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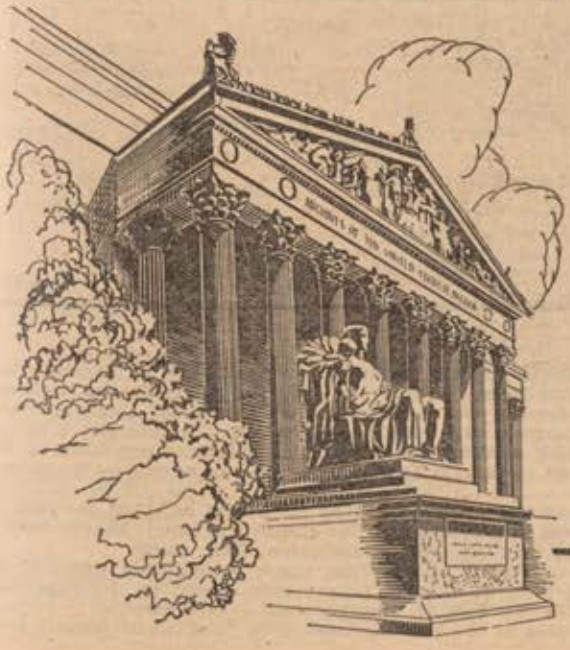
Agencies in this issue—

Detailed list of Contents appears inside.



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Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

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

3 CFR

PROCLAMATIONS:
3670 11827
3671 11829

5 CFR

731 11846
752 11846
754 11846
772 11846

6 CFR

50 11847

7 CFR

728 11831

9 CFR

101 11848
103 11848

10 CFR

PROPOSED RULES:
140 11873

14 CFR

21 (2 documents) 11849
39 11849
71 (2 documents) 11849
73 11850
PROPOSED RULES:
71 (3 documents) 11874, 11875

16 CFR

13 11850

17 CFR

240 11851

19 CFR

8 11851
9 11851
10 11851
17 11853
20 11853

26 CFR

1 11854
PROPOSED RULES:
1 11862

32 CFR

536 11855

38 CFR

3 11855

47 CFR

73 (4 documents) 11856–11859
74 11859
PROPOSED RULES:
73 (7 documents) 11875–11880
81 11881
83 11881
91 11881

50 CFR

32 11860

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3670

NATIONAL FOREST PRODUCTS WEEK, 1965

By the President of the United States of America

A Proclamation

WHEREAS this Nation has been endowed with bountiful forest resources that yield the timber products that are essential to the growth of our economy, the welfare of our people, and the development of our industries; and

WHEREAS these forests also contribute to the attainment of a more beautiful and better way of life for our citizens by providing a place of natural retreat and a place for recreation; and

WHEREAS these forests provide other essential natural benefits in the form of watershed protection, forage, and wildlife habitat; and

WHEREAS many communities of our country depend on the resources of our forests for their livelihood and for the well-being of their people; and

WHEREAS the Congress, wishing to re-emphasize the importance and heritage of our forest resources, has by the joint resolution of September 13, 1960 (74 Stat. 898) designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 17, 1965, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the essential role that our forest resources play in stimulating the advancement of our rural economy and in the continued growth and prosperity of the entire Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of September in the year of our Lord nineteen hundred and sixty-five, [SEAL] and of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:
DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-9879; Filed, Sept. 14, 1965; 2:22 p.m.]

Proclamation 3671

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1965

By the President of the United States of America

A Proclamation

During the twenty years since World War II, this Nation has made giant strides in extending full opportunities to her handicapped citizens. In greater numbers than ever, the handicapped today are finding their rightful places in business and industry across the land.

Record numbers of the handicapped are being rehabilitated under Federal-State programs; placements of the handicapped by public employment offices are at high levels; and the Federal Government has been employing the handicapped in greater numbers than before.

All this is gratifying. America's fine record of acceptance of the handicapped is one of the highlights of our time.

Yet, we cannot be complacent. Although much progress has been made, the victory has not yet been won. There remains much for us to do.

Many handicapped men and women, particularly those with more severe physical and mental disabilities, still remain outside the mainstream of American life. The doors to employment remain closed to them not because of their inability to work but because society has not fully recognized their abilities.

America has not yet completely learned that the handicapped can have as much ability as the able-bodied, and sometimes even more

Working together, we can open new doors of opportunity for the handicapped. We can broaden their vistas and raise their hopes. In so doing, we can strengthen our Nation, for our strength rests in the participation of all our citizens and not just some of our citizens.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in consonance with the Joint Resolution of Congress approved August 11, 1945 (59 Stat. 530), designating the first week of October of each year as National Employ the Physically Handicapped Week, do hereby call upon the people of our Nation to observe the week beginning October 3, 1965, for such purpose.

During that week I urge all the Governors of States, mayors of cities, and other public officials, as well as leaders of industry, educational and religious groups, labor, civic, veterans', agricultural, women's, scientific, professional, and fraternal organizations, and all other interested organizations and individuals, including the handicapped themselves, to participate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of September in the year of our Lord nineteen hundred and sixty-five, and [SEAL] of the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-9878; Filed, Sept. 14, 1965; 2:22 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1966–67 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1966 CROP OF WHEAT

§ 728.306 Basis and purpose.

The county acreage allotments for 1966 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose of this document is to apportion among the counties of each State the respective State wheat acreage allotments, less reserves for (1) new farms and (2) appeals, corrections and missed farms as recommended by the ASC State committee, for 1966 as established by the proclamation dated April 14, 1965 (30 F.R. 5467).

Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made, shall be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the 10 calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil conservation practices. The applicable 10-year period used in apportioning the 1966 State wheat acreage allotments among the counties in the respective States included the years 1955 through 1964.

Section 301(c) of the act requires that the latest available statistics of the Federal Government be used in making the apportionments required to be made under the act. Estimates of county acreage seeded to wheat made by the Statistical Reporting Service of the Department of Agriculture do not meet the definitions of wheat acreage as contained in the regulations pertaining to wheat acreage allotments for the years in the base period. Such regulations provide that: (1) Wheat seeded in mixtures with other small grains will be counted as wheat acreage if the harvested mixture in counties other than approved wheat mixture counties is classified as wheat or as mixed grain under the official grain standards, and in approved wheat mixture counties, a mixture of wheat and other small grains will not be counted as wheat if the mixture contains (a) when seeded, less than 50 percent of wheat by weight and (b) when harvested, produced less than 50 percent of wheat by weight; (2) wheat used for cover crop will not be counted as wheat acreage in any county; and (3) the transferring of farm records of wheat acreage across county lines will be permitted for administrative purposes. For these reasons, acreage data obtained from farm surveys by ASC county committees and from farm acreage reports in the years 1955 through 1964 were used as a basis for apportioning the State allotment (less the reserves described above) to counties in lieu of estimates made by the Statistical Reporting Service. For 1955, 1956, 1957, and 1962, the data compiled from the farm survey excluded the acreage of durum wheat seeded in excess of the regular allotment under the provisions of Public Law 8, 84th Congress, Public Law 431, 84th Congress, Public Law 85–13, and Public Law 87–128, respectively. Therefore, no further adjustment was necessary for this factor for these years. The acreage data obtained from farm acreage reports for 1955 through 1964 were compiled in accordance with the definitions of wheat acreage as set forth in the regulations and were used as compiled.

Credit for wheat diversion in 1955 was computed on a farm basis rather than on a county basis and was determined as follows: For this year, if the farm wheat acreage allotment was knowingly exceeded, no credit for diversion was allowed. If the allotment was not knowingly exceeded and the wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the wheat acreage. If the wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the wheat acreage by 90 per centum of the county proration factor and subtracting from this result the wheat acreage.

Credit for wheat diversion in 1956 was computed on a farm basis in a similar manner as for 1955, except that 75 per centum was used in all computations instead of 90 per centum.

The acreages for 1955 and 1956, including diversion credit on a farm basis, were obtained as the sum of the acreages recorded on the farm record card in 1960 for each such year. The acreage thus used for 1955 and 1956 included the following as wheat acreage: (1) Acreage actually seeded on the farm and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 8, 84th Congress and Public Law 431, 84th Congress; (2) the acreage diverted from the production of wheat on complying farms; and (3) the acreage released for reapportionment to other farms under regulations issued by the Secretary governing the temporary release and reapportionment of such acreage.

Adjustments for abnormal weather conditions in county wheat acreage estimates were considered only for those counties for which the ASC State committees had determined that the acreage classified as wheat, including acreage diverted from wheat, for the years 1955 through 1956 was below normal. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level as an adjustment for abnormal weather. Determinations of such adjusted acreages made for years prior to 1957 were not revised even though minor revisions were made in acreages of the "normal" years as a result of census revisions. No adjustments for abnormal weather conditions were made in county wheat acreages for the years 1957 through 1963 (except for counties in Louisiana and Nevada as recommended by the State committee) since the application of P.L. 86–172 and P.L. 86–793 minimized or eliminated the needs for weather adjustments for such years.

The 1957 wheat acreage data as compiled from ASCS statistics included the following as wheat acreage: (1) Acreage actually seeded on the farm and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 85–13; (2) the amount by which the acreage on a farm was less than wheat acreage allotment, except for those farms underplanting the allotment for the purpose of depleting stored excess; (3) the acreage diverted from the production of wheat on complying farms; and (4) the acreage released for reapportionment to other farms under regulations issued by the Secretary governing the temporary release and reapportionment of such acreage. Use of this 1957 acreage data precluded the necessity of making any adjustments for abnormal weather conditions.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85–203, to add the following:

> Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsection (a) and (b), respectively, of this section.

Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded. The 1958 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded;

(2) The wheat base acreage on all farms complying with the wheat acreage allotment, except those farms underplanting the wheat allotment for the purpose of depleting stored excess; and

(3) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county proration factor.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86–419, to add the following:

(d) For the purpose of subsection (a), (b), and (c) of this section, any farm (1) to which a wheat marketing quota is applicable; (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero, shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

Under the provisions of this amendment and under the exception as prescribed in the provisions to Public Law 85–203 only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction.

The 1959, 1960, 1961, 1962, 1963, and 1964 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics was the sum of the following:

(1) For 1959, 1960, 1961, 1962, and 1963, the wheat acreage allotment for all farms on which the allotment was overseeded, except those farms on which the entire amount of the marketing excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such stored excess has been depleted, or the marketing excess was adjusted to zero because of underproduction;

(2) For 1964 the wheat acreage allotment for all farms on which the allotment was overseeded, or considered overseeded under section 728.10(f)(3) of the regulations pertaining to farm acreage allotments, small farm bases and normal yields for 1964 and subsequent crops of wheat.

(3) For 1959, 1960, 1961, 1962, and 1963, the wheat base acreage on all farms on which the allotment was overseeded on which the entire amount of the marketing excess was stored or delivered to the Secretary to avoid or postpone payment of penalty and none of such stored excess has been depleted, or the farm marketing excess was adjusted to zero because of underproduction;

(4) The wheat base acreage on all farms complying with the wheat acreage allotment except for 1959, those farms underplanting the allotment for the purpose of depleting stored excess of a prior crop and except for 1960, 1961, 1962, 1963, and 1964, those farms other than federally owned farms on which the acreage classified as wheat acreage was less than 75 per centum of the farm wheat acreage allotment for the year involved and for each of the two preceding years;

(5) For 1959 those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under 1959 marketing quota regulations in this part, multiplied by the reciprocal of the county allotment apportionment factor; and

(6) For 1960, 1961, 1962, 1963, and 1964, for any old farm other than a federally owned farm on which less than 75 per centum of the farm acreage allotment for the year involved and each of the two preceding years was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act, Great Plains program, and Cropland Conversion Program, the smaller of the farm base acreage for 1960, 1961, 1962, 1963, or 1964, as applicable, or the acreage obtained by multiplying the wheat acreage for such year by the county wheat diversion factor, which was the reciprocal of a decimal fraction equal to 75 per centum of the county proration factor for such year.

(7) The 1962 wheat history acreage was adjusted pursuant to the provisions of section 334(e) of the Act, as amended by section 125 of the Agricultural Act of 1961, in order that the acreage of increased allotments for the production of Durum Wheat (Class II) in the States and counties of North Dakota, Minnesota, Montana, South Dakota, and California, would not be taken into account in the determination of future State, county, and farm allotments.

To determine for each county the acreage seeded for the production of wheat during the ten calendar years immediately preceding the year 1965, in addition to the foregoing adjustments for diverted acres and abnormal weather, the following additional adjustments for trends, abnormal weather, and promotion of soil-conservation practices were made:

(1) The simple average of the annual county wheat acreages, adjusted as described above, for the 10-year period, 1955–64 inclusive, was determined.

(2) The simple average of the annual wheat acreages, adjusted as described above, for the 5-year period 1960–64, was determined.

(3) A simple average of the 10-year average and the 5-year average was determined giving equal weight to each. This acreage became the preliminary adjusted county base acreage of wheat.

(4) A preliminary adjustment for trend was made by deducting from the county wheat acreage history, as computed in accordance with the preceding paragraphs, the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the expansion of urban and industrial development. Such adjustments were not made for 1959, 1960, 1961, 1962, 1963, and 1964, because the farm data for these years reflected such adjustments.

(5) As a further adjustment for trend and to give appropriate effect to the sharp changes in county seeded acreages of wheat during recent years, the preliminary adjusted county base acreages were limited to an acreage of not less than 80 percent nor more than 120 percent of the 4-year (1961–1964) average acreage.

Since the farm data for the years 1956 through 1964 as currently constituted on the farm record cards were used in determining the county base acres, no adjustments were necessary for transfers of farms into or out of the county.

If the sum of the county base acreages thus established differed from the State base established for the apportionment of the national allotment to States, all preliminary county base acres were factored pro rata so that the sum of the county base acres equaled the State base acres.

The resultant preliminary 1966 county base acreages as adjusted for trend in accordance with the above formula were reviewed by the respective State Agricultural Stabilization and Conservation Committees and, where recommended, appropriate adjustments were made to give greater effect to actual trends in county wheat history acreages and for the promotion of soil-conservation practices. Only downward adjustments were permitted for the promotion of soil-conserving practices. The maximum acceptable adjustment for any county was limited to three percent of the preliminary base acreage for the county or 500 acres, whichever was the larger.

If such county adjustments were not compensating, the base acreage for all counties were factored, pro rata, so that the sum of the county base acreages, including such adjustments, equaled the base acreage originally determined for the State.

The 1966 State wheat acreage allotment less (1) a reserve acreage for new farms not in excess of three per centum of the State acreage allotment, and (2) a reserve acreage for appeals, correction of errors, and missed farms as recommended by the ASC State committee, was apportioned pro rata to counties on

the basis of the final 1966 county base acreages.

Section 334(a) of the Agricultural Adjustment Act of 1938, as amended, states in part, "The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection and less the special acreage reserve provided for in this subsection, shall be apportioned by the Secretary among the several States * * *. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotment because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed."

The special acreage reserve of not in excess of one million acres, as determined by the Secretary to be desirable for the purposes thereof, is to be used to make additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotment to make adjustments in the allotments on old wheat farms (i.e., farms on which wheat has been seeded or regarded as seeded to one or more of the three crops immediately preceding the crop for which the allotment is established) on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purposes of making adjustments from the special acreage reserve the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year.

The amount of the special reserve acreage was determined to be 70,000 acres (30 F.R. 5467), which will be apportioned to qualifying counties as soon as the needs for adjustment in old farm allotments are known. Therefore, no apportionment from the special reserve will be made at this time.

A national reserve acreage of 14,393 acres was withheld for apportionment to counties having new areas coming into the production of wheat during the preceding ten years. In order for a county in 1966 located in a wheat producing area to receive additional allotment acreage under this provision, the State committee was required to establish that a definite delineable area of the county had gone into the production of wheat during the ten calendar years ending with 1965.

A review of wheat acreages in the States of Florida, Louisiana, Nevada, and the six New England States, as reported for the ten-year period 1954-63 for each county, showed that several counties were in need of additional allotment acres.

It was determined that additional allotment from the national reserve would be apportioned to counties, by use of the difference between the sum of 1966 farm bases in each county and the county base acreage determined in accordance with the foregoing, and then factoring such difference in acreage by the national apportionment factor of 0.60094 to obtain the amount of the additional allotment for each county.

If the sum of 1966 farm bases was less than the 1966 approved county base acreage, or the State ASC committee adjusted the base acreage determined for a county downward, the county was not considered as an area in need of additional allotment from the national reserve. Eight counties in Nevada, eighteen counties in Florida, and three counties in Louisiana, and two counties in Rhode Island were qualified to receive additional allotment from the national reserve.

The tables contained in § 728.307 hereof show the apportionment of the 1966 State wheat acreage allotment to counties, except that for the State of New Hampshire. Also, apportionment from the national reserve acreage to counties is included. The reserve acreage for new farms and the reserve for appeals, corrections of errors and missed farms withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld by county committees for appeals, corrections of errors, and missed farms prior to apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

Prior to determination of county acreage allotments for the 1966 crop wheat, public notice (March 18, 1965, 30 F.R. 3601) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining to the determination of county acreage allotments for 1966 crop wheat, were submitted pursuant to such notice.

Wheat farmers need to be notified of farm wheat acreage allotments which are based upon the county allotments apportioned to States from the national allotment prior to the planting of the 1966 crop of wheat in the winter wheat area; therefore, it will be impracticable to publish these county allotments 30 days in advance of their effective date.

Accordingly, the county allotments herein shall become effective upon publication in the FEDERAL REGISTER.

§ 728.307 Wheat acreage apportioned to counties for 1966.

ALABAMA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Colbert	8,307	
Fayette	48	
Franklin	461	
Lamar	60	
Marion	140	
District 2		
Lauderdale	8,249	
Lawrence	4,335	
Limestone	2,437	
Madison	2,682	
Marshall	77	
Morgan	925	
District 2A		
Bibb	14	
Blount	68	
Chilton	20	
Cullman	21	
Jefferson	84	
Saint Clair	23	
Shelby	77	
Walker	60	
District 3		
Calhoun	87	
Cherokee	1,011	
Cleburne	130	
De Kalb	107	
Etowah	50	
Jackson	286	
District 4		
Greene	11	
Hale	276	
Marengo	28	
Pickens	141	
Sumter	65	
Tuscaloosa	48	
District 5		
Autauga	983	
Dallas	564	
Elmore	389	
Lowndes	296	
Montgomery	791	
Perry	130	
Wilcox	18	
District 6		
Chambers	374	
Clay	54	
Coosa	14	
Lee	188	
Macon	163	
Randolph	158	
Russell	27	
Talladega	237	
Tallapoosa	48	
District 7		
Baldwin	6,639	
Clarke	103	
Mobile	267	
Washington	259	
District 8		
Conecuh	103	
Covington	130	
Crenshaw	27	
Escambia	969	
Monroe	40	
District 9		
Barbour	42	
Bullock	20	
Coffee	141	
Dale	284	
Geneva	644	
Henry	276	
Houston	609	
Pike	126	
Total to counties	45,481	
Reserve for new farms	150	
Reserve for appeals, corrections, and missed farms	100	
State total	45,731	

ARIZONA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 2		
Apache	92	5
Coconino	2,136	5
Mohave	388	2
Navajo	1,054	5
Yavapai	1,241	
District 5		
Maricopa	12,439	5
Pinal	10,351	15
District 7		
Yuma	8,408	
District 9		
Cochise	739	10
Graham	47	2
Greenlee	49	1
Pima	282	10
Santa Cruz	4	
Total to counties	37,230	65
Reserve for new farms		
Reserve for appeals, corrections, and missed farms	30	
State total	37,260	

ARKANSAS

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Benton	1,646	
Boone	120	
Carroll	96	
Madison	108	
Newton	2	
Washington	415	
District 2		
Baxter	65	
Cleburne	16	
Fulton	60	
Izard	17	
Marion	21	
Searcy	37	
Sharp	79	
Stone	172	
Van Buren	30	
District 3		
Clay	4,563	
Craighead	579	
Greene	837	
Independence	4,430	
Jackson	1,507	
Lawrence	1,202	
Mississippi	11,449	
Poinsett	1,202	
Randolph	1,137	
White	498	
District 4		
Crawford	1,859	
Franklin	298	
Johnson	816	
Logan	1,493	
Polk	5	
Pope	1,099	
Sebastian	426	
Yell	717	
District 5		
Conway	1,436	
Faulkner	223	
Garland	11	
Hot Spring	14	
Perry	300	
Pulaski	2,711	
Saline	4	
District 6		
Arkansas	606	
Crittenden	6,015	
Cross	2,433	
Lee	1,667	
Lonoke	507	
Monroe	97	
Phillips	1,926	
Prairie	382	
Saint Francis	3,849	
Woodruff	1,493	
District 7		
Hempstead	10	
Lafayette	7	
Little River	20	
Miller	5	
Montgomery	2	
Sevier	1	

ARKANSAS—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 9		
Ashley	31	
Chicot	571	
Desha	235	
Drew	16	
Jefferson	77	
Lincoln	55	
Total to counties	61,752	
Reserve for new farms	15	
Reserve for appeals, corrections, and missed farms	60	
State total	61,827	

CALIFORNIA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Mendocino	671	
District 2		
Shasta	1,093	
Siskiyou	17,190	
District 3		
Lassen	6,000	
Modoc	14,997	
Plumas	506	
District 4		
Alameda	1,092	
Contra Costa	1,112	
Lake	209	
Marin	338	
Monterey	14,570	
Napa	738	
San Benito	1,039	
San Luis Obispo	81,113	
San Mateo	26	
Santa Clara	58	
Sonoma	284	
District 5		
Butte	6,888	
Colusa	5,938	
Glenn	2,914	
Sacramento	15,164	
Solano	11,501	
Sutter	14,501	
Tehama	1,659	
Yolo	9,442	
Yuba	1,109	
District 5A		
Fresno	12,876	
Kern	32,921	
Kings	1,054	
Madera	8,727	
Merced	2,457	
San Joaquin	8,146	
Stanislaus	568	
Tulare	22,997	
District 6		
Alpine	4	
Amador	174	
Inyo	4	
Mariposa	98	
Mono	7	
Placer	8,829	
Sierra	250	
Tuolumne	5	
District 8		
Imperial	1,566	
Los Angeles	23,049	
Orange	428	
Riverside	15,435	
San Bernardino	37	
San Diego	523	
Santa Barbara	7,214	
Ventura	566	
Total to counties	358,197	
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	50	
State total	358,347	

COLORADO

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Grand	792	
Jackson	412	
Moffat	29,095	

