for continuance;

It is, therefore, ordered, This 30th day of July 1965, that the motion for change in procedural dates be and the same is hereby granted; and the procedural dates are rescheduled as follows:

	From	To
Exchange of exhibits relating to the 307(b) presentation and any issues subsequently added by the Review Board prior to Aug. 1...	Aug. 9, 1965	Aug. 23, 1965
Requests for additional information	Aug. 13, 1965	Sept. 14, 1965
Notification of witnesses desired for cross-examination	Sept. 8, 1965	Sept. 30, 1965
Commencement of hearing	Sept. 16, 1965	Oct. 11, 1965

Released: August 2, 1965.

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

[F.R. Doc. 65-8285; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket Nos. 16088-16092; FCC 65M-1000]

THEODORE GRANIK ET AL.

Order Regarding Procedural Dates

In re applications of Theodore Granik, Washington, D.C., Docket No. 16088, File No. BPCT-3453; All American Television Features, Inc., Washington, D.C., Docket No. 16089, File No. BPCT-3459; The Greater Washington Educational Television Association, Inc., Washington, D.C., Docket No. 16090, File No. BPCT-3514; T.C.A. Broadcasting, Inc., Washington, D.C., Docket No. 16091, File No. BPCT-3498; Colonial Television Corp., Washington, D.C., Docket No. 16092, File No. BPCT-3549; for construction permit for new television broadcast station (Channel 50).

Pursuant to agreements reached at the prehearing conference held on July 30, 1965, it was agreed that:

a. All amendments which are to be filed by any applicant pursuant to authorization contained in the Commission's Memorandum Opinion and Order adopted June 30, 1965, released July 2, 1965, in Ultravision Broadcasting Co., et al. (FCC 65-581; Mimeo No. 69561), as clarified by a public notice adopted July 7, 1965, released July 8, 1965 (FCC 65-595; Mimeo No. 69657), will be filed on or before the close of business Thursday, September 30, 1965. A copy of all amendments will be served on all other parties to the proceeding.

b. A further prehearing conference will be held on Friday, October 15, 1965, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

c. The evidentiary hearing now scheduled to be held on September 27, 1965, is continued to a date to be announced at the conclusion of the October 15, 1965, prehearing conference.

It is so ordered, This the 30th day of July, 1965.

Released: August 2, 1965.

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

[F.R. Doc. 65-8286; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-1006]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENNESSEE

Order Continuing Prehearing Conference

In re applications of Harry J. Morgan trading as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

Upon joint oral request of all counsel for a continuance of a scheduled July 30, 1965, prehearing conference in the above-entitled matter, said request having been made July 29, 1965, and granted orally by the Hearing Examiner on that date, the prehearing conference was continued to a date to be set by a later order,

Accordingly, it is ordered, This 2d day of August 1965, that the above oral grant is formalized herein, and

It is further ordered, on the Examiner's own motion, That the prehearing conference heretofore scheduled for July 30, 1965, is rescheduled to commence at 9 a.m., September 9, 1965, in the Commission's offices in Washington, D.C.

Released: August 3, 1965.

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

[F.R. Doc. 65-8287; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket No. 16155; FCC 65M-1009]

PALMETTO COMMUNICATIONS CORP.

Order Scheduling Hearing

In the matter of revocation of license of Palmetto Communications Corp., for Standard Broadcast Station WHHL, Holly Hill, S.C., Docket No. 16155.

It is Ordered, This 2d day of August 1965, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding: that the hearing therein shall be convened at 10 a.m., September 30, 1965; and that a prehearing conference shall be held September 15, 1965, commencing at 9 a.m.; and, *it is further*

ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: August 3, 1965.

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

[F.R. Doc. 65-8288; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket Nos. 16031, 16032; FCC 65M-991]

CAPITAL BROADCASTING CORP. AND CAPITAL NEWS, INC.

Order Continuing Prehearing Conference

In re applications of Capital Broadcasting Corp., Frankfort, Ky., Docket No. 16031, File No. BPH-4195; Capital News, Inc., Frankfort, Ky., Docket No. 16032, File No. BPH-4249; for construction permits.

It is ordered, This 29th day of July 1965, that the unopposed motion to postpone prehearing conference, filed by Capital Broadcasting Corp. on July 28, 1965, in anticipation of an amicable resolution of this controversy, is granted, and the prehearing conference is rescheduled from July 30 to September 8, 1965, at 9 a.m.

Released: July 29, 1965.

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

[F.R. Doc. 65-8289; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket Nos. 16150-16152; FCC 65-707]

RADIO DISPATCH, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Dispatch, Inc., for renewal of the license for station KOA268 in the Domestic Public Land Mobile Radio Service at Seattle, Wash., Docket No. 16150, File No. 163-C2-R-63; for renewal of the license for station KOA270 in the Domestic Public Land Mobile Radio Service at Tacoma, Wash., Docket No. 16151, File No. 48-C2-R-63; for renewal of the license for station KOA606 in the Domestic Public Land Mobile Radio Service at Everett, Wash., Docket No. 16152, File No. 343-C2-R-63.