COLORADO—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1—Continued		
Rio Blanco	5,130	
Routt	20,534	
District 2		
Boulder	9,186	
Jefferson	7,076	
Larimer	19,033	
Logan	117,989	
Morgan	53,824	
Sedgwick	54,887	
Weld	164,439	
District 3		
Delta	699	
Garfield	3,716	
Mesa	1,094	
Montrose	3,244	
District 4		
Chaffee	65	
Eagle	221	
Pitkin	91	
Teller	7	
District 5		
Adams	115,233	
Arapahoe	55,277	
Cheyenne	123,936	
Douglas	9,141	
Elbert	56,183	
El Paso	13,352	
Kiowa	194,901	
Kit Carson	213,815	
Lincoln	120,801	
Phillips	97,027	
Washington	205,259	
Yuma	124,409	
District 6		
Dolores	24,564	
Montezuma	17,255	
Ouray	577	
San Miguel	2,727	
District 7		
Alamosa	561	
Archuleta	1,200	
Conejos	949	
Costilla	641	
La Plata	16,715	
Rio Grande	2,197	
Saguache	469	
District 8		
Bent	25,723	
Crowley	8,992	
Custer	269	
Fremont	479	
Otero	1,647	
Prowers	136,505	
Pueblo	14,246	
District 9		
Baca	221,115	
Huerfano	4,038	
Las Animas	17,160	
Total to counties	2,318,798	
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	209	
State total	2,319,207	

CONNECTICUT

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
Fairfield	2	
Hartford	60	
Litchfield	16	
Middlesex	39	
New Haven	37	
Tolland	34	
Windham	17	
Total to counties	205	
Reserve for new farms	5	
Reserve for appeals, corrections, and missed farms	10	
State total	220	

DELAWARE

District 2		
New Castle	8,934	

DELAWARE—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 5		
Kent	10,267	
District 6		
Sussex	*,*04	
Total to counties	23,606	
Reserve for new farms	25	
Reserve for appeals, corrections, and missed farms	40	
State total	23,670	

FLORIDA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the National Reserve
District 1			
Calhoun	478		31
Escambia	6,005		966
Gadsden	64		
Holmes	65		
Jackson	559		77
Jefferson	78		
Leon	6		3
Liberty	38		1
Okaloosa	1,227		
Santa Rosa	1,751		96
Walton	196		58
Washington	24		7
District 3			
Baker	3		4
Columbia	228		20
Hamilton	136		5
Lafayette	25		14
Madison	1,160		195
Suwannee	543		85
District 5			
Alachua	291		158
Gilchrist	284		53
Levy	472		106
Marion	28		
Sumter	2		1
Total to counties	13,673		1,880
Reserve for new farms	75		
Reserve for appeals, corrections and missed farms	75		
State total	13,823		

GEORGIA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Bartow	1,754	
Catoosa	173	
Chattooga	136	
Dade	62	
Floyd	458	
Gordon	401	
Murray	782	
Paulding	167	
Polk	665	
Walker	406	
Whitfield	764	
District 2		
Barrow	732	
Cherokee	85	
Clarke	1,371	
Cobb	62	
Dawson	162	
De Kalb	93	
Fannin	14	
Forsyth	297	
Fulton	187	
Gilmer	7	
Gwinnett	909	

GEORGIA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 2—Continued		
Hall	416	
Jackson	2,449	
Lumpkin	29	
Oconee	2,132	
Pickens	81	
Towns	59	
Union	125	
Walton	1,561	
White	33	
District 3		
Banks	861	
Elbert	2,184	
Franklin	3,116	
Habersham	71	
Hart	4,469	
Lincoln	212	
Madison	7,127	
Oglethorpe	4,618	
Rabun	7	
Stephens	302	
Wilkes	570	
District 4		
Carroll	584	
Clayton	193	
Coweta	206	
Douglas	90	
Fayette	357	
Haralson	195	
Harris	85	
Heard	432	
Henry	1,328	
Lamar	368	
Macon	1,769	
Marion	160	
Meriwether	500	
Pike	842	
Schley	208	
Spalding	959	
Talbot	101	
Taylor	196	
Troup	32	
Upson	274	
District 5		
Baldwin	34	
Bibb	509	
Bleckley	302	
Butts	1,010	
Crawford	982	
Dodge	151	
Greene	266	
Hancock	194	
Houston	4,397	
Jasper	366	
Johnson	558	
Jones	48	
Laurens	1,502	
Monroe	194	
Montgomery	26	
Morgan	660	
Newton	389	
Peach	1,934	
Pulaski	611	
Putnam	117	
Rockdale	172	
Taliaferro	121	
Treutlen	46	
Twiggs	68	
Washington	3,258	
Wheeler	770	
Wilkinson	125	
District 6		
Bulloch	190	
Burke	1,089	
Candler	44	
Columbia	166	
Effingham	31	
Emanuel	500	
Glascock	435	
Jefferson	9,247	
Jenkins	271	
McDuffie	247	
Richmond	603	
Screven	248	
Warren	1,178	
District 7		
Baker	103	
Calhoun	91	
Clay	106	
Decatur	17	
Dougherty	588	
Early	717	
Grady	108	
Lee	377	
Miller	165	
Mitchell	17	
Quitman	13	
Randolph	280	
Seminole	194	

GEORGIA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 7—Continued		
Stewart	50	
Sumter	1,805	
Terrell	271	
Thomas	70	
Webster	91	
District 8		
Ben Hill	24	
Berrien	2	
Brooks	31	
Coffee	72	
Cook	3	
Crisp	459	
Dooley	1,944	
Irwin	4	
Lowndes	24	
Telfair	16	
Tift	22	
Turner	162	
Wilcox	208	
Worth	90	
District 9		
Appling	33	
Bacon	3	
Bryan	5	
Chatham	4	
Evans	39	
Tattnall	21	
Toombs	59	
Total to counties	90,331	
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	50	
State total	90,481	

IDAHO

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Benewah	17,317	
Bonner	929	
Boundary	7,419	
Clearwater	6,699	
Idaho	52,619	
Kootenai	21,580	
Latah	58,672	
Lewis	36,113	
Nez Perce	57,225	
District 7		
Ada	4,124	
Adams	709	
Boise	327	
Canyon	12,131	
Elmore	6,137	
Gem	1,430	
Owyhee	3,891	
Payette	3,661	
Valley	406	
Washington	15,228	
District 8		
Blaine	6,354	
Camas	29,360	
Cassia	54,989	
Gooding	5,837	
Jerome	10,432	
Lincoln	8,621	
Minidoka	19,294	
Twin Falls	28,217	
District 9		
Bannock	44,103	
Bear Lake	19,546	
Bingham	45,532	
Bonneville	79,935	
Butte	8,585	
Caribou	44,949	
Clark	4,736	
Custer	1,512	
Franklin	30,671	
Fremont	42,871	
Jefferson	24,059	
Lemhi	852	
Madison	42,858	
Oneida	60,596	
Power	82,803	
Teton	23,694	
Total to counties	1,029,083	
Reserve for new farms	400	
Reserve for appeals, corrections, and missed farms	1,000	
State total	1,030,483	

ILLINOIS

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Bureau	1,348	5
Carroll	208	1
Henry	563	5
Jo Daviess	7	
Lee	2,419	5
Mercer	1,002	5
Ogle	713	5
Putnam	1,284	5
Rock Island	623	5
Stephenson	124	3
Whiteside	2,804	10
Winnebago	813	5
District 3		
Boone	257	2
Cook	1,244	5
De Kalb	434	3
Du Page	2,056	4
Grundy	502	5
Kane	1,595	5
Kendall	573	5
Lake	2,633	5
La Salle	1,357	10
McHenry	1,169	4
Will	5,715	15
District 4		
Adams	26,933	70
Brown	5,455	10
Fulton	12,315	25
Hancock	18,019	40
Henderson	3,344	15
Knox	1,826	5
McDonough	8,169	20
Schuyler	11,427	30
Warren	732	5
District 4A		
Bond	13,843	25
Calhoun	3,491	25
Cass	16,277	25
Christian	40,507	27
Greene	18,928	40
Jersey	15,454	30
Macoupin	34,886	40
Madison	43,148	90
Montgomery	31,868	64
Morgan	24,526	50
Pike	18,645	25
Sangamon	32,804	70
Scott	11,865	25
District 5		
De Witt	4,304	50
Logan	16,212	33
McLean	3,109	30
Macon	16,287	35
Marshall	2,215	5
Mason	26,963	55
Menard	12,682	25
Peoria	6,705	15
Stark	472	5
Tazewell	14,648	20
Woodford	2,151	5
District 6		
Champaign	24,357	50
Ford	484	10
Iroquois	9,714	20
Kankakee	6,509	40
Livingston	559	5
Piatt	12,601	25
Vermilion	32,822	70
District 6A		
Clark	18,906	40
Clay	9,426	26
Coles	18,737	37
Crawford	12,588	30
Cumberland	10,671	25
Douglas	14,526	50
Edgar	21,634	50
Effingham	13,904	30
Fayette	18,059	40
Jasper	15,823	35
Lawrence	15,993	25
Marion	15,470	30
Moultrie	13,151	30
Richland	8,874	20
Shelby	26,526	55
District 7		
Alexander	3,943	10
Clinton	25,931	52
Jackson	14,072	30
Johnson	1,339	3
Monroe	29,211	60
Perry	14,267	20
Pulaski	3,069	5
Randolph	27,488	38
St. Clair	48,041	35
Union	5,057	10
Washington	42,073	84
Williamson	3,940	10

ILLINOIS—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 9		
Edwards	8,776	20
Franklin	14,378	30
Gallatin	6,401	30
Hamilton	9,325	20
Hardin	115	2
Jefferson	14,786	30
Massac	2,491	5
Pope	1,483	4
Saline	9,963	20
Wabash	10,972	25
Wayne	11,894	25
White	20,008	40
Total to counties	1,179,540	2,504
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	250	
State total	1,180,290	

INDIANA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Benton	9,959	26
Jasper	12,012	53
Lake	8,483	25
La Porte	25,371	100
Newton	7,356	20
Porter	14,221	38
Pulaski	11,649	31
Starke	7,752	37
White	10,359	50
District 2		
Carroll	9,609	26
Cass	8,579	35
Elkhart	13,773	40
Fulton	8,460	23
Kosciusko	13,420	50
Marshall	11,438	35
Miami	8,092	25
St. Joseph	16,013	50
Wabash	11,147	30
District 3		
Adams	9,262	35
Allen	20,146	55
De Kalb	13,239	35
Huntington	8,381	25
Lagrange	12,288	60
Noble	10,991	60
Steuben	8,500	25
Wells	7,920	21
Whitley	8,687	25
District 4		
Clay	11,483	32
Fountain	13,262	45
Montgomery	12,257	33
Owen	2,676	10
Parke	10,360	27
Putnam	6,899	20
Tippecanoe	16,367	50
Vermillion	7,930	25
Vigo	10,479	40
Warren	11,269	29
District 5		
Bartholomew	17,580	50
Boone	6,670	20
Clinton	12,821	34
Decatur	20,901	55
Grant	8,460	23
Hamilton	7,661	20
Hancock	8,098	21
Hendricks	7,335	20
Howard	8,373	25
Johnson	10,059	27
Madison	10,425	28
Marion	4,916	15
Morgan	6,267	20
Rush	18,642	49
Shelby	16,483	80
Tipton	7,114	19
District 6		
Blackford	2,223	15
Delaware	8,106	40
Fayette	8,095	21
Henry	8,115	22
Jay	7,831	25
Randolph	10,445	30
Union	8,824	25
Wayne	11,614	31
District 7		
Daviess	15,023	40
Dubois	10,225	30
Gibson	17,894	47
Greene	8,614	40

INDIANA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 7—Continued		
Knox	26,542	10
Martin	1,540	70
Pike	5,993	51
Posey	19,691	22
Spencer	10,930	95
Sullivan	15,895	75
Vanderburgh	9,231	26
Warrick	7,278	19
District 8		
Brown	231	10
Crawford	1,605	10
Floyd	1,163	10
Harrison	5,769	15
Jackson	12,718	34
Lawrence	2,245	10
Monroe	790	10
Orange	2,618	20
Perry	3,628	18
Washington	7,230	20
District 9		
Clark	5,072	14
Dearborn	4,238	12
Franklin	11,433	40
Jefferson	4,526	25
Jennings	7,031	30
Ohio	833	10
Ripley	12,503	33
Scott	3,247	10
Switzerland	1,767	10
Total to counties	884,019	2,856
Reserve for new farms	350	
Reserve for appeals, corrections and missed farms	350	
State total	884,719	

IOWA

District 1		
Lyon	11	
Osceola	7	
Palo Alto	1	
Plymouth	665	10
Pocahontas	5	
Sioux	1	
District 2		
Cerro Gordo	50	
Floyd	4	
Hancock	6	
Kossuth	1	
Winnebago	14	
Worth	17	
Wright	5	
District 3		
Allamakee	1	
Black Hawk	8	
Bremer	2	
Buchanan	18	
Chickasaw	5	
Clayton	1	
Delaware	2	
Dubuque	27	
District 4		
Audubon	40	
Calhoun	12	
Carroll	21	
Crawford	234	5
Greene	6	
Guthrie	300	5
Harrison	13,602	15
Ida	23	
Monona	12,909	20
Sac	15	
Shelby	79	
Woodbury	4,641	10
District 5		
Boone	9	
Dallas	243	3
Hamilton	13	
Jasper	533	15
Marshall	11	
Polk	1,393	10
Poweshiek	45	
Story	60	
Tama	21	
District 6		
Benton	145	
Cedar	24	
Clinton	51	
Iowa	49	

IOWA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 6—Continued		
Jackson	1	
Johnson	26	
Jones	29	
Linn	57	
Muscatine	714	
Scott	130	
District 7		
Adair	127	5
Adams	938	15
Cass	868	10
Fremont	9,051	50
Mills	8,161	50
Montgomery	3,061	25
Page	5,338	20
East Pottawattamie	1,192	10
West Pottawattamie	4,767	30
Taylor	2,188	12
District 8		
Appanoose	426	
Clarke	152	5
Decatur	570	5
Lucas	436	10
Madison	1,135	10
Marion	608	25
Monroe	501	
Ringgold	1,518	15
Union	123	5
Warren	2,417	5
Wayne	152	10
District 9		
Davis	947	20
Des Moines	2,902	15
Henry	669	15
Jefferson	749	
Keokuk	38	
Lee	5,475	50
Louisa	915	5
Mahaska	331	5
Van Buren	1,830	95
Wapello	1,057	15
Washington	143	
Total to counties	95,132	630
Reserve for new farms	400	
Reserve for appeals, corrections and missed farms	100	
State total	95,632	

KANSAS

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Cheyenne	102,132	50
Decatur	88,439	50
Graham	104,108	50
Norton	76,913	50
Rawlins	107,791	10
Sheridan	105,593	25
Sherman	134,414	25
Thomas	167,015	25
District 4		
Clove	105,021	20
Greeley	123,370	50
Lane	104,048	50
Logan	100,640	10
Ness	178,668	100
Scott	105,171	50
Trego	115,100	50
Wallace	74,968	20
Wichita	100,081	20
District 7		
Clark	90,143	30
Finney	168,342	50
Ford	234,834	50
Grant	78,234	50
Gray	179,904	50
Hamilton	126,021	50
Haskell	129,187	50
Hodgeman	138,339	40
Kearny	91,596	50
Meade	144,229	50
Morton	76,105	50
Seward	89,453	50
Stanton	112,180	50
Stevens	89,324	50
District 8		
Clay	84,388	35
Cloud	106,996	100
Jewell	106,586	100
Mitchell	155,988	100
Osborne	127,673	75
Ottawa	104,091	50
Phillips	85,169	50
Republic	81,755	50

KANSAS—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 8—Continued		
Rooks	127,589	50
Smith	98,592	50
Washington	75,717	30
District 5		
Barton	215,109	50
Dickinson	128,406	25
Ellis	136,836	50
Ellsworth	104,846	25
Lincoln	103,933	25
McPherson	180,687	75
Marion	107,307	30
Rice	148,520	75
Rush	166,621	50
Russell	136,865	50
Saline	111,818	25
District 8		
Barber	110,282	50
Comanche	90,315	30
Edwards	134,978	30
Harper	175,266	50
Harvey	89,562	50
Kingman	152,982	50
Kiowa	105,943	25
Pawnee	181,783	30
Pratt	157,145	50
Reno	251,920	75
Sedgwick	170,851	100
Stafford	150,226	50
Sumner	260,645	100
District 5		
Atchison	24,106	40
Brown	30,792	15
Doniphan	12,204	80
Jackson	29,097	40
Jefferson	26,818	25
Leavenworth	19,278	50
Marshall	68,061	50
Nemaha	27,215	25
Pottawatomie	32,822	25
Riley	27,833	25
Wyandotte	2,108	20
District 6		
Anderson	23,951	50
Chase	16,824	20
Coffey	22,827	30
Douglas	24,725	40
Franklin	20,475	25
Geary	24,764	25
Johnson	19,586	50
Linn	18,864	50
Lyon	30,329	50
Miami	21,758	75
Morris	37,527	25
Osage	20,569	50
Shawnee	29,936	50
Wabaunsee	23,468	50
District 9		
Allen	20,913	25
Bourbon	15,456	50
Butler	54,052	50
Chautauqua	10,986	10
Cherokee	52,909	50
Cowley	87,965	50
Crawford	27,961	30
Elk	10,225	25
Greenwood	15,323	25
Labette	50,276	35
Montgomery	38,154	25
Neosho	35,712	25
Wilson	37,889	30
Woodson	11,905	25
Total to counties	9,474,117	4,595
Reserve for new farms	1,000	
Reserve for appeals, corrections and missed farms	500	
State total	9,475,617	

KENTUCKY

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Ballard	956	
Calloway	3,335	
Carlisle	531	
Fulton	2,198	
Graves	3,197	
Hickman	3,201	
Livingston	476	
Lyon	910	
McCracken	562	
Marshall	1,026	
Trigg	4,832	
District 2		
Caldwell	1,538	
Christian	15,729	

KENTUCKY—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 2—Continued		
Crittenden	1,128	
Daviess	4,585	
Hancock	1,139	
Henderson	3,280	
Hopkins	3,341	
Logan	13,027	
McLean	1,777	
Muhlenberg	2,026	
Ohio	777	
Simpson	9,398	
Todd	9,022	
Union	6,731	
Webster	4,239	
District 3		
Adair	735	
Allen	1,312	
Barren	1,110	
Breckinridge	3,950	
Bullitt	1,047	
Butler	600	
Casey	297	
Clinton	440	
Cumberland	46	
Edmonson	275	
Grayson	2,453	
Green	790	
Hardin	2,645	
Hart	145	
Jefferson	1,373	
Larue	1,131	
Marion	883	
Meade	3,133	
Metcalfe	312	
Monroe	855	
Nelson	2,565	
Russell	226	
Taylor	2,414	
Warren	2,499	
District 4		
Boone	598	
Bracken	729	
Campbell	183	
Carroll	159	
Gallatin	115	
Grant	69	
Henry	717	
Kenton	46	
Oldham	1,279	
Owen	70	
Pendleton	497	
Trimble	969	
District 5		
Anderson	150	
Bath	950	
Bourbon	3,389	
Boyle	1,577	
Clark	457	
Fayette	1,267	
Fleming	699	
Franklin	278	
Garrard	520	
Harrison	1,522	
Jessamine	493	
Lincoln	1,041	
Madison	323	
Mason	2,875	
Mercer	1,212	
Montgomery	582	
Nicholas	658	
Robertson	119	
Scott	1,700	
Shelby	2,272	
Spencer	552	
Washington	1,157	
Woodford	1,644	
District 6		
Boyd	1	
Carter	35	
Greenup	51	
Jackson	19	
Knox	5	
Laurel	4	
Lee	7	
Lewis	324	
Morgan	7	
Powell	16	
Pulaski	747	
Rockcastle	61	
Rowan	17	
Wayne	692	
Total to counties	163,415	
Reserve for new farms	350	
Reserve for appeals, corrections and missed farms	350	
State total	164,115	

LOUISIANA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the National Reserve
District 1			
Bossier	550	55	
Caddo	240	10	
De Soto	7		
Red River	465	46	
Webster	39		
District 2			
Caldwell	32		
Claiborne	4		
Ouachita	78		
District 3			
East Carroll	12,865	50	1,322
Franklin	397	34	
Madison	5,473	547	88
Morehouse	1,124	11	
Richland	552	165	
Tensas	5,846	585	563
West Carroll	2,333	233	
District 4			
Natchitoches	82	57	
District 5			
Avoyelles	14		
Catahoula	57		
Concordia	1,030	10	
Evangeline	7	2	
La Salle	5		
Pointe Coupee	61		
Rapides	71		
Saint Landry	143	10	
District 6			
E. Baton Rouge	43		
District 7			
Acadia	136		
Allen	86		
Jefferson Davis	39		
Vermilion	6		
District 8			
Lafayette	21		
Total to counties	31,746	1,815	1,973
Reserve for new farms	5		
Reserve for appeals, corrections, and missed farms	1,663		
State total	33,414		

MAINE

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Aroostook	130	
District 2		
Penobscot	11	
Piscataquis	2	
Somerset	21	
Waldo	10	
Washington	2	
District 3		
Androscoggin	1	
Franklin	4	
York	4	
Total to counties	185	
Reserve for new farms	10	
Reserve for appeals, corrections, and missed farms	35	
State total	230	

MARYLAND

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Allegany	746	5
Garrett	994	10
District 2		
Washington	12,162	25
District 3		
Baltimore	4,208	15
Carroll	13,147	25
Frederick	16,304	25
Harford	2,733	18
Howard	3,648	10
Montgomery	6,670	25
District 4		
Cecil	6,728	25
Kent	10,033	25
Queen Annes	14,556	25
Talbot	13,164	20
District 5		
Anne Arundel	1,114	10
Calvert	654	10
Charles	2,964	10
Prince Georges	2,101	2
St. Marys	3,836	10
District 6		
Caroline	9,188	25
Dorchester	8,736	25
Somerset	384	5
Wicomico	264	5
Worchester	737	10
Total to counties	135,071	365
Reserve for new farms	50	
Reserve for appeals, corrections, and missed farms	50	
State total	135,171	

MASSACHUSETTS

Berkshire	59	
Bristol	9	
Essex	11	
Franklin	18	
Hampden	16	
Hampshire	21	
Worcester	12	
Total to counties	146	
Reserve for new farms	2	
Reserve for appeals, corrections, and missed farms	5	
State total	153	

MICHIGAN

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Alger	3	
Baraga	4	2
Chippewa	328	12
Delta	91	2
Dickinson	3	
Houghton	14	2
Luce	25	1
Mackinac	29	5
Menominee	109	10
Ontonagon	23	2
Schoolcraft	8	2
District 2		
Antrim	508	10
Benzie	136	2
Charlevoix	804	15
Emmet	509	5
Grand Traverse	1,456	5
Kalkaska	216	2
Leelanau	577	6
Manistee	516	10
Missaukee	1,279	10
Wexford	633	10
District 3		
Alcona	1,465	20
Alpena	3,607	10
Cheboygan	599	5
Crawford	2	
Iosco	1,033	10
Montmorency	868	20

MICHIGAN—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 3—Continued		
Ogemaw	1,271	20
Oscoda	47	1
Otsego	262	5
Presque Isle	2,307	15
Roscommon	43	2
District 4		
Lake	447	5
Mason	3,777	5
Muskegon	3,103	10
Newaygo	3,593	10
Oceana	2,557	
District 5		
Clare	1,955	10
Gladwin	2,598	50
Gratiot	22,086	130
Isabella	13,377	15
Mecosta	4,565	20
Midland	6,059	15
Montcalm	14,464	40
Osceola	2,329	10
District 6		
Arenac	3,330	15
Bay	14,397	50
Huron	40,449	50
Saginaw	33,040	50
Sanilac	39,646	60
Tuscola	35,678	50
District 7		
Allegan	16,662	40
Berrien	9,737	25
Cass	12,403	25
Kalamazoo	19,430	30
Kent	13,499	50
Ottawa	11,422	30
Van Buren	8,730	15
District 8		
Barry	16,190	50
Branch	17,755	25
Calhoun	23,381	30
Clinton	25,938	50
Eaton	24,442	50
Hillsdale	17,877	50
Ingham	19,319	100
Ionia	24,783	50
Jackson	15,196	75
St. Joseph	18,089	25
Shiawassee	26,377	20
District 9		
Genesee	19,312	50
Lapeer	16,948	50
Lenawee	32,440	50
Livingston	16,376	50
Macomb	10,264	25
Monroe	24,448	50
Oakland	8,755	45
St. Clair	21,455	50
Washtenaw	20,481	50
Wayne	5,492	25
Total to counties	763,566	2,023
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	50	
State total	764,116	

MINNESOTA

District 1		
Becker	13,308	25
Clay	64,955	50
Clearwater	2,755	5
Kittson	79,690	15
Mahnomen	9,228	15
Marshall	86,200	30
Norman	40,670	25
Pennington	8,262	20
Polk	112,363	65
Red Lake	7,569	15
Roseau	22,835	20
District 2		
Beltrami	632	5
Cass	25	2
Hubbard	336	2
Itasca	91	4
Koochiching	891	3
Lake of Woods	3,582	10
District 3		
St. Louis	160	2

MINNESOTA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 4		
Bigstone	9,442	25
Chippewa	995	15
Douglas	4,173	15
Grant	5,429	15
Lac Qui Parle	4,020	25
Otter Tail	20,331	30
Pope	3,181	10
Stevens	5,902	25
Swift	2,504	20
Traverse	16,291	30
Wilkin	44,162	25
Yellow Medicine	2,685	20
District 5		
Benton	154	2
Carver	465	2
Kandiyohi	751	15
McLeod	1,726	10
Meeker	1,396	10
Morrison	518	5
Renville	2,898	25
Scott	1,091	10
Sherburne	524	2
Sibley	2,546	15
Stearns	1,565	20
Todd	589	15
Wadena	219	5
Wright	1,161	15
District 6		
Aitkin	172	5
Anoka	77	2
Chisago	54	5
Crow Wing	40	2
Hennepin	153	5
Isanti	506	3
Kanabec	35	5
Mille Lacs	186	3
Pine	52	3
Washington	471	10
District 7		
Cottonwood	472	10
Jackson	122	10
Lincoln	1,115	10
Lyon	1,076	20
Murray	109	5
Nobles	28	5
Pipestone	17	3
Redwood	1,221	20
Rock	16	2
District 8		
Blue Earth	2,770	10
Brown	524	5
Faribault	720	10
Freeborn	338	5
Le Sueur	2,976	15
Martin	66	1
Nicollet	1,267	20
Rice	1,237	5
Steele	222	5
Waseca	1,290	10
Watonwan	103	5
District 9		
Dakota	3,753	20
Dodge	150	5
Fillmore	130	5
Goodhue	2,570	25
Houston	126	5
Mower	264	5
Olmsted	515	5
Wabasha	604	8
Winona	290	5
Total to counties	614,557	1,034
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	100	
State total	614,857	

MISSISSIPPI

District 1		
Bolivar	6,897	
Coahoma	5,217	
Quitman	2,083	
Tallahatchie	2,926	
Tunica	8,545	
District 2		
Benton	57	
Calhoun	3	
De Soto	3,448	
Lafayette	4	
Marshall	138	

MISSISSIPPI—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 2—Continued		
Panola	619	
Tate	190	
Yalobusha	31	
District 3		
Alcorn	28	
Itawamba	40	
Lee	23	
Pontotoc	380	
Prentiss	2	
Tippah	2	
Tishomingo	11	
Union	58	
District 4		
Humphreys	1,796	
Issaquena	647	
Leflore	913	
Sharkey	1,758	
Sunflower	1,966	
Washington	2,818	
Yazoo	3,564	
District 5		
Attala	10	
Carroll	112	
Holmes	92	
Madison	129	
Montgomery	13	
Webster	38	
District 6		
Chickasaw	53	
Clay	108	
Kemper	20	
Lowndes	829	
Monroe	43	
Noxubee	124	
Oktibbeha	37	
District 7		
Adams	8	
Claiborne	27	
Copiah	19	
Hinds	89	
Jefferson	20	
Warren	10	
Wilkinson	8	
District 8		
Covington	8	
Jefferson Davis	7	
Lawrence	5	
Pike	5	
District 9		
Jackson	6	
Perry	4	
Total to counties	45,988	
Reserve for new farms	75	
Reserve for appeals, corrections and missed farms	25	
State total	46,088	

MISSOURI

District 1		
Andrew	7,459	
Atchison	9,764	
Buchanan	17,281	
Caldwell	9,996	
Clay	8,703	
Clinton	7,553	
Daviess	14,957	
De Kalb	9,347	
Gentry	9,144	
Harrison	9,800	
Holt	14,211	
Nodaway	9,141	
Platte	23,517	
Ray	19,471	
Worth	3,826	
District 2		
Adair	4,863	
Carroll	33,189	
Charlton	20,944	
Grundy	4,582	
Linn	6,802	
Livingston	11,416	
Macon	8,288	
Mercer	3,558	
Putnam	984	
Randolph	8,936	

MISSOURI—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 2—Continued		
Schuyler	1,177	
Sullivan	2,859	
District 3		
Audrain	15,980	
Clark	8,391	
Knox	7,840	
Lewis	14,753	
Marion	14,660	
Monroe	15,190	
Pike	13,944	
Ralls	11,761	
Scotland	4,230	
Shelby	14,122	
District 4		
Bates	25,113	
Cass	13,714	
Cedar	10,105	
Henry	17,698	
Jackson	11,497	
Johnson	13,749	
Lafayette	21,079	
St. Clair	14,124	
Vernon	27,043	
District 5		
Benton	7,537	
Boone	11,451	
Callaway	12,096	
Camden	707	
Cole	8,006	
Cooper	15,730	
Dallas	3,288	
Hickory	3,483	
Howard	12,604	
Laclede	3,273	
Maries	4,366	
Miller	5,420	
Moniteau	9,242	
Morgan	6,120	
Osage	8,629	
Pettis	17,225	
Phelps	2,703	
Polk	9,499	
Pulaski	894	
Saline	26,129	
District 6		
Crawford	1,865	
Franklin	15,328	
Gasconade	9,542	
Jefferson	4,471	
Lincoln	17,360	
Montgomery	13,533	
Perry	13,081	
St. Charles	30,038	
St. Francois	1,950	
St. Genevieve	4,004	
St. Louis	13,175	
Warren	12,173	
Washington	841	
District 7		
Barry	5,701	
Barton	33,811	
Christian	3,404	
Dade	18,518	
Greene	9,240	
Jasper	33,850	
Lawrence	15,806	
McDonald	2,743	
Newton	15,778	
Stone	909	
District 8		
Bollinger	4,514	
Carter	239	
Dent	1,385	
Douglas	1,180	
Howell	1,384	
Iron	210	
Madison	1,005	
Oregon	1,909	
Ozark	748	
Reynolds	517	
Ripley	1,671	
Shannon	513	
Taney	100	
Texas	4,184	
Wayne	1,171	
Webster	3,712	
Wright	1,574	
District 9		
Butler	7,296	
Cape Girardeau	11,549	
Dunklin	6,363	
Mississippi	12,531	
New Madrid	15,613	
Pemiscot	2,639	

MISSOURI—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 9—Continued		
Scott	18,224	
Stoddard	24,146	
Total to counties	1,125,791	
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	1,000	
State total	1,127,291	

MONTANA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Deer Lodge	911	
Flathead	22,434	
Granite	843	
Lake	15,808	
Lincoln	435	
Mineral	711	
Missoula	6,995	
Powell	4,006	
Ravalli	5,475	
Sanders	5,607	
District 2		
Blaine	70,876	
Chouteau	294,155	
Glacier	43,781	
Hill	268,655	
Liberty	140,687	
Phillips	78,601	
Pondera	129,713	
Teton	141,721	
Toole	131,202	
District 3		
Daniels	172,251	
Dawson	112,444	
Garfield	37,347	
McCone	143,977	
Richland	121,764	
Roosevelt	221,564	
Sheridan	187,646	
Valley	198,041	
District 5		
Broadwater	22,365	
Cascade	112,073	
Fergus	136,400	
Golden Valley	15,708	
Judith Basin	68,935	
Lewis & Clark	13,251	
Meagher	3,627	
Musselshell	14,729	
Petroleum	5,812	
Wheatland	8,680	
District 7		
Beaverhead	8,288	
Gallatin	50,602	
Jefferson	8,079	
Madison	9,082	
Silver Bow	43	
District 8		
Big Horn	59,338	
Carbon	25,353	
Park	19,910	
Stillwater	52,814	
Sweet Grass	9,585	
Treasure	4,746	
Yellowstone	71,951	
District 9		
Carter	23,884	
Custer	18,499	
Fallon	73,921	
Powder River	25,849	
Prairie	31,540	
Rosebud	21,349	
Wibaux	46,847	
Total to counties	3,526,970	
Reserve for new farms	500	
Reserve for appeals, corrections and missed farms	1,250	
State total	3,528,720	

NEBRASKA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Banner	46,910	30
Box Butte	83,468	100
Cheyenne	139,179	40
Dawes	38,721	25
Deuel	57,526	10
Garden	35,755	25
Kimball	111,883	30
Morrill	30,848	50
Scotts Bluff	14,283	15
Sheridan	49,792	60
Sioux	7,112	5
District 2		
Arthur	8	
Blaine	1	
Boyd	1,043	14
Brown	1,687	5
Cherry	914	6
Garfield	108	1
Holt	5,018	15
Hooker	1	
Keyapaha	815	3
Logan	6,113	5
Loup	104	1
McPherson	63	
Rock	23	1
Thomas	1	
Wheeler	50	1
District 3		
Antelope	4,205	25
Boone	8,503	60
Burt	7,188	45
Cedar	171	3
Cuming	916	25
Dakota	157	2
Dixon	31	
Knox	2,442	5
Madison	3,609	35
Pierce	907	12
Stanton	988	10
Thurston	260	10
Wayne	183	2
District 5		
Buffalo	37,663	50
Custer	42,273	75
Dawson	16,215	30
Greeley	8,971	50
Hall	26,947	50
Howard	22,251	50
Sherman	13,471	50
Valley	14,198	35
District 6		
Butler	40,632	30
Cass	22,568	50
Colfax	15,984	50
Dodge	21,052	75
Douglas	1,865	20
Hamilton	52,500	50
Lancaster	61,344	50
Merrick	19,324	25
Nance	18,623	40
Platte	17,058	50
Polk	30,397	50
Sarpy	3,166	20
Saunders	26,399	50
Seward	50,072	150
Washington	7,087	50
York	46,067	50
District 7		
Chase	65,817	75
Dundy	26,485	50
Frontier	47,833	50
Hayes	35,606	75
Hitchcock	61,367	40
Keith	60,323	50
Lincoln	48,963	50
Perkins	115,878	50
Red Willow	56,086	30
District 8		
Adams	80,504	50
Franklin	39,536	50
Furnas	53,860	10
Gosper	27,206	30
Harlan	47,764	40
Kearney	61,811	25
Phelps	48,808	75
Webster	39,819	40
District 9		
Clay	76,105	50
Fillmore	75,562	100
Gage	72,399	50
Jefferson	52,608	50

NEBRASKA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 9—Continued		
Johnson	20,573	50
Nemaha	20,628	75
Nuckolls	45,411	50
Otoe	32,682	50
Pawnee	13,090	20
Richardson	22,285	50
Saline	67,310	75
Thayer	67,128	50
Total to counties	2,762,640	3,338
Reserve for new farms	250	
Reserve for appeals, corrections and missed farms	250	
State total	2,763,140	

NEVADA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the National Reserve
District 1			
Churchill	1,360		103
Douglas	112		
Humboldt	3,343		794
Lyon	486		
Ormsby	10		
Pershing	3,365		463
Storey	1		
Washoe	547		141
District 3			
Elko	897		231
Eureka	1,613		
Lander	357		
White Pine	70		5
District 8			
Clark	43		
Esmeralda	21		7
Lincoln	43		
Mineral	20		
Nye	476		71
Total to Counties	12,764		1,775
Reserve for new farms	100		
Reserve for appeals, corrections and missed farms	60		
State total	12,924		

NEW JERSEY

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 2		
Hunterdon	6,445	
Morris	381	
Somerset	3,391	
Sussex	119	
Union	16	
Warren	1,935	
District 5		
Burlington	2,388	
Mercer	7,643	
Middlesex	5,325	
Monmouth	8,314	
Ocean	156	
District 8		
Atlantic	4	
Camden	235	
Cape May	27	
Cumberland	627	

NEW JERSEY—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 8—Continued		
Gloucester	423	
Salem	1,888	
Total to counties	39,317	
Reserve for new farms	50	
Reserve for appeals, corrections and missed farms	50	
State total	39,417	

NEW MEXICO

District 1		
Bernalillo	1,093	
McKinley	189	
Rio Arriba	6,726	5
Sandoval	749	4
San Juan	382	5
Santa Fe	3,304	4
Taos	1,121	5
Valencia	3,429	
District 3		
Colfax	7,218	5
Curry	176,850	100
De Baca	270	
Guadalupe	81	
Harding	21,367	25
Mora	1,149	
Quay	109,247	100
Roosevelt	50,004	25
San Miguel	1,053	
Torrance	15,961	15
Union	7,168	10
District 7		
Catron	96	
Grant	77	
Hidalgo	5	
Sierra	15	
Socorro	3,280	1
District 9		
Chaves	280	
Eddy	13	
Lea	749	
Lincoln	84	
Otero	20	
Total to counties	411,980	304
Reserve for new farms	300	
Reserve for appeals, corrections and missed farms	100	
State total	412,380	

NEW YORK

District 2		
Jefferson	1,674	
Lewis	55	
St. Lawrence	76	
District 3		
Clinton	11	
Essex	277	
Franklin	2	
District 4		
Erie	9,182	
Genesee	19,171	
Livingston	25,746	
Monroe	23,626	
Niagara	16,055	
Ontario	24,171	
Orleans	14,446	
Seneca	15,102	
Wayne	13,496	
Wyoming	9,786	
Yates	11,336	
District 5		
Cayuga	17,226	
Chenango	520	
Cortland	419	
Herkimer	578	
Madison	2,074	
Oneida	1,678	
Onondaga	7,516	
Oswego	1,653	
Otsego	341	
District 6		
Albany	1,326	
Fulton	103	
Montgomery	1,409	

NEW YORK—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 6—Continued		
Rensselaer	1,123	
Saratoga	620	
Schenectady	258	
Schoharie	1,214	
Washington	386	
District 7		
Allegany	3,063	
Cattaraugus	910	
Chautauqua	1,963	
Steuben	10,677	
District 8		
Broome	144	
Chemung	1,734	
Schuyler	4,525	
Tioga	1,205	
Tompkins	5,711	
District 9		
Columbia	1,181	
Delaware	34	
Dutchess	406	
Greene	1,018	
Orange	120	
Putnam	1	
Rockland	5	
Sullivan	25	
Ulster	904	
Westchester	43	
District 9A		
Nassau	240	
Suffolk	1,205	
Total to counties	257,950	
Reserve for new farms	50	
Reserve for appeals, corrections and missed farms	150	
State total	258,150	

NORTH CAROLINA

District 1		
Alleghany	94	
Ashe	14	
Avery	5	
Caldwell	1,034	
Surry	1,592	
Watauga	27	
Wilkes	1,905	
Yadkin	4,198	
District 4		
Buncombe	195	
Burke	1,597	
Cherokee	25	
Clay	14	
Haywood	16	
Henderson	83	
Jackson	7	
McDowell	487	
Macon	23	
Madison	107	
Polk	625	
Rutherford	4,015	
Transylvania	10	
Yancey	2	
District 2		
Alamance	5,520	
Caswell	4,416	
Durham	940	
Forsyth	3,492	
Franklin	2,870	
Granville	1,949	
Guilford	7,073	
Orange	2,433	
Person	3,432	
Rockingham	5,089	
Stokes	1,601	
Vance	1,446	
Warren	2,663	
District 6		
Alexander	2,615	
Catawba	10,030	
Chatham	3,640	
Davidson	6,655	
Davie	2,934	
Iredell	12,237	
Lee	1,617	
Randolph	7,057	
Rowan	11,906	
Wake	4,074	

NORTH CAROLINA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 8		
Anson	5,072	
Cabarrus	6,207	
Cleveland	10,967	
Gaston	5,215	
Lincoln	8,318	
Mecklenburg	4,183	
Montgomery	2,020	
Moore	3,102	
Richmond	3,185	
Stanly	10,957	
Union	9,473	
District 5		
Bertie	24	
Camden	101	
Chowan	44	
Currituck	113	
Edgecombe	824	
Gates	185	
Halifax	1,556	
Hertford	89	
Martin	98	
Nash	2,489	
Northampton	643	
Pasquotank	354	
Perquimans	209	
Tyrrell	208	
Washington	231	
District 6		
Beaufort	361	
Carteret	119	
Craven	467	
Greene	347	
Hyde	71	
Johnston	3,530	
Jones	174	
Lenoir	954	
Pamlico	301	
Pitt	521	
Wayne	2,089	
Wilson	1,625	
District 9		
Bladen	1,014	
Brunswick	223	
Columbus	827	
Cumberland	5,256	
Duplin	1,154	
Harnett	3,859	
Hoke	2,250	
New Hanover	43	
Onslow	76	
Pender	454	
Robeson	4,095	
Sampson	2,773	
Scotland	1,127	
Total to counties	230,501	
Reserve for new farms	75	
Reserve for appeals, corrections, and missed farms	300	
State total	230,876	

NORTH DAKOTA

District 1		
Burke	123,867	175
Divide	158,875	115
Mountrail	190,583	280
Renville	111,585	100
Ward	231,266	300
Williams	236,603	200
District 2		
Benson	170,258	350
Bottineau	225,982	200
McHenry	170,963	200
Pierce	132,590	325
Rolette	91,648	
District 3		
Cavalier	188,890	575
Grand Forks	154,812	285
Nelson	104,082	200
Pembina	152,655	225
Ramsey	174,263	300
Towner	159,583	100
Walsh	166,301	350
District 4		
Dunn	116,000	150
McKenzie	137,559	175
McLean	239,691	400
Mercer	87,155	75
Oliver	51,784	40
District 5		
Eddy	51,057	150
Foster	61,246	225

NORTH DAKOTA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 5—Continued		
Kidder	70,115	110
Sheridan	98,075	115
Stutsman	220,310	500
Wells	151,798	500
District 6		
Barnes	160,993	225
Cass	172,598	350
Griggs	60,226	200
Steele	70,413	150
Traill	88,794	100
District 7		
Adams	130,346	250
Billings	32,846	
Bowman	109,510	50
Golden Valley	67,280	
Hettinger	179,760	150
Slope	88,865	50
Stark	142,227	
District 8		
Burleigh	86,941	100
Emmons	117,129	150
Grant	122,252	90
Morton	134,352	125
Sioux	38,194	50
District 9		
Dickey	62,126	80
La Moure	118,855	200
Logan	88,821	225
McIntosh	103,753	100
Ransom	58,528	50
Richland	73,083	50
Sargent	63,385	40
Total to counties	6,601,241	9,485
Reserve for new farms	400	
Reserve for appeals, corrections and missed farms	600	
State total	6,602,241	

OHIO

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Allen	15,975	100
Defiance	19,842	100
Fulton	18,426	100
Hancock	29,502	50
Henry	24,965	50
Lucas	10,210	50
Paulding	21,430	25
Putnam	29,673	50
Van Wert	20,437	50
Williams	18,424	25
Wood	40,253	175
District 2		
Ashland	14,931	75
Crawford	18,622	50
Erie	11,489	19
Huron	21,354	25
Lorain	10,150	50
Ottawa	12,892	100
Richland	15,954	40
Sandusky	22,433	50
Seneca	32,339	100
Wyandot	22,581	50
District 3		
Ashtabula	8,311	20
Columbiana	9,097	20
Cuyahoga	518	30
Geauga	3,062	50
Lake	1,071	6
Mahoning	6,743	25
Medina	10,491	60
Portage	7,946	10
Stark	13,891	50
Summit	3,112	25
Trumbull	5,986	10
Wayne	24,338	40
District 4		
Auglaize	16,127	50
Champaign	19,077	5
Clark	18,188	50
Darke	23,212	100
Hardin	18,016	40
Logan	14,400	50
Mercer	18,079	75
Miami	20,769	75
Shelby	16,452	50
District 5		
Delaware	13,971	50
Fairfield	25,530	30

OHIO—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 5—Continued		
Fayette	29,580	50
Franklin	18,537	50
Knox	18,304	30
Licking	20,034	25
Madison	27,100	100
Marion	16,184	50
Morrow	12,286	25
Pickaway	36,801	150
Ross	26,401	20
Union	16,046	25
District 6		
Belmont	2,417	20
Carroll	4,857	25
Coshocton	8,692	25
Harrison	1,914	20
Holmes	12,253	25
Jefferson	2,370	10
Tuscarawas	9,205	25
District 7		
Butler	14,291	75
Clermont	6,346	30
Clinton	25,911	50
Greene	22,358	75
Hamilton	2,310	15
Montgomery	15,498	50
Preble	19,515	40
Warren	14,156	2
District 8		
Adams	9,090	15
Brown	11,342	10
Gallia	1,153	40
Highland	24,535	50
Jackson	1,731	20
Lawrence	430	5
Pike	3,320	25
Scioto	2,788	10
District 9		
Athens	955	15
Guernsey	2,817	25
Hocking	2,794	20
Meigs	1,395	25
Monroe	1,127	25
Morgan	1,866	15
Muskingum	6,903	25
Noble	761	20
Perry	7,343	20
Vinton	899	10
Washington	2,535	25
Total to counties	1,197,719	3,735
Reserve for new farms	400	
Reserve for appeals, corrections and missed farms	100	
State total	1,198,219	