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

The Commission having under consideration the above-entitled applications for renewal of licenses in the Domestic Public Land Mobile Radio Service; and

It appearing, that because of prior failures to comply with the Commission's rules and regulations, Radio Dispatch, Inc., was given a warning concerning its obligation to comply with the Commission's rules when the subject stations were last renewed on June 9, 1961; and

It further appearing, that there is substantial question whether Radio Dispatch, Inc., as licensee of the above-captioned stations, has violated the Commission's rules and regulations since the 1961 renewals; and

It further appearing, that there is substantial question whether, since the 1961 renewals, Mrs. Lily S. Horsmann, now or formerly a principal of Radio Dispatch, Inc., as licensee of station KOA605, Yakima, Wash., and station KOE516, Sunnyside, Wash., in the Domestic Public Land Mobile Radio Service has violated the Commission's rules; and

It further appearing, that since the 1961 renewals, complaints have been filed with this Commission concerning the licensee's operations, service and general business practices; and

It further appearing, that there are substantial questions regarding the truth of certain representations made to the Commission by the licensee since the 1961 renewals and/or the candor of the persons making such statements on behalf of Radio Dispatch, Inc.; and

It further appearing, that after the licensee's November 25, 1964, request for Special Temporary Authority to operate stations KOA268, KOA270, and KOA606 was denied, the licensee may have operated said stations without authority from this Commission; and

It further appearing, that we are unable to find, at this time that Radio Dispatch, Inc., possesses the necessary qualifications to be a licensee in this service and that the public interest would be served by renewal;

Accordingly, in view of the above determinations:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine whether Radio Dispatch, Inc., or any of its principals, past or present, has violated §§ 21.28, 21.101 (b), 21.109(b), 21.118(a), 21.118(d), 21.120, 21.121, 21.202, 21.204, 21.205(o), 21.207(a), 21.207(c), 21.208(a), 21.208(g)(2), 21.304, 21.509(g), and 21.514(a) of the Commission's rules and regulations and/or sections 301 and 310(b) of the Communications Act of 1934, as amended; and to determine the nature and extent of any such violations.

(b) To determine whether Radio Dispatch, Inc., or any of its principals, officers, or agents, past or present, directly or indirectly, have made statements to the Commission which were false, misleading or lacking in candor.

(c) To determine whether Radio Dispatch, Inc., possesses the qualifications to be a licensee in the Domestic Public Land Mobile Radio Service.

(d) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of the captioned applications.

It is further ordered, That if Radio Dispatch, Inc., desires to participate herein, it shall file its notice of appearance on or before the time specified in § 1.221 of our rules.

It is further ordered, That the Common Carrier Bureau shall serve a bill of particulars on Radio Dispatch, Inc., within 20 days after release of this Order.

Released: August 3, 1965.

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

[F.R. Doc. 65-8290; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket No. 16125; FCC 65M-1010]

TINKER, INC.

Order Scheduling Hearing

In the matter of revocation of the license of Tinker, Inc., for Standard Broadcast Station WEKY, Richmond, Ky. Docket No. 16125.

It is ordered, This 2d day of August, 1965, that James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearing therein shall be convened at 10 a.m., September 30, 1965; and that a prehearing conference shall be held on September 14, 1965, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: August 3, 1965.

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

[F.R. Doc. 65-8291; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket Nos. 15795, 16119; FCC 65-657]

UNITED BROADCASTING CO., INC. (WOOK), AND BOWIE BROADCASTING CORP.

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

In re applications of United Broadcasting Co., Inc. (WOOK), Washington, D.C., has (Lic) 1340 kc., 250 w., U, Class IV, has (CP) 1340 kc., 250 w., 1 kw-LS, U, Class IV, Docket No. 15795, File No. BR-1104, for renewal of license; Bowie Broadcasting Corp., Bowie, Md., requests 1340 kc., 250 w., U, Class IV, Docket No. 16119, File No. BP-16397, for construction permit.

1. The Commission has before it for consideration (a) the above-captioned applications; (b) a petition for reconsideration, filed March 12, 1965, by Bowie; and (c) pleadings in opposition and reply thereto.

2. The petition for reconsideration is directed against the Commission's action of February 3, 1965 (FCC 65-80), returning the Bowie application as unacceptable for filing because of prohibited overlap of contours as defined in § 73.37(a) of the Commission's rules. Bowie again seeks acceptance of its applica-

tion and comparative consideration with the mutually exclusive application of United Broadcasting Co., Inc., for renewal of the license of Station WOOK. The renewal application was designated for hearing on January 19, 1965 (FCC 65-49), to determine, inter alia, the nature of the control or supervision exercised by United's sole stockholder; whether a forfeiture should be levied; and whether a renewal would serve the public interest.

3. The Commission's rejection of the Bowie application was based on findings that the proposed 25 mv/m contour would overlap the 2 mv/m contour of Station WEBB, Baltimore, Md., and that the proposed 0.025 mv/m contour would overlap the 0.5 mv/m contour of co-channel Station WHAT, Philadelphia, Pa.

4. In its petition for reconsideration, Bowie admits that the proposal would involve approximately 44 square miles of 0.025 and 0.5 mv/m contour overlap with WHAT as contrasted with WOOK's present 1 kw. operation which causes only 12 square miles of overlap with that station. According to Bowie this overlap would have no adverse impact on the public because it occurs in an urban area where WHAT does not provide the requisite 2 mv/m city-grade signal and in an area already subject to interference. With respect to WEBB, Bowie claims that the latter's 2 mv/m contour falls one-tenth of a mile short of its 25 mv/m contour. This contention is based on measurement data consisting of a complete measured radial (37 measuring points in a distance of 27.18 miles) on a bearing of 212 degrees from WEBB[1] and stub radials on either side, i.e., at 207 and 217 degrees. Bowie further alleges that its proposal would eliminate the co-channel overlap which WOOK's 1 kw. operation causes to Stations WEPM, Martinsburg, W. Va., and WJMA, Orange, Va. The overlap areas amount to 342 and 106 square miles, respectively, able the two stations to bring these rural areas within the stations' interference-free service areas. Because of the fact that a grant to Bowie and a concomitant denial of WOOK's renewal would result in a net decrease in the overall prohibited overlap area, Bowie asserts that the Commission's failure to accept its application would have the effect of freezing present allocations and granting virtually perpetual licenses contrary to sections 307 (b) and (d) of the Communications Act of 1934.[2]

5. In opposition, WOOK submitted measurement data demonstrating that the WEBB 2 mv/m contour would overlap Bowie's 25 mv/m contour and that the 0.5 mv/m contour of Station WASA, Havre de Grace, Md. (1330 kc.), would overlap the Bowie 0.5 mv/m contour. The WOOK measurements on WEBB consist of a complete radial on a bearing of 211 degrees[3] (45 measuring points in a distance of 31 miles) and an extension of the WEBB proof-of-performance radial at 220 degrees.[4] The measurements on WASA are composed of a complete radial on a bearing of 213 degrees and stub radials on either side at 209 and 215 degress. Based on this measurement data, WOOK concludes that the WEBB 2 mv/m contour would overlap the proposed 25 mv/m contour of Bowie by 2.8 miles and that the Bowie 0.5 mv/m contour would overlap the WASA 0.5 mv/m contour by a maximum of 7 miles. WOOK recognizes that Bowie has made measurements on WEBB along a radial of 212 degrees as compared to the WOOK radial along a bearing of 211 degrees and that these are the pertinent radials to be used in determining the presence or absence of 2 and 25 mv/m overlap between the Bowie proposal and WEBB. Without validating the Bowie measurements, WOOK maintains that even if both radials were given equal weight and the distance from the WEBB site to the WEBB 2 mv/m contour taken as an average of the distances determined from an analysis of the two radials, the WEBB 2 mv/m contour would still overlap the Bowie 25 mv/m contour by approximately 0.25 mile. WOOK asserts that Bowie is arguing for a return of the ad hoc system because of the latter's reliance on "service" and "interference" concepts and that Bowie has failed to demonstrate public interest considerations sufficient to justify a waiver of the acceptability criteria.

6. Bowie, in reply, concedes that WOOK would be a party in interest if its mutually exclusive application had been accepted. However, Bowie maintains that there is no Commission precedent which would support WOOK's claim of standing prior to the acceptance for filing of Bowie's application. With respect to the question of 2 and 25 mv/m overlap with WEBB, Bowie states that if the extent of the WEBB 2 mv/m contour is to be based on a combination of measurement data made on the 211 and 212 degree radials, it would have to be determined by plotting all the measured points from the two radials on ground-wave field intensity graph paper. The antenna efficiency, soil conductivity and the extent of the 2 mv/m contour would then be determined from all the measurements rather than by using an average of distances obtained from individual analyses of the two radials as done by WOOK. Using this method Bowie finds that the WEBB 2 mv/m contour would fall approximately one-tenth of a mile short of the proposed 25 mv/m contour. Regarding the alleged 0.5 mv/m overlap with WASA, Bowie states that its measurements show the WASA field strength to be lower than that measured by WOOK in the critical area of its proposed 0.5 mv/m contour, but admits there would still be approximately one mile of prohibited overlap of contours. Bowie asserts that the reason WOOK found a higher field intensity was that it was measuring not only the WASA field strength but that of Station WESR, Tasley, Va., as well—WASA and WESR being on the same channel. Bowie further argues that since both sets of measurements made on WASA indicate the presence of co-channel signals of WESR, the measurements, from a practical standpoint, are meaningless and prove only that the area is already under interference. Bowie also contends that its measurements must take precedence over those of WOOK because the latter's were made on days—January 15 through 18, 1965—when weather conditions were conducive to high ground conductivity due to cold weather and snow-covered frozen soil whereas the Bowie measurements were taken on days when the weather more nearly reflected normal climate conditions in the area.

7. First, the Commission finds that WOOK is a party in interest and, as such, may oppose the petition for reconsideration as a matter of right. In Tri-Cities Broadcasting Co., FCC 64-990, released November 2, 1964, 3 RR 2d 1021, the Commission found that an applicant for a new station was a "person aggrieved or whose interests [were] * * * adversely affected" within the meaning of section 405 of the Act by virtue of the acceptance for filing of a timely mutually exclusive application, since acceptance thereof foreclosed the possibility of a grant without hearing.[5] We find no reason to distinguish between the Tri-Cities situation and the instant case. Here an applicant (WOOK) opposes an attempt by a would-be applicant (Bowie) to persuade the Commission to accept its previously rejected mutually exclusive application. From the standpoint of section 405 there is no essential difference between, on the one hand, petitioning the Commission to rescind a previous acceptance and, on the other hand, actively opposing an effort to reverse the Commission's prior rejection. In both cases the applicant whose acceptance for filing has not been challenged is faced with the prospect of participating in a comparative hearing if a mutually exclusive application is accepted. In the case at hand WOOK is no less a "person aggrieved" because its application for renewal has already been designated for hearing since, standing alone, acceptance of Bowie's mutually exclusive application would foreclose the possibility of an unopposed grant of its renewal application.