OKLAHOMA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Beaver	234,575	
Cimarron	168,482	
Ellis	104,927	
Harper	117,387	
Texas	353,774	
District 2		
Alfalfa	194,635	
Garfield	241,549	
Grant	244,971	
Kay	165,020	
Major	122,413	
Noble	97,901	
Woods	155,607	
Woodward	91,574	
District 3		
Craig	14,242	
Delaware	5,795	
Mayes	7,042	
Nowata	8,390	
Osage	19,998	
Ottawa	18,856	
Pawnee	14,018	
Rogers	7,851	
Tulsa	4,942	
Wagoner	9,593	
Washington	4,415	
District 4		
Beckham	39,069	
Blaine	139,792	
Custer	142,384	
Dewey	98,510	
Roger Mills	45,633	
Washita	140,527	

OKLAHOMA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 5		
Canadian	120,473	
Cleveland	7,430	
Creek	1,242	
Grady	41,779	
Kingfisher	186,772	
Lincoln	7,697	
Logan	62,770	
McClain	8,707	
Okfuskee	1,219	
Oklahoma	19,134	
Payne	16,511	
Pottawatomie	8,441	
Seminole	1,067	
District 6		
Adair	397	
Cherokee	558	
Haskell	1,455	
Hughes	305	
McIntosh	1,366	
Muskogee	7,898	
Okmulgee	762	
Pittsburg	780	
Sequoyah	4,117	
District 7		
Caddo	79,586	
Comanche	48,233	
Cotton	90,320	
Greer	58,029	
Harmon	53,586	
Jackson	116,811	
Kiowa	165,453	
Tillman	147,351	
District 8		
Atoka	83	
Bryan	3,349	
Carter	428	
Coal	256	
Garvin	5,914	
Jefferson	6,116	
Johnston	348	
Love	440	
Marshall	674	
Murray	1,665	
Pontotoc	580	
Stephens	12,283	
District 9		
Choctaw	83	
Latimer	5	
Le Flore	3,117	
McCurtain	13	
Total to counties	4,309,475	
Reserve for new farms	300	
Reserve for appeals, corrections and missed farms	700	
State total	4,310,475	

OREGON

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Benton	4,298	
Clackamas	5,517	
Columbia	125	
Lane	3,435	
Linn	5,294	
Marion	14,199	
Multnomah	309	
Polk	11,081	
Washington	12,211	
Yamhill	13,888	
District 2		
Gilliam	82,290	
Morrow	106,873	
Sherman	89,158	
Wasco	59,132	
District 3		
Baker	13,717	
Umatilla	180,738	
Union	38,803	
Wallowa	21,501	
District 7		
Douglas	505	
Jackson	675	
Josephine	22	
District 8		
Crook	2,815	
Deschutes	782	
Grant	1,495	
Harney	2,109	
Jefferson	24,595	

OREGON—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 8—Continued		
Klamath	9,083	
Lake	14,436	
Malheur	11,489	
Wheeler	5,402	
Total to counties	735,978	
Reserve for new farms	500	
Reserve for appeals, corrections and missed farms	1,500	
State total	737,978	

PENNSYLVANIA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Crawford	5,921	25
Erie	6,039	5
Forest	162	1
Mercer	7,201	25
Venango	2,217	3
Warren	670	5
District 2		
Bradford	1,812	50
Cameron	16	
Clinton	3,312	15
Elk	228	2
Lycoming	8,682	15
McKean	74	1
Potter	577	2
Sullivan	156	8
Tioga	1,182	10
District 3		
Lackawanna	67	5
Susquehanna	114	6
Wayne	24	3
Wyoming	472	10
District 4		
Armstrong	5,995	25
Beaver	2,739	10
Butler	7,477	1
Clarion	5,446	20
Indiana	6,777	10
Jefferson	3,612	5
Lawrence	5,670	40
District 5		
Blair	4,422	15
Cambria	3,586	15
Centre	11,709	15
Clearfield	1,886	10
Columbia	11,379	40
Dauphin	8,588	20
Huntingdon	6,067	5
Juniata	6,413	30
Mifflin	5,421	10
Montour	5,130	15
Northumberland	10,984	20
Perry	9,145	15
Snyder	7,985	35
Union	6,361	8
District 6		
Carbon	2,064	15
Lehigh	10,879	50
Luzerne	2,919	10
Monroe	1,820	10
Northampton	6,761	20
Pike	23	2
Schuylkill	6,779	20
District 7		
Allegheny	1,753	10
Fayette	2,671	6
Greene	733	10
Somerset	4,209	20
Washington	4,084	5
Westmoreland	7,184	25
District 8		
Adams	13,516	15
Bedford	7,004	10
Cumberland	16,891	20
Franklin	23,746	40
Fulton	5,444	15
York	31,091	50
District 9		
Berks	20,560	50
Bucks	11,830	15
Chester	8,879	40
Delaware	302	15
Lancaster	33,157	35

PENNSYLVANIA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 9—Continued		
Lebanon	9,174	30
Montgomery	7,511	40
Total to counties	416,062	1,132
Reserve for new farms	100	
Reserve for appeals, corrections and missed farms	50	
State total	416,212	

RHODE ISLAND

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the National Reserve
Newport	51		5
Washington	34		50
Total to counties	85		55
Reserve for new farms	3		
Reserve for appeals, corrections and missed farms			
State total	88		

SOUTH CAROLINA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Anderson	15,912	
Cherokee	3,862	
Greenville	5,763	
Laurens	6,058	
Oconee	3,285	
Pickens	2,697	
Spartanburg	10,657	
Union	1,107	
District 2		
Chester	1,314	
Fairfield	505	
Kershaw	1,900	
Lancaster	1,091	
York	2,609	
District 3		
Chesterfield	2,037	
Darlington	4,905	
Dillon	1,089	
Florence	2,927	
Georgetown	117	
Horry	572	
Marion	333	
Marlboro	1,445	
Williamsburg	655	
District 4		
Abbeville	3,897	
Aiken	3,381	
Edgefield	1,800	
Greenwood	1,722	
McCormick	421	
Newberry	3,022	
Saluda	2,414	
District 5		
Calhoun	5,093	
Clarendon	1,288	
Lee	3,167	
Lexington	1,999	
Orangeburg	4,563	
Richland	2,905	
Sumter	3,724	
District 8		
Allendale	2,237	
Bamberg	1,448	

SOUTH CAROLINA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 8—Continued		
Barnwell	1,357	
Berkeley	109	
Charleston	111	
Colleton	298	
Dorchester	106	
Hampton	1,418	
Jasper	26	
Total to counties	117,466	
Reserve for new farms	50	
Reserve for appeals, corrections and missed farms	300	
State total	117,816	

SOUTH DAKOTA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Butte	13,623	10
Corson	101,830	50
Dewey	53,848	40
Harding	36,291	25
Perkins	126,369	100
Ziebach	32,080	20
District 2		
Brown	166,753	100
Campbell	76,617	150
Edmunds	113,483	25
Faulk	75,118	50
McPherson	82,733	15
Potter	86,153	75
Spink	210,272	75
Walworth	76,302	25
District 3		
Clark	56,503	25
Codington	25,035	25
Day	66,756	30
Deuel	1,206	10
Grant	10,656	30
Hamlin	5,466	25
Marshall	48,188	25
Roberts	40,804	50
District 4		
Haakon	32,322	10
Jackson	12,208	20
Lawrence	4,334	
Meade	49,284	25
Pennington	45,339	30
Stanley	24,545	30
District 5		
Aurora	9,187	15
Beadle	71,653	50
Brule	10,861	30
Buffalo	4,655	15
Hand	62,777	50
Hughes	41,558	30
Hyde	17,606	25
Jerauld	18,572	25
Sully	96,262	50
District 6		
Brookings	1,194	15
Davison	1,225	15
Hanson	768	10
Kingsbury	22,361	50
Lake	351	10
McCook	570	10
Miner	3,905	15
Minnehaha	49	
Moody	160	2
Sanborn	3,111	10
District 7		
Bennett	42,149	20
Custer	3,258	10
Fall River	14,143	15
Shannon	17,461	10
Washabaugh	13,294	20
District 8		
Gregory	13,571	30
Jones	41,879	20
Lyman	79,939	40
Mellette	24,458	20
Todd	9,243	10
Tripp	67,629	50
District 9		
Bon Homme	1,452	25
Charles Mix	24,946	50
Clay	3,487	15

SOUTH DAKOTA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 9—Continued		
Douglas	2,777	15
Hutchinson	3,616	20
Lincoln	125	10
Turner	422	25
Union	7,517	15
Yankton	1,231	20
Total to counties	2,406,784	1,971
Reserve for new farms	1,000	
Reserve for appeals, corrections and missed farms	2,000	
State total	2,411,784	

TENNESSEE

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1		
Dyer	1,635	25
Lake	283	5
Lauderdale	183	3
Obion	4,817	10
Shelby	321	3
Tipton	680	2
District 2		
Carroll	794	5
Chester	80	
Crockett	138	5
Fayette	7	
Gibson	1,025	5
Hardeman	137	1
Haywood	148	5
Henderson	53	1
Henry	2,061	5
McNairy	13	1
Madison	133	3
Weakley	2,725	5
District 3		
Benton	555	5
Cheatham	1,471	3
Decatur	35	
Dickson	971	5
Hardin	700	5
Hickman	461	3
Houston	408	2
Humphreys	818	5
Lawrence	4,394	5
Lewis	82	0.6
Montgomery	5,683	5
Perry	177	2.5
Robertson	17,010	20
Stewart	348	5
Wayne	492	3
District 4		
Bedford	4,511	4
Cannon	363	1
Clay	462	4
Davidson	764	5
De Kalb	700	5
Giles	3,303	5
Jackson	130	2
Lincoln	3,451	4
Macon	759	10
Marshall	2,913	2
Maury	8,279	5
Moore	303	1
Rutherford	2,961	2
Smith	414	5
Sumner	3,684	25
Trousdale	233	1
Williamson	4,867	10
Wilson	1,180	5
District 5		
Bledsoe	647	3
Coffee	2,559	1
Cumberland	172	4
Fentress	331	5
Franklin	5,247	6
Grundy	456	1
Marion	294	1.5
Morgan	78	
Overton	929	5
Pickett	414	3
Putnam	964	5
Sequatchie	173	1
Van Buren	97	3
Warren	2,076	10
White	1,232	10
District 6		
Anderson	59	10
Blount	2,252	5
Bradley	713	2
Campbell	135	5
Carter	173	3
Claiborne	1,743	12
Cocke	1,301	2
Grainger	1,238	5

TENNESSEE—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 6—Continued		
Greene	5,112	5
Hamblen	2,930	10
Hamilton	317	2
Hancock	605	10
Hawkins	3,365	10
Jefferson	4,105	8
Johnson	297	2
Knox	781	15
Loudon	1,980	5
McMinn	914	15
Meigs	756	5
Monroe	2,548	5
Polk	381	5
Rhea	583	3
Roane	469	2
Sevier	2,284	10
Sullivan	1,416	5
Unicoi	61	1
Union	178	10
Washington	2,602	5
Total to counties	143,061	484.6
Reserve for new farms	100	
Reserve for appeals, corrections, and missed farms	50	
State total	143,211	

TEXAS

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 1–N		
Armstrong	76,017	
Briscoe	45,556	
Carson	136,235	
Castro	88,578	
Dallam	62,150	
Deaf Smith	168,990	
Floyd	112,704	
Gray	74,943	
Hale	51,190	
Hansford	200,389	
Hartley	78,799	
Hemphill	30,771	
Hutchinson	58,233	
Lipscomb	97,372	
Moore	127,358	
Ochiltree	218,864	
Oldham	53,027	
Parmer	92,985	
Potter	28,698	
Randall	116,874	
Roberts	26,526	
Sherman	153,084	
Swisher	105,505	
District 1–S		
Bailey	14,129	
Cochran	1,851	
Crosby	29,239	
Dawson	531	
Gaines	1,495	
Glasscock	219	
Hockley	269	
Howard	1,644	
Lamb	4,345	
Lubbock	2,705	
Lynn	674	
Martin	112	
Midland	1	
Terry	7,717	
Yoakum	1,726	
District 2–N		
Borden	1,109	
Childress	39,016	
Collingsworth	22,022	
Cottle	22,951	
Dickens	20,520	
Donley	14,020	
Foard	60,948	
Garza	1,252	
Hall	10,996	
Hardeman	77,031	
Kent	4,622	
King	4,952	
Motley	9,182	
Wheeler	19,335	
Wichita	49,176	
Wilbarger	76,880	
District 2–S		
Baylor	58,205	
Coleman	21,743	
Fisher	25,356	
Haskell	42,864	
Jones	50,635	
Knox	43,968	
Mitchell	5,867	

TEXAS—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 2–S—Continued		
Nolan	12,092	
Runnels	30,795	
Scurry	9,096	
Stonewall	18,796	
Taylor	53,859	
District 3		
Archer	26,144	
Brown	13,925	
Callahan	16,540	
Clay	25,568	
Comanche	1,211	
Eastland	3,793	
Erath	678	
Hood	114	
Jack	3,122	
Mills	1,862	
Montague	1,962	
Palo Pinto	2,153	
Parker	327	
Shackelford	14,227	
Somervell	37	
Stephens	10,999	
Throckmorton	28,858	
Wise	3,626	
Young	42,596	
District 4		
Bell	4,033	
Bosque	2,702	
Collin	34,375	
Cooke	18,247	
Coryell	6,878	
Dallas	17,587	
Delta	652	
Denton	27,408	
Ellis	8,030	
Falls	184	
Fannin	9,338	
Grayson	36,890	
Hamilton	3,345	
Hill	1,570	
Hunt	3,148	
Johnson	1,408	
Kaufman	1,207	
Lamar	2,193	
Limestone	29	
McLennan	5,266	
Milam	130	
Navarro	436	
Rockwall	2,667	
Tarrant	1,798	
Williamson	991	
District 5–N		
Anderson	2	
Bowie	102	
Cherokee	4	
Henderson	29	
Hopkins	45	
Houston	1	
Morris	28	
Rains	3	
Red River	305	
Titus	1	
Van Zandt	164	
Wood	2	
District 5–S		
Brazos	8	
Leon	7	
Walker	4	
Waller	12	
District 6		
Culberson	11	
Hudspeth	2	
Presidio	8	
Reeves	28	
District 7		
Bandera	20	
Blanco	368	
Burnet	849	
Coke	1,663	
Concho	20,659	
Edwards	11	
Gillespie	4,523	
Irion	37	
Kendall	1,295	
Kerr	1,098	
Kimble	180	
Lampasas	1,138	
Llano	64	
McCulloch	11,900	
Mason	35	
Menard	907	
San Saba	1,680	
Schleicher	460	
Sterling	262	
Tom Green	1,687	
Uvalde	99	

TEXAS—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 8–N		
Austin	1	
Bastrop	10	
Bee	4	
Bexar	977	
Caldwell	4	
Comal	178	
De Witt	1	
Gonzales	10	
Guadalupe	204	
Hays	40	
Karnes	293	
Medina	202	
Travis	38	
Wilson	138	
District 9		
Harris	2	
Jackson	64	
Victoria	2	
Wharton	43	
District 10–N		
Atascosa	144	
Frio	25	
Live Oak	77	
Maverick	38	
Zavala	77	
Total to counties	3,519,370	
Reserve for new farms	500	
Reserve for appeals, corrections, and missed farms	500	
State total	3,520,370	

UTAH

District 1		
Box Elder	82,991	
Cache	27,269	
Davis	2,413	
Morgan	1,622	
Rich	3,067	
Salt Lake	15,142	
Tooele	5,641	
Weber	1,745	
District 5		
Juab	17,641	
Millard	23,842	
Sanpete	9,231	
Sevier	1,992	
Utah	13,144	
District 6		
Carbon	939	
Daggett	17	
Duchesne	1,309	
Emery	1,967	
Grand	309	
San Juan	28,140	
Summit	754	
Uintah	2,395	
Wasatch	119	
District 7		
Beaver	1,210	
Garfield	990	
Iron	5,058	
Kane	616	
Piute	121	
Washington	5,698	
Wayne	138	
Total to counties	255,610	
Reserve for new farms	200	
Reserve for appeals, corrections and missed farms	300	
State total	256,110	

VERMONT

Addison	221	
Chittenden	54	
Grand Isle	27	
Orleans	12	
Windham	2	
Total to counties	316	
Reserve for new farms	2	
Reserve for appeals, corrections and missed farms	3	
State total	321	

VIRGINIA

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 3		
Clarke	2,394	
Culpeper	1,492	
Fairfax	834	
Fauquier	4,012	
Frederick	2,786	
Loudoun	6,577	
Madison	1,507	
Page	2,629	
Prince William	1,470	
Rappahannock	649	
Rockingham	7,123	
Shenandoah	3,515	
Stafford	954	
Warren	1,216	
District 4		
Alleghany	69	
Augusta	7,337	
Bath	128	
Botetourt	983	
Craig	342	
Highland	139	
Roanoke	644	
Rockbridge	2,125	
District 5		
Albemarle	1,027	
Amelia	4,353	
Amherst	1,149	
Appomattox	4,132	
Bedford	4,478	
Buckingham	3,310	
Campbell	5,504	
Caroline	4,354	
Chesterfield	949	
Cumberland	2,662	
Fluvanna	1,097	
Goochland	1,266	
Greene	891	
Hanover	5,105	
Henrico	1,282	
Louisa	2,685	
Nelson	945	
Orange	1,754	
Powhatan	892	
Prince Edward	4,175	
Spotsylvania	1,420	
District 6		
Accomack	329	
Charles City	2,423	
Essex	5,138	
Gloucester	471	
Hampton	35	
James City	635	
King and Queen	2,076	
King George	2,029	
King William	2,117	
Lancaster	767	
Mathews	175	
Middlesex	1,184	
New Kent	1,129	
Newport News	1	
Northampton	77	
Northumberland	2,550	
Richmond	2,930	
Westmoreland	5,039	
York	150	
District 7		
Bland	667	
Buchanan	2	
Carroll	382	
Dickenson	1	
Floyd	856	
Giles	305	
Grayson	242	
Lee	1,085	
Montgomery	784	
Pulaski	608	
Russell	1,189	
Scott	1,111	
Smyth	1,101	
Tazewell	1,130	
Washington	2,682	
Wise	5	
Wythe	2,254	
District 8		
Charlotte	3,480	
Franklin	3,529	
Halifax	6,487	
Henry	671	
Lunenburg	2,088	
Nottaway	1,660	
Patrick	309	
Pittsylvania	11,093	

VIRGINIA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 9		
Brunswick	2,606	
Chesapeake	1,140	
Dinwiddie	1,846	
Greensville	157	
Isle of Wight	45	
Mecklenburg	5,013	
Nansemond	254	
Prince George	1,174	
Southampton	342	
Surry	259	
Sussex	461	
Virginia Beach	925	
Total to counties	189,563	
Reserve for new farms	200	
Reserve for appeals, corrections, and missed farms	300	
State total	190,063	

WASHINGTON

District 1		
Clallam	29	1
Clark	130	2
Cowlitz	3	3
Grays Harbor	30	3
Island	770	
Jefferson	1	
Lewis	1,985	30
Pierce	11	
San Juan	61	
Skagit	603	
Snohomish	72	5
Thurston	305	15
Whatcom	102	4
District 2		
Benton	91,732	50
Chelan	3,823	
Kittitas	7,096	20
Klickitat	48,539	30
Okanogan	23,717	50
Yakima	19,770	25
District 3		
Ferry	3,191	
Pend Oreille	770	20
Spokane	98,884	50
Stevens	16,220	60
District 5		
Adams	238,703	250
Douglas	151,653	100
Franklin	88,801	33
Grant	115,524	100
Lincoln	244,732	250
District 9		
Asotin	25,088	50
Columbia	61,450	125
Garfield	59,287	50
Walla Walla	156,246	150
Whitman	304,765	165
Total to counties	1,764,093	1,631
Reserve for new farms	500	
Reserve for appeals, corrections and missed farms	250	
State total	1,764,843	

WEST VIRGINIA

District 2		
Barbour	126	
Brooke	275	
Hancock	276	
Harrison	10	
Lewis	10	
Marion	8	
Marshall	350	
Monongalia	59	
Ohio	162	
Pleasants	16	
Preston	691	
Ritchie	2	
Taylor	48	
Tyler	16	
Upshur	65	
Wetzel	16	
Wood	282	
District 4		
Braxton	3	
Cabell	41	

WEST VIRGINIA—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 4—Continued		
Fayette	58	
Jackson	127	
Kanawha	1	
Lincoln	1	
Mason	1,187	
Mercer	183	
Nicholas	199	
Putnam	179	
Raleigh	54	
Roane	12	
Wayne	13	
Webster	1	
Wirt	19	
District 6		
Berkeley	2,548	
Grant	1,013	
Greenbrier	1,110	
Hampshire	1,391	
Hardy	1,256	
Jefferson	6,431	
Mineral	530	
Monroe	2,050	
Morgan	1,090	
Pendleton	1,476	
Pocahontas	342	
Randolph	153	
Summers	238	
Tucker	14	
Total to counties	24,132	
Reserve for new farms	50	
Reserve for appeals, corrections and missed farms	50	
State total	24,232	

WISCONSIN

District 1		
Barron	20	
Bayfield	110	
Burnett	40	
Chippewa	55	
Douglas	83	
Polk	137	
Rusk	3	
Sawyer	1	
Washburn	19	
District 2		
Ashland	11	
Clark	101	
Iron	2	
Lincoln	50	
Marathon	266	
Oneida	57	
Price	13	
Taylor	28	
District 3		
Florence	1	
Forest	28	
Langlade	125	
Marinette	141	
Oconto	178	
Shawano	189	
District 4		
Buffalo	382	
Dunn	92	
Eau Claire	143	
Jackson	105	
La Crosse	125	
Monroe	92	
Pepin	432	
Pierce	1,342	
St. Croix	444	
Trempealeau	343	
District 5		
Adams	163	
Green Lake	371	
Juneau	64	
Marquette	384	
Portage	221	
Waupaca	104	
Waushara	273	
Wood	24	
District 6		
Brown	150	
Calumet	392	
Door	836	
Fon du Lac	351	
Kewaunee	561	
Manitowoc	447	
Outagamie	184	
Sheboygan	506	
Winnebago	424	

WISCONSIN—Continued

Counties	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections
District 7		
Crawford	54	
Grant	196	
Iowa	186	
Lafayette	52	
Richland	66	
Sauk	719	
Vernon	15	
District 8		
Columbia	1,189	
Dane	889	
Dodge	812	
Green	61	
Jefferson	536	
Rock	1,314	
District 9		
Kenosha	1,306	
Milwaukee	765	
Ozaukee	815	
Racine	4,208	
Walworth	923	
Washington	1,077	
Waukesha	1,150	
Total to counties	26,942	
Reserve for new farms	100	
Reserve for appeals, corrections and missed farms	100	
State total	27,142	

WYOMING

District 1		
Big Horn	726	
Fremont	1,626	
Hot Springs	43	
Park	1,907	
Washakie	42	
District 2		
Campbell	26,217	
Crook	23,643	
Johnson	4,323	
Sheridan	9,928	
Weston	7,604	
District 3		
Lincoln	3,051	
Teton	626	
Uinta	37	
District 4		
Carbon	9,093	
Natrona	65	
District 5		
Converse	5,041	
Goshen	51,401	
Laramie	58,801	
Niobrara	7,972	
Platte	33,747	
Total to counties	245,893	
Reserve for new farms	200	
Reserve for appeals, corrections and missed farms	50	
State total	246,143	

APPORTIONMENT OF NATIONAL ALLOTMENT

		Acres
National allotment apportioned to States		47,715,607
Unapportioned special acreage reserve [1]		70,000
National reserve [2]		14,393
National acreage allotment		47,800,000
National allotment apportioned to States		[3] 47,715,607
State Reserves:		
A. New Farms	10,942	
B. Appeals, Corrections, and Missed Farms	15,106	
Total of State Reserves		26,048
Allotment available to counties from State apportionment		[3] 47,689,559
Additional allotment apportioned to counties from the National reserve		5,683
Total allotment apportioned to counties		47,695,242

[1] To be apportioned after farm allotment review.