8. As previously indicated, Bowie and WOOK disagree as to the method which should be used to determine the extent of WEBB's 2 mv/m contour from the two sets of measurement data. WOOK finds that the 2 mv/m contour of WEBB would overlap the 25 mv/m contour of Bowie by approximately 0.25 mile whereas Bowie claims that the contours would fall about 0.1 mile short of each other. The method of analysis advanced by Bowie—i.e., the combination of all the measurement data made on a particular radial and deter-

[1] Site to site azimuth appears to be 211.5°.

[2] The former requires the Commission to distribute licenses "among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." Section 307(d) provides that broadcast licenses will be granted for a term of no more than three years.

[3] The complete measured radial submitted by Bowie was made on 212°, but the 211° and 212° radials traverse paths which appear to be similar with respect to terrain.

[4] The radial 220° is not towards any part of the proposed 25 mv/m contour of Bowie.

[5] See also Hi-Desert Broadcastig Corp. (KDHI), FCC 65-377, released May 10, 1965.

mining, by analysis of all the data, the average extent of the pertinent contour rather than simply striking an average of the distances obtained from individual analyses—is consistent with past policy and more properly designed to achieve an accurate result. For, as the Commission stated in Jeannette Broadcasting Co., 19 R.R. 480, "* * * while an analysis of all pertinent measurement data on a radial will give a fair and correct result, merely averaging the individual analyses of several experts * * * tends to favor the analysis which is more affected by bias or error." However, using Bowie's system, the Commission finds, based on all available measurement data, that slight overlap of the 2 and 25 mv/m contours would occur. The discrepancy between Bowie's conclusion and the Commission's is, in part, attributable to different findings as to the distance between transmitter sites. With respect to the question of prohibited overlap with WASA, Havre de Grace, Md., both sets of measurements indicate that overlap would exist. If, as Bowie argues, both sets of measurements are unreliable because of the presence of WESR's co-channel signal, we have no recourse but to use a conductivity of 40 mmhos/m for the upper Chesapeake Bay[6] and Figure M–3 for land areas. On this basis prohibited overlap would occur beyond that indicated by either set of measurements. However, it is clear that the overlap area is relatively small. Regarding the 0.025 and 0.5 mv/m prohibited overlap with WHAT, Philadelphia, Pa., Bowie's assertion that its proposal would result in a net increase in overlap area of only 32 square miles vis-a-vis WOOK's operation is uncontested and appears reasonable. Also unchallenged is Bowie's claim that a grant of its application and a denial of WOOK's renewal would eliminate 106 square miles and 342 square miles of 0.025 and 0.5 mv/m overlap presently caused to Stations WSMA, Orange, Va., and WEPM, Martinsburg, W. Va., respectively. In both instances the Commission finds the showing to be reasonable.

9. As noted in paragraph 7, above, Bowie contends that its measurements should be afforded greater significance than those made by WOOK by virtue of the fact that they were taken under climatic conditions more conducive to an average ground conductivity. This argument has been made in the course of a number of hearings in the past and must be rejected. The Commission's files are replete with data which show conclusively that the value of soil conductivity over a given path is influenced by a complex of seasonal and other variations. The Commission's rules, however, do not attempt to define "normal" weather conditions; nor do they demand that measurements be made at a particular time of the year. Rather, we must conclude, when measurement data are made at different periods and the conductivity indicated therefrom shows variations due to climatic or seasonal conditions, that the average effective conductivity over the path which will be considered valid for any period must be determined by combining and analyzing all the data. The conductivities indicated by Figure M–3 (Figure R–3 of the Rules) are average values from different seasons and periods and the skywave field curves (Figures 1, 2, and 1(a) of § 73.190) are also based on average values measured over different periods. Any method which does not use an average effective conductivity determined from all available data, regardless of the particular day or season when it was obtained, would result in the Commission allocating frequencies on a seasonal basis.

10. The Bowie application will be accepted for filing and immediately consolidated for hearing with the WOOK renewal. Where a prospective applicant can show that, although new prohibited overlap would occur, its proposal on a net basis would cause less prohibited overlap than the renewal of an existing license, strict enforcement of the prohibited overlap rules would tend to frustrate the operation of section 307(b) of the Act. These rules are acceptability criteria, designed to discourage the filing of applications which in the past often resulted in substandard allocations.[7] They were not intended to relieve the Commission of its primary duty under the Act to effect a "fair, efficient, and equitable" allocation of frequencies throughout the country. Here we are faced with a proposal which would, uncontrovertedly, greatly reduce existing areas of prohibited overlap and, at the same time, bring the first local transmission service to a rapidly growing community of approximately 20,000 persons. Under these circumstances it cannot be denied that there is at least a possibility that the Bowie proposal would represent a better allocation under section 307(b). Thus, the Commission finds that an evidential hearing should be held to determine, on a comparative basis, whether a renewal of WOOK's license in Washington, D.C., or the construction of a new station in Bowie, Md., would represent a more "fair, efficient, and equitable distribution of radio service."