[2] 5,683 acres apportioned to counties, leaving 8,700 acres unapportioned.

[3] Includes allotment of 10 acres for New Hampshire.

(Secs. 334, 375, 52 Stat. 54, as amended, 66, as amended; 7 U.S.C. 1334, 1375)

Effective date. Upon date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 9, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-9722; Filed, Sept. 15, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 731—SUITABILITY

PART 752—ADVERSE ACTIONS BY AGENCIES

PART 754—ADVERSE ACTIONS BY THE COMMISSION

PART 772—APPEALS TO THE COMMISSION

Miscellaneous Amendments

The Civil Service Commission has decided to bring the Commission's due-process procedures in line with that of section 14 of the Veterans' Preference Act and Part 752 (Adverse Actions) of the Commission's Regulations in those cases in which the Commission instructs an agency to take disciplinary-type action against an employee who has completed the normal 1-year subject-to-investigation period. To give effect to this decision, a new Part 754, Adverse Actions by the Commission, has been approved.

1. Part 754 reads as follows:

Sec.
754.101 Scope.
754.102 Notice of proposed action.
754.103 Answer.
754.104 Decision.
754.105 Appeal rights.

AUTHORITY: The provisions of this Part 754 issued under R.S. 1753, sec. 2, 22 Stat. 403, as amended; secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 631, 633, 860, 868, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218, E.O. 10988, 27 F.R. 551. Interpret or apply sec. 14, 58 Stat. 390, as amended; 5 U.S.C. 863.

§ 754.101 Scope.

This part sets forth the procedures to be followed when the Director of the Commission's Bureau of Personnel Investigations or his designee (referred to in this part as the Director), acting under authority of § 5.4 or § 731.302(b) of this chapter, instructs an agency to re-

move or take other disciplinary action against an employee in the competitive service who was appointed subject to investigation under § 731.301 of this chapter and who has served more than 1-year as a career, career-conditional, overseas limited, indefinite, or term employee under his current appointment.

§ 754.102 Notice of proposed action.

The Director shall notify the employee in writing of the proposed action and of the charges against him. The notice shall state any and all reasons, specifically and in detail, for the proposed action. The Director shall send a copy of this notice to the employing agency. The employee is entitled to at least 30 full days' advance notice of the proposed action, and to be retained in an active duty status during the notice period.

§ 754.103 Answer.

(a) *Employee's answer.* An employee may answer the charges either orally in person, or in writing, or both, and furnish affidavits in support of his answer. The time limit for filing an answer is 15 days from the date the employee receives the notice. The Director shall consider any answer that the employee makes in reaching his decision.

(b) *Agency's answer.* In actions proposed under § 5.4 of this chapter, the agency may also answer the notice of proposed adverse action. The time limit for filing an answer is 15 days from the date the agency receives a copy of the notice. The Director shall consider any answer that the agency makes in reaching his decision.

§ 754.104 Decision.

The Director shall notify the employee and the agency of his decision and inform him of his appeal rights. The decision shall be in writing, be dated, and inform the employee of the reasons for the decision.

§ 754.105 Appeal rights.

(a) An employee may appeal an adverse decision of the Director to the Appeals Examining Office. The appeal shall be in writing and shall set forth the employee's reasons for contesting the adverse decision, with such offer of proof and pertinent documents as he is able to submit.

(b) The time limit for filing an appeal is 10 days from the date the employee receives the notice of adverse decision. The Appeals Examining Office may waive this time limit for good cause.

(c) An employee who appeals under this section is entitled to be retained in an active duty status until action on his appeal is completed under Part 772 of this chapter.

2. The title of Part 752, "Adverse Actions", has been changed to "Adverse Actions by Agencies".

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 631, 633, 860, 868; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, E.O. 10988, 27 F.R. 551)

3. Section 731.302 of Part 731 is amended as set out below.

§ 731.302 Actions against employees by the Commission.

(a) For a period of 1 year after the effective date of an appointment subject to investigation under § 731.301, the Commission may instruct an agency to remove an appointee when it finds that he is not qualified or is unsuitable for any of the reasons cited in § 731.201. Part 754 of this chapter does not apply to this action.

(b) Thereafter, the Commission may require the removal of an employee on the basis of intentional false statement or deception or fraud in examination or appointment. Part 754 of this chapter applies to this action.

(c) An action to remove an appointee or employee taken pursuant to an instruction by the Commission is not subject to Part 752 of this chapter. Part 752 of this chapter applies when removal or other disciplinary action covered by that part is initiated by an agency.

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

4. Certain sections of Part 772 and the title of Subpart C are amended as set out below.

Subpart C—Commission's Appellate Review of Actions Against Employees

§ 772.301 Coverage.

(a) *Agency-initiated actions.* Except as otherwise provided, this subpart applies to appeals to the Commission under Subpart H of Part 315 of this chapter, Subpart B of Part 330 of this chapter, Subpart I of Part 351 of this chapter, Subpart E of Part 531 of this chapter, and Subparts B and C of Part 752 of this chapter.

(b) *Commission-initiated actions.* Except as otherwise provided, this subpart applies to appeals to the Commission from adverse actions effected under Part 754 of this chapter. In these appeals, the Commission's Bureau of Personnel Investigations is deemed the "agency" as that term is used in this subpart.

§ 772.304 Evidence.

(a) *Coverage.* This section applies only to appeals under Subpart H of Part 315 of this chapter, Subparts B and C of Part 752 of this chapter, and Part 754 of this chapter.

* * * * *

§ 772.305 Hearings.

(a) *Coverage.* This section applies only to appeals under Subpart B of Part 752 of this chapter and Part 754 of this chapter.

* * * * *

§ 772.306 Decision on initial appeal.

(a) The office of the Commission having initial jurisdiction of the appeal, after making such investigation as it considers necessary, shall issue a written decision and send copies thereof to the appellant, his representative, and the agency. The decision on each appeal covered by this part shall contain findings, recommendations for any corrective action required, and notification of the right of either party to appeal to the Board of Appeals and Review. In addition, the decision on each appeal under Subpart H, Part 315, and Subparts B and C of Part 752, and Part 754 of this chapter, shall include an analysis of the findings and a statement of the reasons for the conclusions reached. Except as provided in paragraph (b), the agency shall report, within 7 days after receipt of the decision, that it has carried the decision into effect or that it is appealing the decision to the board.

(b) When an employee makes a timely appeal to the Board of Appeals and Review under § 772.307 from a decision of the Appeals Examining Office affirming an adverse decision of the agency under Part 754, that decision may not be given effect until the Board of Appeals and Review has adjudicated the appeal.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; secs. 11, 14, 19, 58 Stat. 390, 391, as amended, sec. 1101, 63 Stat. 971, sec. 113, 68 Stat. 1168; 5 U.S.C. 631, 633, 860, 863, 868, 1072, 1072a; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, E.O. 10988, 27 F.R. 551)

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

[F.R. Doc. 65-9844; Filed, Sept. 15, 1965; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 50—PRODUCTION CREDIT ASSOCIATIONS

Subpart B—Investments and Dividends

AMOUNTS OF INVESTMENT AND APPROVED SECURITIES

As prescribed by the farm credit board in each of the twevle farm credit districts with the approval of the Farm Credit Administration pursuant to section 23 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131g), § 50.201 of Title 6 of the Code of Federal Regulations (29 F.R. 7983) is amended to read as follows:

§ 50.201 Amount of investment and approved securities.

Each production credit association shall maintain investments in securities approved for that purpose by the Farm Credit Administration in an aggregate amount not less than such minimum amount as may be prescribed by the Bank. Among the classes of obligations approved by the Farm Credit Administration for such investment are the following:

(a) Bonds and other direct obligations of the United States.

(b) Consolidated Federal farm loan bonds, consolidated debentures of the banks for cooperatives, and public issues of securities of the Federal Home Loan Banks and the Federal National Mortgage Association.

(c) Soil and water conservation loans and farm ownership loans made under programs administered by the Farmers Home Administration, when payment thereof is guaranteed by the United States.

(d) Bonds of a State, municipality, political subdivision, or public agency or instrumentality thereof, when approved by the Bank on a case basis within limitations prescribed by the Farm Credit Administration.

Other types of investments may be approved by the Farm Credit Administration on a case basis.

(Sec. 23, 48 Stat. 261, as amended; 12 U.S.C. 1131g)

GLENN E. HEITZ,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 65-9831; Filed, Sept. 15, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 101—GENERAL PROVISIONS

PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

Miscellaneous Amendments

On April 17, 1965, there was published in the FEDERAL REGISTER (30 F.R. 5514), a notice with respect to proposed amendments to Parts 101 and 103 of the regulations relating to viruses, serums, toxins and analogous products; organisms and vectors (9 CFR Parts 101 and 103), issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

Because of interest which became evident near the end of the period permitted for submission of views relating to these proposed regulations, there was published in the June 11, 1965, issue of the FEDERAL REGISTER (30 F.R. 7608), a notice extending the period to submit written data, views or arguments until July 12, 1965.

The purpose of these regulations is to clarify and strengthen procedures to assure disposition of animals used to evaluate experimental biological products subject to the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), in a manner which will prevent the spread of disease and which is in accordance with provisions of Meat Inspection Regulations (9 CFR 9.20).

The amendments set forth herein reflect certain minor changes from the proposals contained in the notice of rule making. Such changes are less restrictive in nature and were made pursuant to comments received from interested persons who responded to such notice.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making and the comments and views received from interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Parts 101 and 103 of Subchapter E, Chapter I, Title 9, Code of Federal Regulations, are hereby amended as follows:

1. Section 101.1 is amended by adding two new paragraphs (jj) and (kk) to read as follows:

§ 101.1 Definitions.

* * * * *

(jj) *Research investigator or research sponsor.* A person who is developing a biological product for which a U.S. Veterinary License or U.S. Veterinary Permit has not been issued and who has requested permission to make interstate movements of an experimental biological product or has been granted such authorization by the Director for the purpose of conducting field evaluations.

(kk) *Experimental biological product.* A biological product which differs from a licensed biological product in composition and/or method of preparation or for which no U.S. Veterinary License or U.S. Veterinary Permit has been granted to the manufacturer or importer, and such biological product has been produced within a licensed establishment or is being evaluated to substantiate an application for such license or permit.

2. Part 103 is amended by revising § 103.1, deleting § 103.3, redesignating § 103.2 as new § 103.3 and adding paragraphs (f) and (g) and adding new § 103.2 to read as follows:

§ 103.1 Preparation of experimental biological products.

Except as otherwise provided in this section, experimental biological products which are neither composed of nor prepared with organisms or antigens used in biologicals already licensed, shall not be prepared in the production facilities of a licensed establishment. Upon application therefor, the Director may authorize the preparation of experimental products on the premises of a licensed establishment if he determines that such preparation will not result in contamination of the licensed products. Each request for permission to prepare an experimental biological product on licensed premises shall indicate the nature of the unlicensed product, designate facilities to be used, and specify precautions which will be taken to prevent contamination of licensed products. Such requests shall be submitted to the Director. Research facilities that are entirely separate and apart from facilities used for the preparation of licensed biological products will not be considered a part of the licensed premises for purposes of this section.

§ 103.2 Disposition of animals administered experimental biological products or live organisms.

Safeguards as herein provided shall be established by the research investigator or research sponsor to control disposition of all animals administered experimental biological products or live organisms.

(a) Surviving test animals (including challenged control animals) shall not be removed from the premises on which the tests are conducted for at least 14 days after administration of an experimental biological product or live organisms: *Provided, however,* That this holding period may be increased or decreased as permitted or required by the Director following review of all relevant information or data available.

(b) All animals administered experimental biological products which are to be slaughtered at establishments subject to the Meat Inspection Act, as amended and extended (21 U.S.C. 71–91, 96) are subject to the applicable requirements of § 309.20 of this title (Meat Inspection Regulations).

(c) Except as otherwise provided in this paragraph, the research investigator or research sponsor shall maintain adequate records relative to the disposition of each animal administered experimental biological products. These records shall be maintained for a minimum period of two years from the date that an experimental product was administered to such animal, and shall show the name and address of the owner; number, species, class and location of the animals; and if sold, the name and address of the consignee, buyer, commission firm or abattoir: *Provided, however,* That a research investigator or research sponsor may be exempted from these record-keeping requirements by the Director on the basis of acceptable data demonstrating that use of the experimental biological product will not result in the presence of any unwholesome condition in the edible parts of animals subsequently presented for slaughter.

§ 103.3 Distribution of experimental biological products.

* * * * *

(f) Data acceptable to the Director demonstrating that use of the experimental biological product in meat animals is not likely to result in the presence of any unwholesome condition in the edible parts of animals subsequently presented for slaughter.

(g) A statement from the research investigator or research sponsor agreeing to furnish, upon the Director's request, additional information concerning each group of meat animals involved prior to movement of these animals from the premises where the test is to be conducted. Such information shall include the owner's name and address; number, species, class and location of animals involved; date shipment is anticipated; along with name and address of consignee, buyer, commission firm or abattoir.

(37 Stat. 832–833; 21 U.S.C. 151–158)

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with Federal Reports Act of 1942.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 13th day of September 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-9843; Filed, Sept. 15, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6449; Amdt. No. 21-5]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Subpart J—Delegation Option Authorization Procedures

Correction

In F.R. Doc. 65-9405 appearing at page 11373 in the issue for Wednesday, September 8, 1965, the following corrections are made: In the first paragraph of the middle column on page 11374, the second sentence should read in part "* * * issue of airworthiness approval tags * * *"; in the second paragraph of the same column, the second sentence should read in part "* * * since it involves the prescription of airworthiness standards * * *".

[Docket No. 1713; Amdt. No. 21-6]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Subpart M—Designated Alteration Station Authorization Procedures

Correction

In F.R. Doc. 65-9404 appearing at page 11376 in the issue for Wednesday, September 8, 1965, the last word in § 21.435 (a) is corrected to read "certificate".

[Docket No. 6904; Amdt. 39-138]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20 and M20A Series Airplanes

There have been fatigue cracks in the tubular steel tail truss that supports the empennage of Mooney Models M20 and M20A Series airplanes that could result in complete failure of the truss. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive reinspection of the tail truss and repair or replacement as necessary on the subject airplanes.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

MOONEY. Applies to Models M20 and M20A airplanes.

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished within the last 75 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

To prevent further cracking in the tubular steel tail truss that supports the empennage, accomplish the following:

(a) Remove sheet metal fairing over tail truss, remove and disassemble empennage, and remove tail truss. Inspect visually for cracks all welded joints and adjacent structure in tail truss, P/N 4009, using at least a 10-power glass or FAA-approved equivalent.

(b) If cracks are found in U-fitting, P/N 4010, at the lower forward end of the truss, repair before further flight in accordance with Mooney Service Letter No. 20-68 or later FAA-approved revision or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southwest Region.

(c) If cracks are found in the tail truss within 0.50 inch of an existing weld bead except in U-fitting, P/N 4010, repair before further flight in an FAA-approved manner flame annealing any area where old and new welds join.

(d) If cracks are found in the tail truss 0.50 inch or more from an existing weld bead except in U-fitting, P/N 4010, before further flight—

(1) Replace the tail truss with an unused part of the same part number or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southwest Region; or

(2) Repair it in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southwest Region or by a Mooney Aircraft, Inc., designated engineering representative.

(Mooney service letters Nos. 20-30, 20-49, and 20-49A also pertain to this subject.)

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

This amendment becomes effective September 16, 1965.

Issued in Washington, D.C. on September 9, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65-9796; Filed, Sept. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-77]

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

Designation of Transition Area

On June 30, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 8276) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Ames, Iowa.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., November 11, 1965, as hereinafter set forth:

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

AMES, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ames Municipal Airport (Latitude 41°59'25" N., longitude 93°37'05" W.) and within 5 miles SW and 8 miles NE of the 127° bearing from Ames Municipal Airport, extending from the airport to 12 miles SE.

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

Issued in Kansas City, Mo., on September 7, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-9797; Filed, Sept. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SW-12]

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

Alteration of Transition Area

On June 9, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 7525) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Little Rock, Ark., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 9, 1965, as hereinafter set forth.

In § 71.181 (30 F.R. 5829) the Little Rock, Ark., transition area is amended to read:

LITTLE ROCK, ARK.

That airspace extending upward from 700 feet above the surface within an area beginning at latitude 34°28'00" N., longitude 92°22'00" W., to latitude 34°28'00" N., longitude 92°32'00" W., to latitude 34°37'00" N., longitude 92°33'00" W., to latitude 35°06'00" N., longitude 92°18'00" W., to latitude 35°06'00" N., longitude 91°58'00" W., to latitude 34°47'00" N., longitude 91°56'00" W., to latitude 34°31'00" N., longitude 92°01'00" W., to point of beginning, and within 2 miles each side of the Little Rock VORTAC 137° radial, extending from the VORTAC to the north boundary of the Pine Bluff, Ark., transition area; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 34°26'00" N., longitude 93°31'00" W., to latitude 35°00'00" N., longitude 93°13'00" W., to latitude 35°28'00" N., longitude 92°25'00" W., to latitude 35°23'00" N., longitude 91°34'00" W., to latitude 34°46'00" N., longitude 91°15'00" W., to latitude 33°53'00" N., longitude 91°56'00" W., to latitude 34°17'00" N., longitude 93°26'00" W., to point of beginning at latitude 35°00'00" N., longitude the N by V-54, on the S by V-16, and on the W by a line through latitude 34°46'00" N., longitude 91°15'00" W. and latitude 33°53'-

00'' N., longitude 91°56'00'' W.; and that airspace extending upward from 5,000 feet MSL within an area bounded by a line beginning at latitude 35°00'00'' N., longitude 93°13'00'' W., to latitude 35°44'00'' N., longitude 92°57'00'' W., to latitude 35°59'00'' N., longitude 92°00'00'' W., to latitude 35°33'00'' N., longitude 91°32'00'' W., to latitude 35°23'00'' N., longitude 91°34'00'' W., to latitude 35°28'00'' N., longitude 92°25'00'' W., to point of beginning; excluding the portion extending upward from 5,000 feet MSL that lies within Federal airways.

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

Issued in Fort Worth, Tex., on September 7, 1965.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 65-9798; Filed, Sept. 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-1]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In F.R. Doc. 65-9471 appearing at page 11502 in the issue for Thursday, September 9, 1965, lines 10 through 12 of the fourth paragraph are corrected to read as follows: Latitude 32°31'46'' N., longitude 84°39'25'' W.; to latitude 32°18'30'' N., longitude 84°39'25'' W.;" therefor; and by.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5764 c.]

PART 13—PROHIBITED TRADE PRACTICES

Interstate Training Service Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-30 Connections or arrangements with others; 13.15-215 Organization and operation; § 13.55 *Demand, business or other opportunities;* § 13.75 *Free goods or services;* § 13.115 *Jobs and employment service;* § 13.170 *Qualities or properties of product or service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.1515 *Organization and operation;* § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1625 *Free goods or services;* § 13.1670 *Jobs and employment;* § 13.1735 *Sample, offer, or order conformance.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 *Free goods;* § 13.1960 *Free service;* § 13.1995 *Job guarantee and employment;* § 13.2015 *Opportunities in product or service;* § 13.2060 *Sample, offer, or order conformance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Interstate Training Service Corp. et al., Portland, Oreg., Docket 5764, May 19, 1965]

In the Matter of Interstate Training Service Corp., a corporation, and Conard E. Green, and Leon A. Crouch, individually and as officers of said corporation, and also trading as copartners under the firm name of Interstate Training Service; and Conard E. Green, Leon A. Crouch, and Jacob W. Spatz, trading under the firm name of American Academy of Applied Science.

Order modifying cease and desist order of December 5, 1950, 16 F.R. 1719, against sellers of a correspondence course in the operation, maintenance, and repair of diesel engines, the commission modified paragraphs 1, 2, 3, and 8 of the order prohibiting misrepresentation as to selection of students, length of course, relationship with manufacturers, and on-the-job training.

The order to cease and desist, as modified, is as follows:

It is ordered, That Conard E. Green and Leon A. Crouch, individually and as copartners trading under the name of Interstate Training Service, or trading under any other trade or partnership name, and their agents, representatives, and employees, directly or indirectly, through any corporate or other device, in connection with the sale, offering for sale or distribution of courses of study and instruction in the operation, maintenance, and repair of Diesel engines, gasoline engines, and heavy equipment in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That students are selected or accepted on the basis of mechanical aptitude or upon the recommendation of respondents' representatives unless respondents are able to establish that selection is limited to persons having such aptitude or recommendation;

2. That respondents' course of training in the maintenance, repair, and operation of Diesel engines may be completed in any specified time unless respondents are able to establish either that all persons accepted pursuant to Paragraph 1 above may complete the training in the time specified or that in immediate conjunction with said representation respondent has clearly set forth the conditions or assumptions upon which said representation is based;

3. That respondents work closely with or have any other relationship with manufacturers, contractors, or others in the Diesel engine field unless respondents are able to establish the existence of such relationship;

4. That students, after completion of respondents' course, are qualified to operate, service, and repair any Diesel equipment, regardless of size or kind, and are able to compile cost estimates;

5. That students are assured or guaranteed employment after completion of respondents' course;

6. That the placement, consultation, and revision services and students' supplies furnished by respondents are free;

7. That the opportunities for employment, improvement, and advancement in the field of Diesel equipment operation are unusual and unlimited for those who take respondents' course without many years of previous practical experience in that field;

8. That students receive resident shop or on-the-job training unless respondents are able to establish that such training is furnished and unless respondents clearly disclose all of the terms and conditions under which the training is furnished in immediate conjunction with any such representation;

9. That respondents' salesmen are vocational advisors or field engineers, or that they are otherwise qualified to give prospective students aptitude tests;

10. That the Western Adjustment Bureau, or any other name used by respondents, or any of them, for the purpose of collecting money due them, is a separate or independent organization.