11. Nunc pro tunc acceptance of the Bowie application would give it a filing date of October 13, 1964—well before designation of the WOOK renewal for hearing on January 19, 1965. In order to proceed as expeditiously as possible with consideration of the Bowie application with the WOOK renewal hearing presently in progress, the Commission on its own motion will waive its "cutoff" procedures (§ 1.571(c)) and publication requirements (§ 1.580(c)). It cannot be said that this action will operate to deprive interested parties of their opportunities, since the WOOK renewal had been on file for several years without conflicting applications being filed. Furthermore, since only Bowie tendered prior to the designation of the WOOK renewal application for hearing, no forthcoming applications could be timely tendered.

12. Except as indicated by the issues below, Bowie Broadcasting Corp. is legally, technically, financially and otherwise qualified to construct and operate as proposed. However, in view of the fact that its application is mutually exclusive with the application for renewal of license of Station WOOK, both applications must be designated for hearing in a consolidated proceeding on the issues specified below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Bowie Broadcasting Corporation is designated for hearing in a consolidated proceeding with the application of United Broadcasting Company, Inc., already designated for hearing in Docket 15795 pursuant to the Commission's Order and Notice of Apparent Liability, adopted January 19, 1965 (FCC 65–49), at a time and place to be specified in a subsequent Order. In addition to Issues 1 through 6 specified in the aforementioned Order and Notice of Apparent Liability, the following issues are added and numbered as below:

7. To determine the areas and populations which would receive primary service from Bowie Broadcasting Corp. and the availability of other primary service to such areas and populations.

8. To determine the areas and populations which would receive primary service from the operation of Station WOOK and the availability of other primary service to such areas and populations.

9. To determine whether overlap of the 2 and 25 mv/m contours would occur between the proposal of Bowie Broadcasting Corp. and the existing operation of Station WEBB, Baltimore, Md., in contravention of § 73.24(b)(1) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

10. To determine whether overlap of the 0.025 and 0.5 mv/m contours would occur between the proposal of Bowie Broadcasting Corp. and the existing operation of Station WHAT, Philadelphia, Pa., in contravention of § 73.24(b)(1) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

11. To determine whether overlap of the respective 0.5 mv/m contours would occur between the proposal of Bowie Broadcasting Corp. and the existing operation of Station WASA, Havre de Grace, Md., in contravention of §73.24(b)(1) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said Section.

12. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

13. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

[6] Easton Broadcasting Co., 27 FCC 503 (1959); John Laurino, 28 FCC 46 (1960), 19 R.R. 963.

[7] In re Amendment of Part 73 of the Commission's rules, 2 R.R. 2d 1658 at 1666.

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

14. To determine, in the light of the evidence adduced pursuant to the foregoing issues which if either, of the applications should be granted.

It is further ordered, That, the Petition for Reconsideration filed by Bowie Broadcasting Corporation is hereby granted and the application is hereby accepted for filing.

It is further ordered, That, in order to permit acceptance for filing and immediate consolidation for hearing of the application of Bowie Broadcasting Corporation, the provisions of §§ 73.37(a), 1.571(c), and 1.580(c) are hereby waived.

It is further ordered, That 1360 Broadcasting Co., Inc., licensee of Station WEBB, Baltimore, Md., Independence Broadcasting Co., Inc., licensee of Station WHAT, Philadelphia, Pa., and The Chesapeake Broadcasting Corp., licensee of Station WASA, Havre de Grace, Md., are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent 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 in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: July 14, 1965.

Released: August 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-8292; Filed, Aug. 5, 1965; 8:48 a.m.]

[3] Chairman Henry concurring in the result; Commissioner Hyde dissenting; Commissioner Wadsworth absent.

[Docket No. 16123; FCC 65M-1012]

WILLIAM RAY WILSON

Order Scheduling Hearing

In the matter of William Ray Wilson, Glen Burnie, Md., Docket No. 16123, order to show cause why the license for Radio Station KCF-1516 in the Citizens Radio Service should not be revoked.

It is ordered, This 2d day of August 1965, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be held in the Offices of the Commission, Washington, D.C., commencing at 10 a.m., September 23, 1965.

Released: August 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-8293; Filed, Aug. 5, 1965; 8:48 a.m.]

[Docket Nos. 15841-15843; FCC 65M-1005]

WTCN TELEVISION, INC. (WTCN-TV) ET AL.

Order Continuing Hearing

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT-3293; for construction permits.

The Hearing Examiner having under consideration petition filed July 26, 1965, on behalf of Midwest Radio-Television, Inc., and Twin City Area Educational Television Corp. requesting changes in procedural dates heretofore established in this proceeding;

It appearing, that good cause exists why said petition should be granted and there is no objection thereto;

Accordingly, it is ordered, This 2d day of August 1965, that the petition is granted and that the date for notification of witnesses herein shall be September 21 in lieu of September 1, 1965; and the hearing now scheduled for September 22 be and the same is hereby rescheduled for October 11, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: August 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-8294; Filed, Aug. 5, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 539]

MISSOURI

Declaration of Disaster Area

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

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about July 19, 1965.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, Mo., 64106.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1966.

Dated: July 20, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-8255; Filed, Aug. 5, 1965; 8:45 a.m.]