It is further ordered, That Conard E. Green, Leon A. Crouch, and Jacob W. Spatz, individually or as partners, doing business under the name of the American Academy of Applied Science, or any other trade or partnership name, and their agents, representatives and employees, directly or indirectly, through any corporate or other device, in connection with the sale, offering for sale, or distribution of courses of study and instruction in fingerprinting or fingerprinting science, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the opportunities for employment and advancement in the field of fingerprinting and crime detection are unusual and unlimited for those who take respondents' course;

2. That the demand for men trained merely in courses such as respondents' is great and the supply inadequate;

3. That many fingerprint bureaus are being enlarged and many more planned;

4. That there is a position to suit every preference in the fingerprinting field or something which will appeal to every aptitude;

5. That salaries in the fingerprinting field are considerably above the average;

6. That fingerprinting work is filled with excitement and intrigue or packed with thrills, color, or romance;

7. That students are selected by respondents on the basis of aptitude and personality, or that the training is limited to those applicants who can qualify by nature or disposition for the work;

8. That the placement service or the equipment furnished by respondents is free to those taking the course;

9. That the U.S. Government is in need of those who take respondents' course;

10. That respondents employ "field representatives" or "division chiefs" other than salesmen.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Interstate Training Service, an Oregon corporation, and as to respondents Conard E. Green and Leon A. Crouch solely in their capacities as officers of said corporation.

It is further ordered, That paragraph 8 of said complaint be, and it hereby is, dismissed as to all the respondents.

Issued: May 19, 1965.

By the Commission.

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

[F.R. Doc. 65-9801; Filed, Sept. 15, 1965; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-7700]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Miscellaneous Amendments

The Securities and Exchange Commission has announced that it has renumbered its rules under sections 15(b) and 15A of the Securities Exchange Act of 1934 ("Exchange Act"), and that it has amended Rules 15Al2-1, 17a-5 and 19a3-1 (17 CFR §§ 240.15al2-1, .17a-5 and .19a3-1). The action was taken to relate the rules adopted under section 15(b) to the numbered paragraphs of that section, as amended by the Securities Acts Amendments of 1964, and to conform the numbering of the rules under section 15A to the numbering of the paragraphs of that section.

Prior to the Securities Acts Amendments of 1964, section 15(b) consisted of four unnumbered paragraphs. As a result of those amendments, that section now consists of 10 numbered paragraphs. Therefore, the Commission has renumbered each of its rules under section 15(b) to identify the specific numbered paragraph of that section to which each such rule primarily relates. In addition, to avoid confusion, the Commission has renumbered the rules under section 15A to change the initial lower case letter "a" in the designation of each of those rules to the upper case letter "A". The Commission has also amended renumbered Rule 15Al2-1 (17 CFR § 240.15Al 2-1) and Rules 17a-5 and 19a3-1 (17 CFR §§ 240.17a-5 and .19a3-1) so that the references in those rules to the renumbered rules under section 15(b) will reflect the new designation of those rules.

Text of the Commission's action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 15(b), 15A, 17(a), 19(a), and 23(a) thereof, and deeming such action necessary and appropriate in the public interest and for the execution of the functions vested in it, hereby renumbers each rule under sections 15(b) and 15A of the Securities Exchange Act of 1934, and amends renumbered Rule 15Al2-1 (17 CFR § 240.15Al2-1) and Rules 17a-5 and 19a3-1 (17 CFR §§ 240.17a-5 and .19a3-1), as set forth below. The Commission finds that notice and procedure pursuant to section 4 of the Administrative Procedure Act are unnecessary because such renumbering and amendments relate to matters of practice and procedure and do not involve any substantive change in existing requirements. Such renumbering and amendments shall be effective on September 24, 1965.

Section 240.15b-1 through § 240.15b-9 of Chapter II of Title 17 of the Code of Federal Regulations are each renumbered as follows:

§ 240.15b-1 is renumbered § 240.15b1-1;
§ 240.15b-2 is renumbered § 240.15b3-1;
§ 240.15b-3 is renumbered § 240.15b2-1;
§ 240.15b-4 is renumbered § 240.15b1-3;
§ 240.15b-5 is renumbered § 240.15b1-4;
§ 240.15b-6 is renumbered § 240.15b6-1;
§ 240.15b-7 is renumbered § 240.15b1-5;
§ 240.15b-8 is renumbered § 240.15b1-2; and
§ 240.15b-9 is renumbered § 240.15b7-1.

(Secs 15(b) and 23(a), 48 Stat. 895 and 901, as amended, 15 U.S.C. 78o and 78w)

Section 240.15aa-1 through § 240.15al2-1 of Chapter II of Title 17 of the Code of Federal Regulations are each renumbered as follows:

§ 240.15aa-1 is renumbered § 240.15Aa-1;
§ 240.15ab-1 is renumbered § 240.15Ab-1;
§ 240.15ag-1 is renumbered § 240.15Ag-1;
§ 240.15aj-1 is renumbered § 240.15Aj-1;
and
§ 240.15al2-1 is renumbered § 240.15Al2-1.

(Secs. 15A and 23(a), 52 Stat. 1070, as amended, 48 Stat. 901, as amended, 15 U.S.C. 78o-3 and 78w)

Section 240.15Al2-1 of Chapter II of Title 17 of the Code of Federal Regulations is amended so that the reference therein to § 240.15b-9 is revised to read § 240.15b7-1.

(Secs. 15A and 23(a), 52 Stat. 1070, as amended, 48 Stat. 901, as amended, 15 U.S.C. 78o-3 and 78w)

Section 240.17a-5 of Chapter II of Title 17 of the Code of Federal Regulations is amended so that the reference in paragraph (b)(1) thereof to § 240.15b-8 is revised to read § 240.15b1-2.

(Secs. 17(a) and 23(a), 48 Stat. 897 and 901, as amended, 15 U.S.C. 78q and 78w)

Section 240.19a3-1 of Chapter II of Title 17 of the Code of Federal Regulations is amended so that the reference therein to § 240.15b-9 is revised to read § 240.15b7-1.

(Secs. 19(a) and 23(a), 48 Stat. 898 and 901, as amended, 15 U.S.C. 78s and 78w)

By the Commission.

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

SEPTEMBER 10, 1965.

[F.R. Doc. 65-9802; Filed, Sept. 15, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56481]

PERSONAL EXEMPTIONS ACCORDED RETURNING RESIDENTS

Miscellaneous Amendments

Public Law 89-62, approved June 30, 1965, amended the provisions in schedule 8, part 2A, Tariff Schedules of the United States, relating to personal exemptions accorded returning residents of the United States and the provisions in section 321(a)(2) of the Tariff Act of 1930, as amended, relating to the value of articles subject to administrative exemption from duty or tax.

To conform to the changes in the law made by Public Law 89-62 and to make certain required technical changes, the Customs regulations are amended as follows:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.3 [Amended]

Section 8.3 is amended by substituting "fair retail value in the country of shipment" for "value" where it appears in paragraph (b), the first sentence of paragraph (c), the third sentence of paragraph (d)(2), paragraph (d)(4)(ii) and (iii) and (5), and the first sentence of paragraph (d)(6); and by amending the second sentence of paragraph (d)(6) to read: "For example, an article ordinarily subject to an ad valorem rate of duty but sent as a gift, if the fair retail value is $11, would be subject to a duty based upon its value under the provisions of section 402 or 402a, Tariff Act of 1930, as amended, even though the dutiable value is less than $10."

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624.)

PART 9—IMPORTATIONS BY MAIL

Section 9.3 is amended as follows: The first sentence of paragraph (b) is amended to read:

§ 9.3 Mail entries.

* * * * *

(b) No mail or other entry shall be issued for any shipment in the mails which is unconditionally free of duty and does not exceed $250 in value. * * *

* * * * *

§ 9.6 [Amended]

Section 9.6 is amended by substituting "fair retail value in the country of shipment" for "value" in paragraphs (a) and (b) and in the quotation of subdivision (2), section 321(a) of the Tariff Act of 1930, as amended, in footnote 6 appended to § 9.6(a).

§ 9.10 [Amended]

The heading of § 9.10 is amended by substituting "$100 or $200" for "$200 or $300" therein. Paragraph (c) is deleted.

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.17 [Amended]

Section 10.17 is amended as follows:

1. Paragraph (a) is amended by substituting "$100 or $200" for "$200 or $300" in the second sentence.

2. Paragraph (b) is amended to read:

(b) *Articles acquired abroad.* Subject to the limitations and conditions herein-

after stated, each returning resident is entitled under items 813.30 and 813.31, and schedule 8, part 2, headnote 1, Tariff Schedules of the United States,[22] to bring in free of duty and internal revenue tax articles for his personnal or household use which were purchased or otherwise acquired abroad merely as an incident of the foreign journey from which he is returning and which accompany him on his arrival. The aggregate fair retail value in the country of acquisition of such articles shall not exceed $100 or, in the case of a resident arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, $200, of which not more than $100 shall have been acquired elsewhere than in such insular possession. These exemptions do not apply to articles intended for sale or acquired on commission, i.e., for the account of another person, with or without compensation for the service rendered.

3. Footnote 22 appended to paragraph (b) is amended to read:

[22] "Other articles accompanying such person, including (but only in the case of an individual who has attained the age of 21) not more than 1 quart of alcoholic beverages (or 1 wine gallon of such beverages if such individual arrives directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, not more than 1 quart of which shall have been acquired elsewhere than in such insular possessions) and including not more than 100 cigars, acquired abroad as an incident of the journey from which he is returning, for his personal or household use, but not imported for the account of any other person nor intended for sale, if declared in accordance with regulations of the Secretary of the Treasury:

"Articles not over $100 (or $200 in the case of persons arriving directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States, not more than $100 of which shall have been acquired elsewhere than in such insular possessions) in aggregate fair retail value in the country of acquisition, if such person arrives from the Virgin Islands of the United States or from a contiguous country which maintains a free zone or free port, or arrives from any other country after having remained beyond the territorial limits of the United States for a period of not less than 48 hours, and in either case has not claimed an exemption under this item (813.31) or under item 915.30 within the 30 days immediately preceding this arrival." (Items 813.30, 813.31, Tariff Schedules of the United States.)

4. Paragraph (c) is amended by deleting the second and third sentences.

5. Paragraph (d) is amended to read:

(d) *Tobacco products, alcoholic beverages, and foodstuffs.* Cigars, cigarettes, manufactured tobacco, alcoholic beverages, and foodstuffs may be included in the exemption to which a returning resident is entitled: *Provided*, The exemption shall not include:

(1) More than 100 cigars;

(2) Any alcoholic beverages in the case of an individual who has not attained the age of 21;

(3) More than 1 quart of alcoholic beverages in the case of an individual who does not arrive directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States;

(4) More than 1 wine gallon of alcoholic beverages in the case of an individual who arrives directly or indirectly from American Samoa, Guam, or the Virgin Islands of the United States (not more than 1 quart of which shall have been acquired elsewhere than in such insular possessions).

6. Paragraph (e) is deleted and a new paragraph (e) is inserted as follows:

(e) *Application of exemption to articles subject to the highest rates of duty.* The $100 or $200 exemption shall be applied to the aggregate fair retail value in the country of acquisition of the articles subject to the highest rates of duty.[23] If an internal revenue tax is applicable, it shall be combined with the duty in determining which rates are highest.

7. Footnote 23 appended to paragraph (e) is amended to read:

8. The first and second sentences of paragraph (f) are amended to read:

(f) *Family grouping of exemptions.* Each member of a family is entitled to the $100 or $200 exemption, subject to the conditions prescribed in schedule 8, part 2, Tariff Schedules of the United States. Articles belonging to one person cannot be included in the $100 or $200 exemption of another person, but when members of a family residing in one household travel together on their return to the United States, the $100 or $200 exemption to which the several members of the family may be entitled may be grouped and allowed without regard to which member is the owner of the articles except in the case of alcoholic beverages when such a member has not attained the age of 21. * * *

9. Paragraphs (g), (h), and (i) are amended to read:

(g) *Length of stay abroad.* (1) The $100 exemption shall not be allowed unless a returning resident has remained beyond the territorial limits of the United States for a period not less than 48 hours, except in the case of a returning resident arriving in the United States from Mexico. With respect to articles acquired in Mexico, the $100 exemption may be allowed without regard to length of time a returning resident has remained outside the territorial limits of the United States, unless the resident returns through a port as to which there is in effect a special regulation or instruction requiring that the returning resident, in order to obtain the benefit of the $100 exemption for such articles, shall have remained beyond the territorial limits of the United States for such period, not to exceed 24 hours, as shall be specified in the special regulation or instruction.[24]

(2) The $200 exemption applicable in the case of the arrival of a returning resident directly or indirectly from the Virgin Islands of the United States may be allowed without regard to the length of time such person has remained outside the territorial limits of the United States.

(h) *Frequency of allowances.* (1) The $100 or $200 exemption shall not be granted to a returning resident who has taken advantage of such exemption within the 30-day period immediately preceding his return to the United States.[25] The date of the returning resident's latest prior arrival on which he declared articles for allowance of the $100 or $200 exemption shall be deemed the date he took advantage of the applicable exemption.

(2) A returning resident who has received a total exemption of less than $100 under the $100 exemption, or a total exemption of less than $200 under the $200 exemption, in connection with his return from one journey is not entitled to apply the remainder of either amount to articles acquired abroad on a subsequent journey. Articles acquired on one journey and left in a foreign country cannot be allowed any exemption accruing upon the importer's return from a subsequent journey.

(i) *Computation of time requirements.* (1) The 48-hour period a returning resident must have been abroad to be entitled to an exemption shall be computed exactly. For example, a resident leaving United States territory at 1:30 p.m. on June 1 would complete the 48-hour period at 1:30 p.m. on June 3.

(2) The 30-day period immediately preceding the resident's return shall be computed by excluding the day of arrival and counting backward 30 days. In the case of an arrival on May 28, the resident would not be entitled to the $100 or $200 exemption if he had taken advantage of such exemption on or after the last preceding April 28.

10. Paragraph (j) is amended by substituting "$100 or $200" for "$200 or $300" in the third sentence.

11. Paragraph (k) is deleted.

12. Paragraph (l) is amended by deleting "or 813.32" in the first sentence and by substituting "$100 or $200" for "$200 or $300" in the third and fourth sentences. Footnote 25a appended to paragraph (l) is amended by deleting "or 813.32" therefrom.

13. Paragraph (m) is amended to read:

(m) *Sale.* An article brought in under the $100 or $200 exemption and subsequently sold is not dutiable or subject to forfeiture by reason of the sale thereof, if the returning resident actually acquired and imported the article for his bona fide personal or household use and not for sale.

14. Footnote 26 appended to paragraph (m) is deleted.

§ 10.17a [Deleted]

Section 10.17a is deleted.

§ 10.18 [Amended]

The quotation of headnote 1, part 2A, schedule 8, Tariff Schedules of the United States in footnote 29 appended to § 10.18(e) is amended by deleting "or any article which has been exempted from duty under item 813.32" from paragraph (a) thereof.

Section 10.19 is amended as follows: Paragraph (b)(3) is amended, new paragraph (c)(3) is added, and paragraph (f) is amended to read:

[23] When the $100 or $200 exemption has been so applied, another claim for the $100 or $200 exemption within the following 30 days cannot be allowed. See § 23.5(c) of this chapter.

§ 10.19 **Declaration and entry.**

* * * * *

(b) * * * (3) the aggregate of the value of all articles acquired abroad by him and of the cost or value of alterations and dutiable repairs made abroad to personal or household effects taken out and brought back by him (see § 10.17(a)) does not exceed $100 or $200 in the case of direct or indirect arrivals from American Samoa, Guam, and the Virgin Islands of the United States; except that written declarations may be required generally or in respect of particular types of traffic if necessary at any seaport or airport to effect prompt and orderly clearance of passengers and their effects, and may be required in particular cases at any port if deemed necessary to protect the revenue. A family group traveling together may be permitted to declare orally articles acquired abroad for the personal or household use of any member of the family if the value of such articles does not exceed the total amount of the exemption to which the family group is entitled.

(c) *Written declarations.* * * *

(3) Individual items not exceeding $5 per item in fair retail value in the country of acquisition may be grouped as "Miscellaneous" up to but not exceeding a total value of $50 where a written declaration is required.

* * * * *

(f) *Value.* Opposite the description of each article required to be declared specifically in a written declaration the passenger shall state the price at retail actually paid for the article, or its fair retail value in the country of acquisition if it was not acquired at retail or by purchase. A statement of price shall be in the currency of purchase or its equivalent in United States currency, and a statement of value shall be in the currency of the Country in which the article was acquired or in United States currency. Due adjustment shall be made by the appropriate customs officer whenever the purchase price or value declared differs from the fair retail value, whether by reason of depreciation due to wear and use, circumstances of purchase or acquisition, or for any other reason.

* * * * *

Section 10.20 is deleted and the following new § 10.20 is inserted in lieu thereof.

§ 10.20 **Unaccompanied shipments.**

Effects and tools of trade. When effects claimed to be free of duty under item 810.20, 812.10, 812.20, 812.30 or 813.10, Tariff Schedules of the United States, do not accompany the importer on his arrival in the United States or are forwarded in bond, a declaration of the importer on customs Form 3299 in the case of a nonresident, or on customs Form 3297 in the case of a returning resident, shall be required to support the claim for free entry, except that as to effects which are free of duty under item 810.20 or item 813.10, Tariff Schedules of the United States, an oral declaration of the importer may be accepted in lieu of a written declaration on Form 3297. Effects of returning residents entitled to free entry under item 810.20 or item 813.10 (other than automobiles and other vehicles of residents returning from noncontiguous countries) need not be itemized in the written declaration. If the collector is satisfied that an entry would serve no good purpose, none need be required, but evidence of ownership for customs purposes, such as a carrier's certificate or properly endorsed bill of lading, shall be required in connection with the declaration. Such exemption from entry may also be applied with respect to household effects or tools of trade entitled to free entry (see §§ 10.11 and 10.15, respectively) which are unaccompanied or forwarded in bond.

§ 10.21 **[Amended]**

Section 10.21(i) is amended by substituting "813.31" for "813.30". Footnote 31 appended to paragraph (i) is amended to read:

31 "(a) The Secretary of the Treasury, in order to avoid expense and inconvenience to the Government disproportionate to the amount of revenue that would otherwise be collected, is hereby authorized, under such regulations as he shall prescribe, to—

* * * * *

"(2) Admit articles free of duty and of any tax imposed on or by reason of importation, but the aggregate fair retail value in the country of shipment of articles imported by one person on one day and exempted from the payment of duty shall not exceed—

* * * * *

"(B) $10 in the case of articles accompanying, and for the personal or household use of, persons arriving in the United States who are not entitled to any exemption from duty under item 812.25 or 813.31 of title I * * *." (Tariff Act of 1930, sec. 321, as amended; 19 U.S.C. 1321)

§ 10.42 **[Amended]**

Section 10.42(d) is amended by substituting "$100 or $200" for "$200 or $300" in the first and second sentences thereof.

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624)

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

§ 20.6 **[Amended]**

Footnote 8 appended to § 20.6(c) is amended by substituting "schedule 8, part 2A, Tariff Schedules of the United States," for "paragraph 1798, as amended, or paragraph 1632, Tariff Act of 1930," therein.

(77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Gen. Hdnote 11), 1624)

These amendments shall apply with respect to the personal exemptions of returning residents arriving in the United States on and after October 1, 1965, and with respect to articles admitted free of duty and tax under section 321(a)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)) arriving in the United States on and after October 1, 1965.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: September 9, 1965.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 65-9833; Filed, Sept. 15, 1965; 8:48 a.m.]

[T.D. 56482]

PART 17—PROTESTS AND REAPPRAISEMENTS

Number of Copies To Be Filed

It has been determined that additional copies of appeals by collectors are now necessary for purposes of administration. Presently collectors are required to forward a copy of their appeal to the consignee or his agent or attorney. To require that two copies be forwarded to the Assistant to the Chief Counsel for his official use and for the use of the Customs Section, Department of Justice, § 17.7(a) is amended.

It has also been determined that an additional copy of an appeal of a consignee or his agent is needed for the use of the Customs Section, Department of Justice. Under the present arrangement, collectors of customs retain one of the triplicate copies filed and forward the original and third copy to the U.S. Customs Court and the Assistant to the Chief Counsel, respectively. To require that an additional copy be filed, § 17.7(b) is amended.

Section 17.7 (a) and (b) now read as follows:

§ 17.7 **Appeal for reappraisement; form; samples; certification of documents.**

(a) When the collector appeals for reappraisement, he shall use customs Form 4305 and at once forward a copy of the appeal to the consignee or his agent or attorney and two copies of such appeal to the Assistant to the Chief Counsel, Bureau of Customs, 201 Varick Street, New York, N.Y., 10014. Such appeal shall specify the particular items in the invoice affected if it does not apply to all.

(b) The appeal of a consignee or his agent shall be filed with the collector in quadruplicate. Customs Form 4305 may be used for this purpose. The post office address of the consignee or his agent shall be set forth in each appeal.

* * * * *

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: September 3, 1965.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 65-9834; Filed, Sept. 15, 1965; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6850]

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

Adjustments to Basis of Stock in Controlled Foreign Corporations and of Other Property

On June 8, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 7493) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform to section 961 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006). No comments on the rules proposed having been received, the amendment of the regulations as proposed is hereby adopted.

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

Approved: September 10, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 961 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended as follows effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

§ 1.961 Statutory provisions; adjustments to basis of stock in controlled foreign corporations and of other property.

SEC. 961. *Adjustments to basis of stock in controlled foreign corporations and of other property*—(a) *Increase in basis.* Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which he is considered under section 958(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in his gross income under section 951(a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount was included in the gross income of such United States shareholder. In the case of a United States shareholder who has made an election under section 962 for the taxable year, the increase in basis provided by this subsection shall not exceed an amount equal to the amount of tax paid under this chapter with respect to the amounts required to be included in his gross income under section 951(a).

(b) *Reduction in basis*—(1) *In general.* Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 959(a) shall be reduced by the amount so excluded. In the case of a United States shareholder who has made an election under section 962 for any prior taxable year, the reduction in basis provided by this paragraph shall not exceed an amount equal to the amount received which is excluded from gross income under section 959(a) after the application of section 962(d).

(2) *Amount in excess of basis.* To the extent that an amount excluded from gross income under section 959(a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

[Sec. 961 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

§ 1.961–1 Increase in basis of stock in controlled foreign corporations and of other property.