[Declaration of Disaster Area 540]

KENTUCKY AND TENNESSEE

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Bell County in the State of Kentucky and Campbell and Jefferson Counties in the State of Tennessee:

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

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

Now, therefore, as 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 Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about July 24, 1965.

OFFICES

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky., 40202.

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn., 37219.
Small Business Administration Branch Office, 301 West Cumberland Avenue, Knoxville, Tenn., 37902.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1966.

Dated: July 27, 1965.

LOGAN B. HENDRICKS,
Deputy Administrator.

[F.R. Doc. 65-8256; Filed, Aug. 5, 1965; 8:45 a.m.]

[Delegation of Authority No. 30—Wichita Regional Office, Field Disaster Office No. 1, RD 110-2]

MANAGER, DISASTER FIELD OFFICE, DODGE CITY, KANS.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, F.R. 5775, there is hereby redelegated to the Manager of Dodge City, Kans., Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: July 19, 1965.

JOHN E. KIRCHNER,
Regional Director,
Wichita, Kans., Regional Office.

[F.R. Doc. 65-8257; Filed, Aug. 5, 1965; 8:45 a.m.]

[Delegation of Authority No. 30—Birmingham, Ala., Region, Rev. 1]

BIRMINGHAM REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Atlanta, 30 F.R. 2884, as amended 30 F.R. 8080, Delegation of Authority No. 30—Birmingham, Ala., 30 F.R. 5874 is hereby revised to read as follows:

I. The folowing authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (Delegated to the positions as indicated below).* 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 classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (Delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division.* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve business and disaster loans not exceeding $350,000 (SBA share).

4. To decline business and disaster loans of any amount.

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

Name, *Administrator,*
By ----------
(Name)
Title of person signing.

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 compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. 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 to 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 contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in 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.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3 and 4.

3. Items I.C.6 through 10.

4. Item I.C.12—only the authority for servicing, administration, and collection, including subitems a and b.

5. Item I.A. (Size Determinations for Financial Assistance only.)

6. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Liquidation Section.* Item I.C. 12—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. Reserved.

G. Reserved.

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA activities only.)

2. Item I.B. (Eligibility Determinations for PMA Activities only.)

I. *Regional counsel.* To disburse approved loans.

J. *Administrative assistant.* 1. To purchase reproduction of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and 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.

3. 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.

4. 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.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: June 30, 1965.

PAUL R. BRUNSON,
Regional Director,
Birmingham, Ala.

[F.R. Doc. 65-8258; Filed, Aug. 5, 1965; 8:45 a.m.]

[Delegation of Authority No. 30—Louisville, Ky. Region, Rev. 1]

LOUISVILLE REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Atlanta, 30 F.R. 2884, as amended 30 F.R. 8080, Delegation of Authority 30 (Louisville), 30 F.R. 5878 is hereby revised as follows:

I. The following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (Delegated to the positions as indicated below).* 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 classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (Delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I. B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By ----------
(Name)
Title of person signing.

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. 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 compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

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 to 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 contracts 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 in 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.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C.7. through 11.

5. Item I.C.13.—only the authority for servicing, administration, and collection, including subitems a. and b.

6. Item I.A. (Size Determinations for Financial Assistance only.)

7. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Liquidation Section.* Item I.C.13.—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. Reserved.

G. Reserved.

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional counsel.* To disburse approved loans.

J. *Administrative assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and 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.

3. 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.

4. 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.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: July 1, 1965.

R. B. BLANKENSHIP,
Regional Director,
Louisville Regional Office.

[F.R. Doc. 65-8259; Filed, Aug. 5, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 40]

FINANCE APPLICATIONS

AUGUST 3, 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. 23760—By application filed August 2, 1965, The Cincinnati, New Orleans and Texas Pacific Railway Co., Post Office Box 1808, Washington, D.C., 20013, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of $6,900,000 principal amount of its Equipment Trust Series M Certificates. Applicant's attorneys James A. Bistline, general solicitor and R. Allan Wimbish,

assistant general solicitor, Southern Railway System, Post Office Box 1808, Washington, D.C., 20013. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. 23755—By application filed July 30, 1965, Atlantic Coast Line Railroad Co., 500 Water Street, Jacksonville, Fla., 32202, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of $4,950,000 principal amount of its Equipment Trust Certificates, Series Y. Applicant's attorneys: F. J. Prinosch, secretary and assistant vice president, Atlantic Coast Line Railroad Co., 220 East 42d Street, New York, N.Y., 10017 and Leonard G. Anderson, general solicitor, Atlantic Coast Line Railroad Co., 500 Water Street, Jacksonville, Fla., 32202. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-8367; Filed, Aug. 5, 1965; 8:46 a.m.]

[Notice 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 3, 1965.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 3018 (Sub-No. 13 TA), filed July 30, 1965. Applicant: McKEOWN TRANSPORTATION COMPANY, 10448 South Western Avenue, Chicago, Ill., 60643. Applicant's representative: Gregory J. Scheurich, 111 West Washington Street, Chicago, Ill., 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen gas*, in cylinders, and tank trailers from Whiting, Ind., to Coldwater, Mich., for 180 days. Supporting shipper: Union Carbide Corp., Linde Division, 230 North Michigan Avenue, Chicago, Ill., 60601. Send protests to: District Supervisor Charles J. Kudelka, Bureau of Operations and Compliance, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Chicago, Ill., 60607.

No. MC 55236 (Sub-No. 108 TA), filed July 30, 1965. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis., 54306. Applicant's representative: K. L. Laird, Traffic Manager–Bulk Division (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, and *plastic liners*, in mixed loads, from Chicago, Ill., and points in Chicago, Ill., commercial zone, as defined by the Commission, to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Rexall Drug Co., General Traffic Department, 153 Brown Road, Hazelwood, Mo., 63042 (J. R. Hammall, General Traffic Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 63562 (Sub-No. 46 TA), filed July 30, 1965. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Street, St. Paul, Minn. Applicant's representative: Barry McGrath, 1018 Northern Pacific Building, St. Paul, Minn., 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives and household goods as defined by the Commission) from Darby, Mont., to the Trapper Creek Job Corps Camp, located approximately 10.5 miles southwest of Darby, Mont., on Montana State Highway No. 473, over regular routes as follows: U.S. Highway 93 to junction Montana State Highway 473, thence Montana State Highway 473 to Trapper Creek Job Corps Camp, for 150 days. Supporting shippers: McPhail & Co., 240 West Pine Street, Missoula, Mont., Alvin Sylling, manager, Bitterroot National Forest, Hamilton, Mont., Harold E. Andersen, Forest Supervisor, Birdsall Mechanical Contractors, Issaquah, Wash., Harry W. Birdsall, Owner. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 109584 (Sub-No. 132 TA), filed July 30, 1965. Applicant: ARIZONA-PACIFIC TANK LINES, 3201 Ringsby Court, Denver, Colo., 80216. Applicant's representative: Eugene Hamilton, traffic manager—commerce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vinegar*, in bulk, in tank vehicles, (1) from the plantsite of Standard Brands, Inc., at Sumner, Wash., to the plantsite of Utah Pickle Co. at Salt Lake City, Utah; and (2) from the plantsite of Standard Brands, Inc., at Oakland, Calif., to the plantsite of C and S Packing Co. located within 15 miles of Albuquerque, N. Mex., for 180 days. Supporting shipper: Standard Brands, Inc., Standard Brands Building, 625 Madison Avenue, New York 22, N.Y. Send protests to: District Supervisor Luther H. Oldham, 2022 Federal Building, Bureau of Operations and Compliance, Interstate Commerce Commission, Denver, Colo., 80202.

No. MC 110525 (Sub-No. 736 TA), filed July 30, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa., 19335. Applicant's representative: Edwin H. van Deusen, commerce counsel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Rensselaer, N.Y., to points in Rutland County, Vt., for 180 days. Supporting shipper: American Oil Co., Post Office Box 6110-A, Chicago, Ill., 60680. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 124047 (Sub-No. 33 TA), filed July 30, 1965. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis., 53246. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, from Peebles, Ohio, to Ashland, Ky., for 150 days. Supporting shipper: Ashland Asphalt Paving Co., Box 1108 Ashland, Ky. (W. R. Sparks, General Mgr.). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 127453 TA, filed July 30, 1965. Applicant: LOUIS B. MIZE, 6821 Asher Avenue, Little Rock, Ark. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden wire bound boxes*, knocked down, in bundles and *wooden veneer baskets*, nested in bundles, with covers, from plantsite of Nashville Basket Co., Nashville, Ark., to points in Hidalgo, Cameron, Dimmit, Zavala, Maverick, Webb, Willacy, Starr, and Bexar Counties, Tex., for 180 days. Supporting shipper: Nashville Basket Co., Nashville, Ark. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark.

No. MC 127454 TA, filed July 30, 1965. Applicant: JOHN W. MASK AND BOB TULL, a partnership, doing business as MASK AND TULL SERVICE, 2101 South Agnew Post Office Box 82775, Oklahoma City, Okla. Applicant's representative: John D. Fitch, 632 Northeast 50th, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Drilling mud and chemicals* (dry form) and *related oilfield supplies* (not bulk), from Houston, Tex., to all points in Oklahoma, for 180 days. Supporting shippers: Drilling Mud, Inc., 4515 North Santa Fe, Oklahoma City, Okla., Atlas Mud Co., Post Office Box 16506, Oklahoma City, Okla., Southern Engineering Co., Post Office Box 7310, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-8269; Filed, Aug. 5, 1965; 8:46 a.m.]

[Notice 1211]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1965.

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

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

No. MC-FC-67997. By order of July 29, 1965, the Transfer Board approved the transfer to C. O. Alley Travel Agency, Inc., 708 East Grace Street, Richmond 19, Va., of License No. MC-12542, issued May 4, 1953, to C. Willard Alley, doing business as C. O. Alley Travel Agency, 708 East Grace Street, Richmond 19, Va., authorizing the brokerage operations in connection with arranging transportation by motor vehicle in interstate or foreign commerce, passengers and their baggage, in round-trip all-expense tours, beginning and ending at Richmond, Va., and extending to all points in the United States.

No. MC-FC-67998. By order of July 29, 1965, the Transfer Board approved the transfer to Gunnison Transportation Co., a corporation, Gunnison, Colo., of the operating rights in Certificate of Registration No. MC-114040 (Sub-No. 2), issued December 4, 1964, to W. O. Coleman and Jack K. Coleman, a partnership, doing business as Gunnison Truck Line, Gunnison, Colo., corresponding to the rights authorized to be transferred to transferor in Certificate of Public Convenience and Necessity No. PUC 797, as transferred by Decision No. 38111, dated January 31, 1952, as issued by the Public Utilities Commission of the State of Colorado. John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203, attorney for applicants.