(a) *Increase in basis*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the basis of a United States shareholder's—

(i) Stock in a controlled foreign corporation; or

(ii) Property (as defined in paragraph (b)(1) of this section) by reason of the ownership of which he is considered under section 958(a)(2) as owning stock in a controlled foreign corporation

shall be increased under section 961(a), as of the last day in the taxable year of such corporation on which it is a controlled foreign corporation, by the amount required to be included with respect to such stock or such property in such shareholder's gross income under section 951(a) for his taxable year in which or with which such taxable year of such corporation ends. The increase in basis provided by the preceding sentence shall be made only to the extent to which such amount required to be included in gross income under section 951(a) was so included in gross income.

(2) *Limitation on amount of increase in case of election under section 962.* In the case of a United States shareholder who makes the election under section 962 for the taxable year, the amount of the increase in basis provided by subparagraph (1) of this paragraph shall not exceed the amount of United States tax paid in accordance with such election with respect to the amounts included in such shareholder's gross income under section 951(a) for such year (as determined under § 1.962–1).

(b) *Rules of application*—(1) *Property defined.* The property of a United States shareholder referred to in paragraph (a)(1)(ii) of this section shall consist of—

(i) Stock in a foreign corporation;

(ii) An interest in a foreign partnership; or

(iii) A beneficial interest in a foreign estate or trust (as defined in section 7701(a)(31)).

(2) *Increase with respect to each share of stock.* Any increase under paragraph (a) of this section in the basis of a United States shareholder's stock in a foreign corporation shall be made in the amount included in gross income under section 951(a) or in the amount of United States tax paid in accordance with an election under section 962, as the case may be, with respect to each share of such stock.

(c) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). Domestic corporation M owns 800 of the 1,000 shares of the one class of stock in controlled foreign corporation R which owns all of the one class of stock in controlled foreign corporation S. Corporations M, R, and S use the calendar year as a taxable year. In 1964, S Corporation has $100,000 of earnings and profits after the payment of $11,250 of foreign income taxes, and $100,000 of subpart F income. Corporation R has no earnings and profits. With respect to S Corporation, M Corporation is required to include in gross income $80,000 (800/1,000×$100,000) under section 951(a), and $9,000 ($80,000/$100,000×$11,250) under section 78. On December 31, 1964, M Corporation must increase the basis of each share of its stock in R Corporation by $100 ($80,000/800).

Example (2). A, an individual United States shareholder, owns all of the 1,000 shares of the one class of stock in controlled foreign corporation T. Corporation T and A use the calendar year as a taxable year. In 1964, T Corporation has $80,000 of earnings and profits after the payment of $20,000 of foreign income taxes, and $80,000 of subpart F income. A makes the election under section 962 for 1964 and in accordance with such election pays a United States tax of $23,000 with respect to the $80,000 included in his gross income under section 951(a). On December 31, 1964, A must increase the basis of each share of his stock in T Corporation by $23 ($23,000/1,000).

§ 1.961–2 Reduction in basis of stock in foreign corporations and of other property.

(a) *Reduction in basis*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the adjusted basis of a United States person's—

(i) Stock in a foreign corporation;

(ii) Interest in a foreign partnership; or

(iii) Beneficial interest in a foreign estate or trust (as defined in section 7701(a)(31)),

with respect to which such United States person receives an amount which is excluded from gross income under section 959(a), shall be reduced under section 961(b), as of the time such person receives such excluded amount, by the sum of the amount so excluded and any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States on or with respect to the earnings and profits attributable to such excluded amount when such earnings and profits were actually distributed directly or indirectly through a chain of ownership described in section 958(a)(2).

(2) *Limitation on amount of reduction in case of election under section 962.* In the case of a distribution of earnings and profits attributable to amounts with respect to which an election under section 962 has been made, the amount of the reduction in basis provided by subparagraph (1) of this paragraph shall not exceed the sum of—

(i) The amount of such distribution which is excluded from gross income under section 959(a) after the application of section 962(d) and § 1.962–3; and

(ii) Any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States on or with respect to the earnings and profits attributable to such excluded amount when such earnings and profits were actually distributed directly or indirectly through a chain of ownership described in section 958(a)(2).

(b) *Reduction with respect to each share of stock.* Any reduction under paragraph (a) of this section in the adjusted basis of a United States person's stock in a foreign corporation shall be made with respect to each share of such stock in the sum of—

(1) (i) The amount excluded from gross income under section 959(a); or

(ii) The amount excluded from gross income under section 959(a) after the application of section 962(d) and § 1.962–3; and

(2) The amount of any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States on or with respect to the earnings and profits attributable to such excluded amount when such earnings and profits were actually distributed directly or indirectly through a chain of ownership described in section 958(a)(2).

(c) *Amount in excess of basis.* To the extent that the amount of the reduction in the adjusted basis of property provided by paragraph (a) of this section exceeds such adjusted basis, the amount shall be treated as gain from the sale or exchange of property.

(d) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). (a) Domestic corporation M owns all of the 1,000 shares of the one class of stock in controlled foreign corporation R, which owns all of the 500 shares of the one class of stock in controlled foreign corporation S. Each share of M Corporation's stock in R Corporation has a basis of $200. Corporations M, R, and S use the calendar year as a taxable year. In 1963, S Corporation has $100,000 of earnings and profits after the payment of $50,000 of foreign income taxes and $100,000 of subpart F income. For 1963, M Corporation includes $100,000 in gross income under section 951(a) with respect to S Corporation. In accordance with the provisions of § 1.961–1, M Corporation increases the basis of each of its 1,000 shares of stock in R Corporation to $300 ($200+$100,000/1,000) as of December 31, 1963.

(b) On July 31, 1964, M Corporation sells 250 of its shares of stock in R Corporation to domestic corporation N at a price of $350 per share. Corporation N satisfies the requirements of paragraph (d) of § 1.959–1 so as to qualify as M Corporation's successor in interest. On September 30, 1964, the earnings and profits attributable to the $100,000 included in M Corporation's gross income under section 951(a) for 1963 are distributed to R Corporation which incurs a withholding tax of $10,000 on such distribution (10 percent of $100,000) and an additional foreign income tax of 33⅓ percent or $30,000 by reason of the inclusion of the net distribution of $90,000 ($100,000 minus $10,000) in its taxable income for 1964. On June 30, 1965, R Corporation distributes the remaining $60,000 of such earnings and profits to corporations M and N: Corporation M receives $45,000 (750/1,000×$60,000) and excludes such amount from gross income under section 959(a); Corporation N receives $15,000 (250/1,000×$60,000) and, as M Corporation's successor in interest, excludes such amount from gross income under section 959(a). As of June 30, 1965, M Corporation must reduce the adjusted basis of each of its 750 shares of stock in R Corporation to $200 ($300 minus ($45,000/750+$10,000/1,000+$30,000/1,000)); and N Corporation must reduce the basis of each of its 250 shares of stock in R Corporation to $250 ($350 minus ($15,000/250+$10,000/1,000+$30,000/1,000)).

Example (2). The facts are the same as in paragraph (a) of example (1), except that in addition, on July 31, 1964, R Corporation sells its 500 shares of stock in S Corporation to domestic corporation P at a price of $600 per share. Corporation P satisfies the requirements of paragraph (d) of § 1.959–1 so as to qualify as M Corporation's successor in interest. On September 30, 1964, S Corporation distributes $100,000 of earnings and profits to P Corporation, which earnings and profits are attributable to the $100,000 included in M Corporation's gross income under section 951(a) for 1963. Corporation P incurs a withholding tax of $10,000 on the distribution from S Corporation (10 percent of $100,000). As M Corporation's successor in interest, P Corporation excludes the $90,000 it receives from gross income under section 959(a). As of September 30, 1964, P Corporation must reduce the basis of each of its 500 shares of stock in S Corporation to $400 ($600 minus ($90,000/500+$10,000/500)).

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

[F.R. Doc. 65-9835; Filed, Sept 15, 1965; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Marine Casualties

Paragraphs (c), (d), (e), and (f) of § 536.44 are revised to read as follows:

§ 536.44 Marine casualties; claims.

* * * * *

(c) *Maritime claims.* The Army Maritime Claims Settlement Act, 10 U.S.C. 4801–4806, as amended, is the principal statute authorizing the Department of the Army to settle marine casualty claims both in favor of and against the Government. Claims within the purview of this statute will be settled thereunder to the exclusion of other laws and regulations which may afford concurrent jurisdiction, except as set out in paragraph (f)(2) of this section. Such claims will be investigated and reported pursuant to this section and processed under §§ 536.45 and 537.7 of this chapter.

(d) *Authority to settle or compromise maritime claims.* The authority of the Secretary of the Army to settle or compromise maritime claims has been delegated as set out in § 536.45.

(e) *Form of claim.* The bulk of maritime claims under the cited statute involves commercial interest. In view of commercial practice, a prescribed form of claim is not required. A letter accompanied by a claim invoice, repair voucher, estimate of repair costs, survey report, notice of liability, or similar document indicating damage for which the Government is being held responsible will be treated as a claim, subject to formalization prior to final action by the approving authority, which will include obtaining the necessary evidence of the authority of the person signing on behalf of a corporate claimant.

(f) *Maritime claims under contract and other claims regulations.* (1) Claims in favor of or against the United States under the Army Maritime Claims Settlement Act, which concurrently are payable under contract, except contract salvage claims and claims for towage in the nature of salvage services, routinely will be adjusted or settled under the applicable contract. This does not foreclose resort to the statutory remedy and implementing regulations where not settled under the contract.

(2) Claims under the Army Maritime Claims Settlement Act, and under the Foreign Claims Act (§ 536.26) may be processed under the latter where authority to do so has been obtained from the Chief, U.S. Army Claims Service.

(3) Claims of military personnel and civilian employees of the Department of the Army for damage to or loss or destruction of personal property, occurring incident to their service, will be processed under § 536.27.

(4) Claims for loss or damage to Government property under jurisdiction of the Army will be processed in accordance with §§ 536.45, 537.1 and 537.7 of this chapter, or AR 735–11, as appropriate.

[AR 55–19, Aug. 3, 1965] (sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-9805; Filed, Sept. 15, 1965; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EXAMINATIONS; REEXAMINATIONS

1. In § 3.326, the headnote and paragraphs (a), (b), (c), and (d)(2) are amended to read as follows:

§ 3.326 Examinations.

(a) *General.* Except as otherwise provided in this section a Veterans Administration examination will be authorized when there is evidence indicating the reasonable probability of a valid claim for disability compensation or pension. This section is applicable to original claims, reopened claims and claims for increase. Hospital reports described in § 3.157(b)(1) and (3) are included in the definition of Veterans Administration examinations for the purpose of rating these claims.

(b) *Personal appearance by claimant.* Where the claimant appears personally and an examination is necessary to determine entitlement, an immediate phys-

ical examination will be requested if preliminary inquiry establishes the reasonable probability of a valid claim.

(c) *Private physician's statement (veterans 55 years of age).* A statement from a private physician which is adequate for rating purposes may be accepted for rating the pension claim of a veteran not younger than age 55. If the statement is not adequate for rating, but establishes reasonable probability of a valid claim an official examination will be authorized.

(d) *Private physician's statement (serious illness).* * * *

(2) The statement is adequate to show permanent total disability ratable at 100 percent for a single disability or for two or more disabilities in combination.

* * * * *

2. In § 3.327, paragraphs (b)(1) and (c) are amended to read as follows:

§ 3.327 Reexaminations.

* * * * *

(b) *Compensation cases—(1) Scheduling reexaminations.* It is required that at least one Veterans Administration examination be made in every case in which compensation benefits are awarded. When a case is initially rated on the records of the service department (§ 3.326), initial Veterans Administration examination will be scheduled, in convalescent rating cases, in 6 months; otherwise, in 1 year.

(i) Following initial Veterans Administration examination, reexamination if in order will be scheduled based on the combined nonstatic disabilities as follows:

Rating 80—100 percent in 2 years
Rating 40—70 percent in 3 years
Rating 10—30 percent in 5 years

(ii) Following any scheduled future or other examination, reexamination, if in order, will be scheduled as follows:

(*a*) If the disability is increased so as to warrant 10 percent or more increase in the rating, according to the new rating in subdivision (i) of this subparagraph.

(*b*) If the disability is decreased so as to warrant 10 percent or more decrease in the rating, in 2 years, regardless of rating, subject to the exceptions contained in subdivision (iii) of this subparagraph.

(c) If the disability is unchanged so as to warrant continuation of the same percentage rating, 5 years after the date of initial examination or 5 years after the date of the first examination disclosing the current percentage of disability.

(iii) Scheduled future examinations may deviate from the periods set forth in subdivisions (i) and (ii) of this subparagraph where there is evidence pertinent to the individual case that the disability is likely to improve materially in a shorter or longer period. The rating board will determine the appropriate reexamination date and justify their action on the rating decision.

* * * * *

(c) *Pension cases.* In nonservice-connected cases, rated permanent total, based on other than obviously static disabilities, reexamination will be conducted within 30 months of the date the permanent total rating was first effective.

(1) However, in the cases of veterans over 55 years of age, reexamination will be requested only under unusual circumstances.

(2) In other cases further examaination will not be requested routinely and will only be accomplished if considered necessary based upon the particular facts of the individual case.

(3) In cases in which the permanent total disability is confirmed by reexamination or by the history of the case, or with obviously static disabilities, further reexaminations will not be requested.

* * * * *

3. Section 3.328 is revoked.

§ 3.328 Reexaminations in claims for increase. [Revoked]

4. The cross reference immediately following § 3.329 is amended to read as follows:

CROSS REFERENCE: Failure to report for Veterans Administration examination. See § 3.655.

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

These VA Regulations are effective the date of approval.

Approved: September 10, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-9827; Filed, Sept. 15, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15935; FCC 65-779]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Kirksville, Mo., Rensselaer, Ind., Golden Meadow, La., Xenia, Ohio, Atlantic, Iowa, Omaha and Lincoln, Nebr., Ralls and Lamesa, Tex., Skowhegan, Maine, Park Rapids, Minn., Ukiah, Calif., Cincinnati, Ohio, Tasley, Va., Hamilton, Ala., Booneville and Starkville, Miss., Savannah, Tenn., Oxford, Miss.), Docket No. 15935, RM-701, RM-705, RM-711, RM-714, RM-715, RM-716, RM-717, RM-721, RM-722, RM-723, RM-726, RM-728, RM-729.

Second report and order. 1. On July 28, 1965 the Commission adopted a first Report and Order in the above-entitled matter disposing of all the petitions for rule making in the proceeding except for RM-721, filed by Kate F. Fite on February 5, 1965 and amended on February 18, 1965. There remains for disposition only this petition and a counterproposal filed thereto. In response to the Fite request our notice of proposed rule making invited comments on the proposed following channel changes aimed at providing Hamilton, Ala., with a Class C FM assignment:

City	Channel No.	
	Present	Proposed
Hamilton, Ala.		248
Starkville, Miss.	249A	269A
Booneville, Miss.	269A	237A
Savannah, Tenn.	249A	269A

In response to the Fite proposal, the University of Mississippi filed comments and a counterproposal containing three alternative methods for obtaining a Class C commercial assignment for use by the University at Oxford, Miss. In a separate petition for rule making, RM-723, filed on February 8, 1965, the University requested a Class C assignment for Oxford which is identical with alternative three in its counterproposal filed herein. We will therefore consider its petition, RM-723, in this proceeding.

2. The alternative requests of the University are as follows:

City	Channel No.	
	Delete	Add
ALTERNATIVE 1		
Oxford, Miss.		248
Vicksburg, Miss.	248	296
Starkville, Miss.	249A	292A
Savannah, Tenn.	249A	[1] 232A
Hamilton, Ala.		221A
Aberdeen Miss.	221A	288A
ALTERNATIVE 2		
Oxford, Miss.		248
Vicksburg, Miss.	248	296
Starkville, Miss.	249A	292A
Savannah, Tenn.	249A	[1] 232A
Hamilton, Ala.		221
Carrollton, Ala.	221	
ALTERNATIVE 3		
Oxford, Miss.		278
New Albany, Miss.	278	240A
Clarksdale, Miss.	276A	244A

[1] This proposal conflicts with the assignment of channel 232A to Corinth, Miss. However, as proposed by Kate F. Fite, channel 269A can be assigned to Savannah in conformance with our rules.

Proposals 1 and 2 additionally contained a change in Hazlehurst, Miss., but this is not necessary since the channel in question has already been changed by a prior action. The first alternative would deprive Hamilton of a Class C assignment (but would make a Class A available to that community). The second would deprive Carrollton of its Class C assignment without any replacement, and the third would delete the Class C assignment from New Albany, replacing it with a Class A channel.

3. Alternative Number 1, proposed by the University of Mississippi, would assign a wide-coverage channel to Oxford, but by depriving Hamilton of the potential for a wide-coverage FM assignment. Hamilton, Alabama is a community of 1,934 persons, located in Marion County with a population of 21,837. There are no FM channels assigned and it has only one AM station—WERH, daytime-only. The pleadings indicate that this community is isolated from any metropolitan area. The near-

est urban area is 70 miles distant—Tuscaloosa. The environs of Hamilton are rural in nature, the major industry in the area being farming. While in general we have assigned wide-coverage Class B and C channels to larger centers, this is the type of relatively small community where we would feel justified in assigning a wide-coverage channel in the absence of another meritorious proposal for its use. The University's second alternative would provide Oxford with a wide-coverage channel, after a number of changes in our Table of Assignments, at the expense of the Carrollton, Alabama Channel 231 assignment. The Carrollton assignment has only recently been made. See Memorandum Opinion and Order in Docket 15256, FCC 64-1116, issued December 7, 1964. It was made on the specific request of a broadcaster, and has now been applied for (BPH-5004).

4. The third alternative suggested by the University (and the one which it considers to be the least desirable) would assign Channel 278 to Oxford at the expense of the sole Class C assignment to New Albany. New Albany Broadcasting Co., an applicant for Channel 278 at New Albany, BPH-4817, opposes the University's request. It points out that the population of New Albany is 5,151, that the nighttime signal of its AM Station WNAU cannot be received by nearby communities, and that the only way in which it can increase its nighttime coverage is by means of the Class C FM channel assigned to New Albany. It states that future plans call for increased facilities for its proposed FM station as well as complete separate programming. New Albany is also far removed from any large city or metropolitan area. The nearest metropolitan area, Memphis, is over 70 miles away.

5. Kate F. Fite submits that there are a total of 13 FM assignments within 55 miles of Hamilton, only four of which are in use by existing stations, and that none of these four stations provides a signal of 1 mv/m to Hamilton and that none of the pending applications would do so (as she states, Channel 225 assigned at Fayette, Ala., would provide a 1 mv/m signal to Hamilton if maximum power and 500 feet antenna height is utilized). As a result, she urges that there is a large area surrounding Hamilton which does not now receive any FM service (nor any primary AM service at night) and cannot be expected to receive any on the basis of foreseeable circumstances. Finally, she contends that since WERH is a daytime-only station, there is a large segment of the public served by this station which can only be reached at night by a Class C assignment. In reply to the Fite claim that there would be a large "white area" if Channel 248 is not assigned to Hamilton, the University urges that a number of services are or will be available to Hamilton and the surrounding areas if the 50 uv/m contours of existing and proposed FM stations are used as a basis for determining service. It contends that communities the size of Hamilton do not need signals of 1 mv/m to provide service.

6. The University states that it proposes to bring a wide assortment of programs of broad "social, intellectual and cultural concepts" to the entire northern region of the State of Mississippi. It recognizes that it could do this by the use of a channel in the educational FM band (Channels 201-219) but urges that a commercial channel with the opportunity to obtain sufficient financing from commercial advertising would be the only means whereby it could accomplish its objectives. It points out that Mississippi ranked 48th among the States in per capita expenditures for all education in 1963 and that the per capita income of the 12 counties in its proposed service area ranged from $555 to $965 for an average of only $758, or about $8 above the limit set for Federal aid in the anti-poverty program. The University further contends that it would be unrealistic to assume that any commercial applicant would provide the type of programming proposed by it. Kate F. Fite suggests that the University is precisely the type of educational organization which qualifies it for an educational channel and that the proposed use of a commercial channel ignores the Commission's purposes in reserving a band of frequencies for noncommercial educational use. She points out that the Mississippi Broadcasters Association is opposed to the granting of a commercial channel to any State-supported college or university but has offered to assist in any efforts to establish noncommercial educational facilities.

Conclusion. 7. After careful consideration of all the comments and data submitted by the parties to this proceeding we have concluded that the public interest would best be served by the adoption of the University's Alternative 1, which would provide Oxford with a Class C assignment and Hamilton with a Class A assignment. This alternative—which would give Hamilton a Class A channel—is the most desirable of the three, since the second would remove the only Carrollton assignment (recently assigned) and the third would remove the Class C assignment (already applied for) from the larger community of New Albany. In making this determination we have weighed heavily the needs of northern Mississippi for a wide area service of the type proposed by the University. We recognize that such a service could technically be obtained by the use of one of the channels reserved for noncommercial educational use. However, we are convinced by the showing made by the University that the use of one of these channels without the financial support which the University needs to obtain from commercial advertising, the service proposed may be infeasible for an indefinite period of years. We have also considered the needs of Hamilton for a wide coverage assignment. Normally, and in the absence of a conflicting request, we would consider this community as one which would merit a departure from our general policy of assigning Class A channels to the smaller communities and Class B or C channels to the large cities and metropolitan areas. With respect to the "white area" question we find it impossible to predict the areas around Hamilton which would receive service from a Class C but not a Class A assignment, on the basis of the showings made in the proceeding. The University showing is based upon the 50 mv/m contours without regard to cochannel and adjacent channel interference. However, we are of the view that little if any of the area in question will be without FM service in the event the proposed Class A assignment is used at Hamilton and the assignments in the cities in the surrounding areas are utilized in the future. With the growing interest in the FM broadcast service this is more than conjecture. Putting aside the special needs of Oxford and the University we would come to the same conclusion on the basis of the relative merits of the requests. Oxford is a larger community than Hamilton (5,283 as against 1,934), it is more important to its county, being both the county seat and largest community, and it is equally far removed from any metropolitan area. On balance, therefore, we prefer the assignment of Channel 248 to Oxford rather than to Hamilton, to which we assign 221A.

8. Authority for the amendments adopted herein are contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That effective October 18, 1965, § 73.202 of the Commission's Rules, the Table of FM assignments, is amended, insofar as the communities named are concerned, to read as follows:

City	*Channel No.*
Hamilton, Ala	221A
Aberdeen, Miss	288A
Booneville, Miss	257A
Oxford, Miss	248
Starkville, Miss	292A
Vicksburg, Miss	254, 294
Savannah, Tenn	269A

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

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

Adopted: September 8, 1965.

Released: September 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 65-9809; Filed, Sept. 15, 1965; 8:46 a.m.]

[Docket No. 15911; FCC 65-781]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Clewiston, Cocoa Beach,

[1] Commissioners Hyde and Wadsworth absent; Cox dissenting.

West Palm Beach, and Miami, Fla.), Docket No. 15911, RM-662.