No. MC-FC-68001. By order of July 30, 1965, the Transfer Board approved the transfer to Jackson-Rock Springs Stages, Inc., doing business as Jackson-Rock Springs Stages, Rock Springs, Wyo., of the operating rights in Certificate of Registration No. MC-98320 (Sub-No. 1), issued September 2, 1964, to Don Query, doing business as Jackson-Rock Springs Stages, Jackson, Wyo., authorizing the transportation of passengers, their baggage, express, mail and newspapers in the same motor vehicle with passengers, between Rock Springs, Wyo., and Jackson, Wyo., via Pinedale, over U.S. Highway 187, with service to and from all intermediate points. Authority to discontinue operations from October 15 through May 15 of each year granted by order of the Public Service Commission of Wyoming, dated February 28, 1961. Ward A. White, 1600 Van Lennen, Post Office Box 568, Cheyenne, Wyo., attorney for applicants.

No. MC-FC-68011. By order of July 29, 1965, the Transfer Board approved the transfer to Dale M. Johnson, 110 Elm Street, Plainview, Nebr., of Certificate No. MC-93211 issued November 4, 1955, to Albert L. Johnson, 101 Pine Street, Plainvew, Nebr., authorizing the transportation, over irregular routes, of livestock, lumber, building materials, hardware, agricultural implements and parts, coal, new furniture, and petroleum products in containers, agricultural products, and general commodities, excluding household goods and commodities in bulk, from, to, and between points and areas in the States of Iowa, Nebraska, and South Dakota varying with the commodities transported.

No. MC-FC-68013. By order of July 29, 1965, the Transfer Board approved the transfer to Jeannette Alexander, doing business as Elberon Express, 48 Pleasant Place, Deal, N.J., of Certificate No. MC-840 (Sub-No. 1) issued June 13, 1952, to Earl B. Alexander, doing business as Elberon Express, 48 Pleasant Place, Deal, N.J., authorizing the transportation of household goods, over irregular routes, between Deal, N.J., and points within 25 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania.

No. MC-FC-68015. By order of July 29, 1965, the Transfer Board approved the transfer to Lapadula & Villani Trucking Corp., Brooklyn, N.Y., of Certificate No. MC-102143, issued August 1, 1957, to Doscher's Moving & Storage Warehouse, Inc., Hollis, N.Y., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and the District of Columbia. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC-68017. By order of July 30, 1965, the Transfer Board approved the transfer to Salem Motor Transportation, Inc., 11 Frederick Circle, Lynn, Mass., of the operating rights of Lionel G. Palmer and Cecil Atkinson, a partnership, doing business as Salem Motor Transportation, 11 Frederick Circle, Lynn, Mass., authorizing the transportation in Certificate of Registration No. MC-58852 (Sub-No. 1), issued January 10, 1964, over irregular routes, of general commodities anywhere within the Commonwealth.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-8270; Filed, Aug. 5, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 3, 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. 39948—*Synthetic plastic materials from Fox, Ala.* Filed by O. W. South, Jr., agent (No. A4744), for and on behalf of Gulf, Mobile & Ohio Railroad Co. Rates on synthetic plastic materials, in carloads, from Fox, Ala., to Chicago, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 79 to Southern Freight Association, agent, tariff ICC S-272.

FSA No. 39949—*Substituted service—Sea-Land Service, Inc., & U.S. Van Lines, Inc.* Filed by Movers' & Warehousemen's Association of America, Inc., agent (No. 8), for interested carriers. Rates on property loaded in highway trailers, moving in part over the highways and in part in containerships of Sea-Land Service, Inc., between Port of New York, N.Y., Elizabeth-Port Authority Pier and Port Newark, N.J., on the one hand, and Long Beach and Oakland, Calif., Jacksonville, Fla., Portland, Oreg., and Houston, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

FSA No. 39950—*Dry fertilizers to points in western truckline territory.* Filed by Western Trunk Line Committee, agent (No. A-2410), for interested rail carriers. Rates on dry fertilizers and dry fertilizer materials, in carloads, also kindred and related articles, from Calgary and Fort Saskatchewan, Alberta, Canada, and Wascana, Saskatchewan, Canada, to points in western trunkline territory.

Grounds for relief—Market competition.

Tariffs—Revised pages to Canadian National Railway Co. tariff ICC W-766

and Canadian Pacific Railway Co., tariff ICC W. 1091.

FSA No. 39951—*Liquid caustic soda to Canton, N.C.* Filed by O. W. South, Jr., agent (No. A4746), for and on behalf of Southern Railway Co. Rates on liquid caustic soda, in tank carloads, from Brunswick, Ga., to Canton, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 207 to Southern Freight Association, agent, tariff ICC S–194.

FSA No. 39952—*Rosin sizing to Zee, La.* Filed by O. W. South, Jr., agent (No. A4745), for interested rail carriers. Rates on rosin sizing, liquid, in tank carloads, from Valdosta, Ga., to Zee, La.

Grounds for relief—Market competition.

Tariff—Supplement 15 to Southern Freight Association, agent, tariff ICC S–475.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-8268; Filed, Aug. 5, 1965; 8:46 a.m.]

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