Report and order. 1. The Commission has before it for consideration (1) its notice of proposed rule making (FCC 65-223) issued on March 19, 1965, in response to a "Petition for Rule Making and for Order to Show Cause" (RM-662), filed by WJNO Radio, licensee of AM Station WJNO, West Palm Beach, Fla., and (2) the various comments filed in response.[1] In its petition, WJNO Radio requested the addition of a second FM channel—Class C Channel 283—to West Palm Beach, by substituting Channel 298 for Channel 282 at Miami. The other changes in Florida assignments requested were the substitution of 221A for 280A at Clewiston, Fla. and the substitution of 281 for 282 at Cocoa Beach, Fla. The assignment at Clewiston has not been applied for; the Cocoa Beach change would require operating Station WRKT-FM to change from Channel 282 to 281 (WJNO Radio requests an order to show cause why this change should not be made to be directed to the licensee of that station); and MBC is an applicant (BPH-4910) for 282 in Miami, the only unoccupied channel of the 6 presently assigned to Miami.

2. WSKP, Inc., also an applicant (BPH-4280) for Channel 282 in Miami, advanced as a counter proposal the assignment of Channel 244A as a second assignment for West Palm Beach; noting that this assignment would involve a short separation between the West Palm Beach reference point and Station WGBS-FM, Miami, Channel 242, WSKP's engineering statement asserted that sites "could be found" which would meet separation requirements.[2] In our notice, we requested comments on the proposals of both WJNO Radio and WSKP, Inc. We stated that we would require a specific showing of an available site for 244A meeting the separation requirements and we noted the problem of whether 244A could provide a signal of the required intensity over the city. WSKP filed no comments and none of the other commenting parties supported the assignment of 244A to West Palm Beach, pointing out that the transmitter site would have to be so located that a Class A station could not place a city grade signal over the entire city of West Palm Beach, that such a station would be noncompetitive, and that the transmitter site would have to be so located as to be in violation of § 73.315(a) of the rules. In view of the undesirable intermixture that would be caused between Class A and Class C channels by this proposal, and since our own studies confirm the site and signal problems, the proposal to assign 244A to West Palm Beach is rejected. We also pointed out in the notice that we would require (in the case of proposed 298 in Miami as well as proposed 244A in West Palm Beach) a showing of availability of sites meeting minimum separations considerably more specific than anything that had been submitted. And finally, in putting out WJNO Radio's proposal for comments, we noted that the required shift of WRKT-FM, Cocoa Beach, from 282 to 281 was small and did not appear likely to cause either inconvenience to the public or great cost to the licensee and we stated our anticipation of a condition on any authorization issued for 283 at West Palm Beach of payment to WRKT-FM of the reasonable costs of the change-over.

3. WJNO Radio and Gardens support the assignment of 283 to West Palm Beach and Storer has stated that it has no objection. Opposed to the assignment are Raymond Meyers[3] and MBC. The comments favoring the channel assignments proposed in Alternative 1 point out that West Palm Beach is the tenth largest city in the State, located in the heart of one of Florida's growth areas[4] and that a single allocation to a city of this size (1960 Census population 56,208) falls short of the Commission's goal of allocating two or more channels to cities with 50,000 to 100,000 population. Further, the public interest in competition is alleged not to be met by the existence of WWOS-FM, Palm Beach, since West Palm Beach is the central city in the area and Palm Beach is the satellite city, a part of the urbanized area of West Palm Beach, with each city having different and separate economic and social structures. Additionally, the parties urge that the adoption of Alternative 1 would result in greater allocation efficiency since it would permit the establishment of an additional and competitive Class C channel in West Palm Beach without the deletion of any channel or service to any other city. The parties' engineering exhibits show that there are sites meeting the minimum separation requirements for Channel 283 in West Palm Beach as well as for Channel 298 in Miami. And, finally, it is urged that the channel shift which WRKT-FM would be required to make from 282 to 281 is slight and could be effected at the station's convenience with a minimum of dislocation and cost. It is stated by WJNO Radio that if the additional assignment of 283 to West Palm Beach is made, any grant could be conditioned (as in Docket No. 15542, Second Report and Order, March 17, 1965, FCC 65-222) upon payment to WRKT-FM of the necessary and reasonable costs of making the channel shift.

4. In opposing the assignment, MBC alleges that since 282 in Miami would serve more people than 283 in West Palm Beach, the assignment of 283 to West Palm Beach would be less efficient; and that because of minimum separation requirements, 298 in Miami would have to be located in Coral Gables, a separate community south of Miami (and that since the larger population areas are to the north of Miami, such a station would be at a competitive disadvantage vis a vis the Miami FM station).[5] In response, the parties favoring the assignment point out that there is no mutual exclusivity, as MBC implies, between 283 in West Palm Beach and 298 in Miami since both channels can be assigned in compliance with the rules; and that MBC's argument as to relative efficiency is misdirected since the question here is one of allocations efficiency rather than service efficiency and the allocations proposed would be more efficient since a second FM channel can be assigned without requiring the deletion of any other assignment.

5. Similarly, the parties favoring the assignment of 283 to West Palm Beach note that, contrary to MBC's assertion, while the 298 transmitter site would be located in Coral Gables, the channel would be assigned to serve Miami, not Coral Gables, and the MBC's argument as to competitive disadvantage is vague, conclusionary and unsubstantiated. In this regard, WJNO Radio urges that while the flexibility of 298 in Miami is limited by Channel 300 in West Palm Beach, it is more in the public interest to have 2 FM channels in West Palm Beach and five (sic) FM channels in Miami, one of which suffers some inflexibility than it is to have only one FM channel in West Palm Beach and five (sic) totally flexible FM channels in Miami. Moreover, contends WJNO Radio, the flexibility of 298 in Miami is increased by (1) the fact that since 298 is a Class C channel, MBC could increase its presently proposed operating parameters to a point where it would not suffer a competitive disadvantage and by (2) the population growth of the market south of Miami, which at present has only one "local" FM station. This second factor, WJNO Radio urges, would offset, at least in part, the increased construction costs of being competitive in Miami (not a valid objection in any event

[1] Comments were filed by Raymond Meyers, Chief Engineer, Wonet Stations, Inc., Hollywood, Fla.; WJNO Radio, West Palm Beach, Fla.; Gardens Broadcasting Co. (Gardens) licensee of WEAT-AM and TV, West Palm Beach, Fla.; Storer Broadcasting Co., licensee of WGBS-FM, Miami, Fla.; and Miami Broadcasting Corp. (MBC), applicant (BPH-4910) for a new FM facility at Miami, Fla., on Channel 282. Reply comments were also filed by WJNO Radio and Storer Broadcasting Co.

[2] WSKP opposed WJNO Radio's petition on the ground that if 298 were substituted for 282 in Miami, it would have to find a new site in an area where land prices are extremely high, and that instead of the joint AM-FM operation at its downtown Miami AM site which it now proposes, it would have to run two separate operations 6 miles apart, at a large additional expense. In the notice, we noted that this appeared to be a consideration relating primarily to WSKP's convenience rather than to the public interest.

[3] Meyers opposed the assignment of 221A to Clewiston because of the conflict with the possible assignment of 222 to Hollywood. This argument was rejected, however, for the reasons stated in the Second Report and Order in Docket 15542, adopted March 17, 1965 (FCC 65-222) assigning 221A to Hialeah, and in the Memorandum Opinion and Order, adopted April 21, 1965 (FCC 65-331), denying Wonet's petition for reconsideration.

[4] WJNO Radio estimates that, if West Palm Beach's growth rate continues, its 1970 population will be over 70,000.

[5] Miami's engineering exhibit contains an unsupported conclusion that the site at which 298 would have to be located would "substantially decrease" the signal strength and grade of service to the metropolitan population north of Miami. However, there is no question that a station so located would provide the signal required by section 73.210(c) of the rules and this, of course, is the critical issue.

to a second FM channel in West Palm Beach). In conclusion, it is urged that Alternative 1 should be finalized because it would assign a second FM channel to West Palm Beach with no accompanying deletions, thus creating a competitive FM situation in West Palm Beach; a site is available for Channel 298 to serve Miami and its operating parameters can be substantially increased; and because the market south of Miami is increasing and is presently served by only one FM transmission service.

6. As stated above, we have rejected Alternative 2. Thus, the only question before us is whether to adopt or reject Alternative 1. We have decided that the adoption of the proposal is in the public interest, convenience and necessity. Clearly, the assignment of a second FM channel to West Palm Beach would be consistent with our announced goal of allocating two or more FM channels to cities with populations between fifty and one hundred thousand. Secondly, the assignment of a second FM channel to West Palm Beach creates the basis for a competitive FM environment. Moreover, the adoption of the proposal would, we believe, result in a greater efficiency of allocations since it permits the assignment of an additional FM channel to a city which appears able to support another station, creates an opportunity for a second local transmission service to the growing market south of Miami, and requires no deletion of assignments or service to any other area. While MBC asserts that the substitution of Channel 298 for Channel 282 in Miami (with the necessary change in transmitter site to an area more to the south)* will make competition with the other Miami stations more difficult, it is significant, we think, (1) that MBC has not contended that it will be unable to meet the competition and (2) that it apparently intends to continue prosecution of its application. In any event, this objection from an applicant for a new FM station is certainly no basis for rejecting a proposal otherwise in the public interest. Cf. FCC v. Sanders, 309 U.S. 470.

7. In our notice of proposed rule making, we noted that the adoption of Alternative 1 would require WRKT–FM, Cocoa Beach, to change from Channel 282 to Channel 281 and we stated our anticipation of a condition on any authorization issued for Channel 283 at West Palm Beach of payment to WRKT–FM of the reasonable costs of the changeover. By letter of June 15, 1965, C. Sweet Smith, Jr., licensee of WRKT–FM, has stated that the approximate costs of such a shift would be $2,800 and that he would consent to the changeover upon the condition that he would be reimbursed for such costs. Upon review, we find this estimate of costs to be reasonable, and it is expected that the successful applicant for Channel 283 at West Palm Beach will reimburse WRKT–FM the needed expenses for the change.

8. Authority for the adoption of the amendment herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That effective October 18, 1965, the FM Table of Assignments, § 73.202 of the rules and regulations, is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Clewiston, Fla.	221A
Cocoa Beach, Fla.	266, 281
Miami, Fla.	226, 242, 247, 256, 268, 298
West Palm Beach, Fla.	283, 300

10. *It is further ordered*, That effective October 18, 1965, the outstanding license held by C. Sweet Smith, Jr., for Radio Station WRKT–FM is modified to specify operation on Channel 281 in lieu of Channel 282 in Cocoa Beach, Fla., subject to the following conditions:

(a) The licensee shall inform the Commission in writing by October 8, 1965, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by October 8, 1965, the technical information normally required for the issuance of a construction permit for operation on Channel 281, including any changes in antenna and transmission line.

(c) The licensee may continue to operate on Channel 282 until, upon its request, the Commission authorizes interim operation on Channel 281, following which the licensee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

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

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: September 8, 1965.

Released: September 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 65-9810; Filed, Sept. 15, 1965; 8:46 a.m.]

[Docket No. 16062; FCC 65-784]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments; Abbeville, Ala.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Abbeville, Ala.), Docket No. 16062.

Report and order. 1. The Commission has under consideration its notice of proposed rule making, FCC 65-542, issued in this proceeding on June 18, 1965 (30 F.R. 8067), proposing to substitute FM Channel 232A for 249A at Abbeville, Ala. The purpose of the proposed substitution of Class A FM channels was to remove a problem in selecting a site for the use of Channel 247 at Bainbridge, Ga. No oppositions to the proposal were filed.

2. Since the proposal conforms to all the rules and would permit the early establishment of a new FM service at Bainbridge, Ga., we are of the view that the subject proposal would serve the public interest and should be adopted.

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

4. In view of the foregoing: *It is ordered*, That effective October 18, 1965, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:

City	Channel No.
Abbeville, Ala.	232A

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

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

Adopted: September 8, 1965.

Released: September 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 65-9811; Filed, Sept. 15, 1965; 8:46 a.m.]

[FCC 65-790]

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 73 and 74 of the Commission's rules to provide for responsibility for obstruction of marking of commonly used antenna structures in the Broadcast Services.

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of September 1965:

It has long been the policy of the Commission that each permittee or licensee of a station sharing a common antenna structure with others is responsible for the painting and lighting of the structure when obstruction marking is required by the Commission. In accordance with this policy, entries are made on instruments of authorization placing the responsibility for obstruction marking on the permittee or licensee regardless of whether it is the sole user of a tower or uses it with others, and regardless of whether it has an ownership interest in the tower.

In an order (FCC 64-844; 29 F.R. 13194, Sept. 23, 1964), the Commission affirmed this policy and amended § 21.111 of the rules of the Common Carrier Serv-

*We are satisfied from the showing made by WJNO Radio that there are sites available, meeting the minimum separation requirements, for both 298 in Miami and 283 in West Palm Beach.

[1] Commissioners Hyde and Wadsworth absent.

[1] Commissioners Hyde and Wadsworth absent.

ice to make it consistent therewith. However, the rules governing the Broadcast Services are presently either inconsistent with the aforementioned policy or contain no sections on the subject. More specifically, in Part 73 the rules for standard broadcast stations require that responsibility for obstruction marking be assumed by one of the licensees using a common tower; and the rules for FM and television broadcast stations add the requirement that the licensee assuming responsibility have an ownership interest in the tower. Part 74 (Experimental, Auxiliary, and Special Broadcast Services) contains no rule on the subject.

In order to remove the inconsistency between existing sections in the rules and the Commission's established policy, and to reflect that policy in portions of the rules where no sections on the subject presently exist, we are of the opinion that the amendments in the appendix hereto should be adopted.

Because the amendments merely translate into rules Commission policy of long standing, pursuant to section 4(a) of the Administrative Procedure Act we find that notice and public procedure is unnecessary and that, pursuant to section 4(c) of said Act, it is unnecessary to wait 30 days after publication of the rules for them to become effective.

Accordingly, it is ordered, That, pursuant to sections 4(i) and 303 (q) and (r) of the Communications Act of 1934, as amended, Parts 73 and 74 of the Commission rules and regulations are amended as set forth in the attached appendix, effective September 20, 1965.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: September 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

1. Section 73.45 of the Commission's rules and regulations is amended by deleting subparagraph (3) of paragraph (e), and by adding new paragraph (f) as follows:

§ 73.45 Radiating system.

* * * * *

(f) If a common tower is used for antenna and/or antenna supporting purposes by two or more licensees or permittees of standard broadcast stations or by one or more such licensees or permittees and one or more licensees or permittees of any other class or service, each permittee or licensee shall be responsible for painting and illuminating the structure when obstruction marking and lighting are required by the Commission.

2. Section 73.316(k) of the Commission's rules and regulations is amended to read as follows:

§ 73.316 Antenna systems.

* * * * *

(k) If a common tower is used for antenna and/or antenna supporting purposes by two or more licensees or permittees of FM broadcast stations, or by one or more such licensees or permittees and one or more licensees or permittees of any other class or service, each permittee or licensee shall be responsible for painting and illuminating the structure when obstruction marking and lighting are required by the Commission.

* * * * *

3. Section 73.685 of the Commission's rules and regulations is amended by deleting all but the first sentence of paragraph (i) thereof, and by adding a new paragraph (j) as follows:

§ 73.685 Transmitter location and antenna system.

* * * * *

(i) The provisions of Part 17 of this chapter shall govern the construction, marking and lighting requirements of antenna structures used by television broadcast stations.

(j) If a common tower is used for antenna and/or antenna supporting purposes by two or more licensees or permittees of television broadcast stations, or by one or more such licensees or permittees and one or more licensees or permittees of any other class or service, each permittee or licensee shall be responsible for painting and illuminating the structure when obstruction marking and lighting are required by the Commission.

4. New § 74.22 is added to Part 74 of the Commission rules and regulations as follows:

§ 74.22 Use of common antenna structure.

The simultaneous use of a common antenna structure by more than one station authorized under the rules of any subpart of this part, or by one or more such stations and one or more stations of any other class or service, may be authorized: *Provided, however,* That each permittee or licensee using such structure shall be responsible for painting and lighting of the structure when obstruction marking is required by the Commission.

[F.R. Doc. 65-9812; Filed, Sept. 15, 1965; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Reelfoot National Wildlife Refuge, Ky., et al.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge from September 20 through October 2, 1965, excluding Sunday, September 26.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) The use of guns and dogs is permitted.

(4) No axes, saws or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 3, 1965.

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 20 through October 2, 1965, excluding Sunday, September 26.

(2) The hunting of crows, woodchucks and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and 22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is required to enter the public shooting area. Permits may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn., starting September 13, 1965.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 3, 1965.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Tenn.,

[1] Commissioners Hyde, Bartley and Wadsworth absent.

is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,092 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge from September 20 through October 2, 1965, excluding Sunday, September 26.

(2) Hunting hours shall be from 7 p.m. to midnight.

(3) The use of guns and dogs is permitted.

(4) No axes, saws or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 3, 1965.

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,092 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 20 through October 2, 1965, excluding Sunday, September 26.

(2) The hunting of crows, woodchucks and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is required to enter the public shooting area. Permits may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn., starting September 13, 1965.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 3, 1965.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 1,350 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 20 through October 2, 1965, excluding Sunday, September 26.

(2) The hunting of crows, woodchucks and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is required to enter the public shooting area. Permits may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn., starting September 13, 1965.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 3, 1965.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65-9821; Filed, Sept. 15, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

LIQUIDATION OF PERSONAL HOLDING COMPANIES AND CERTAIN OTHER RELATED MATTERS

Income Tax

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period.

In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68 Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 316, 331, 333, 381(c)(15), 545, 562, and 6043 of the Internal Revenue Code of 1954 to section 225 (f)(1), (f)(2), (f)(3), (g), and (i) of the Revenue Act of 1964 (78 Stat. 87), such regulations are amended as follows:

PARAGRAPH 1. Section 1.316 is amended by revising subsection (b)(2) of section 316 and by revising the historical note. These revised provisions read as follows:

§ 1.316 Statutory provisions; dividend defined.

Sec. 316. *Dividend defined.* * * *

(b) *Special rules.* * * *

(2) *Distributions by personal holding companies.* (A) In the case of a corporation which—

(i) Under the law applicable to the taxable year in which the distribution is made, is a personal holding company (as defined in section 542), or

(ii) For the taxable year in respect of which the distribution is made under section 563(b) (relating to dividends paid after the close of the taxable year), or section 547 (relating to deficiency dividends), or the corresponding provisions of prior law, is a personal holding company under the law applicable to such taxable year,

the term "dividend" also means any distribution of property (whether or not a dividend as defined in subsection (a)) made by the corporation to its shareholders, to the extent of its undistributed personal holding company income (determined under section 545 without regard to distributions under this paragraph) for such year.

(B) For purposes of subparagraph (A), the term "distribution of property" includes a distribution in complete liquidation occurring within 24 months after the adoption of a plan of liquidation, but—

(i) Only to the extent of the amounts distributed to distributees other than corporate shareholders, and

(ii) Only to the extent that the corporation designates such amounts as a dividend distribution and duly notifies such distributees of such designation, under regulations prescribed by the Secretary or his delegate, but

(iii) Not in excess of the sum of such distributees' allocable share of the undistributed personal holding company income for such year, computed without regard to this subparagraph or section 562(b).

(Sec. 316 as amended by sec. 5 (1), Life Insurance Company Tax Act 1955 (70 Stat. 49); sec. 225(f)(1), Rev. Act 1964 (78 Stat. 87))

PAR. 2. Section 1.316–1 is amended by revising paragraph (b) and by adding a new example (5) to paragraph (d). These revised and added provisions read as follows:

§ 1.316–1 Dividends.

* * * * *

(b)(1) Section 316(b)(2)(A) provides that, in the case of a corporation which, under the law applicable to the taxable year in which a distribution is made, is a personal holding company or which, for the taxable year in respect of which a distribution is made under section 563 (relating to dividends paid within 2½ months after the close of the taxable year), or section 547 (relating to deficiency dividends), or corresponding provisions of a prior income-tax law, was under the applicable law a personal holding company, the term "dividend" in addition to the meaning set forth in the first sentence of section 316, also means a distribution to its shareholders as follows: A distribution within a taxable year of the corporation, or of a shareholder, is a dividend to the extent of the corporation's undistributed personal holding company income (determined under section 545 without regard to distributions under section 316(b)(2)(A) and (B)) for the taxable year in which, or, in the case of a distribution under section 563 or section 547, the taxable year in respect of which, the distribution was made. Section 316(b)(2)(A) and this subparagraph do not apply to distributions in partial or complete liquidation of a personal holding company. In the case of certain complete liquidations of a personal holding company see subparagraph (2) of this paragraph.

(2) Section 316(b)(2)(B) provides that in the case of a corporation which, under the law applicable to the taxable year in which a distribution is made, is a personal holding company or which, for the taxable year in respect of which a distribution is made under section 563, or section 547, or corresponding provisions of a prior income-tax law, was under the applicable law a personal holding company, the term "dividend", in addition to the meaning set forth in the first sentence of section 316, also means, in the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation, a distribution of property to its shareholders within such period, but—

(i) Only to the extent of the amounts distributed to distributees other than corporate shareholders, and

(ii) Only to the extent that the corporation designates such amounts as a dividend distribution and duly notifies such distributees in accordance with subparagraph (5) of this paragraph, but

(iii) Not in excess of the sum of such distributees' allocable share of the undistributed personal holding company income for such year (determined under section 545 without regard to sections 562(b) or 316(b)(2)(B).

Section 316(b)(2)(B) and this subparagraph apply only to distributions made in any taxable year of the distributing corporation beginning after December 31, 1963. The amount designated with respect to a noncorporate distributee may not exceed the amount actually distributed to such distributee. For purposes of determining a noncorporate distributee's gain or loss on liquidation, amounts distributed in complete liquidation to such a distributee during a taxable year are reduced by the amounts designated as a dividend with respect to such distributee for such year. For purposes of section 333(e)(1), earnings and profits of the distributing corporation are reduced by the amounts designated as a dividend (even though such designated amounts are distributed during the 1-month period referred to in section 333).

(3) For purposes of subparagraph (2)(iii) of this paragraph—

(i) Except as provided in subdivision (ii) of this subparagraph, the sum of the noncorporate distributees' allocable share of undistributed personal holding company income for the taxable year in which, or in respect of which, the distribution was made (computed without regard to sections 562(b) or 316(b)(2)(B)) shall be determined by multiplying such undistributed personal holding company income by the ratio which the aggregate value of the stock held by all noncorporate shareholders immediately before the record date of the last liquidating distribution in such year bears to the total value of all stock outstanding on such date.

(ii) If more than one liquidating distribution was made during the year, and if, after the record date of the first dis-

tribution but before the record date of the last distribution, there was a transfer of stock between a noncorporate shareholder and a corporate shareholder, then the sum of the noncorporate distributees' allocable share of undistributed personal holding company income for the taxable year in which, or in respect of which, the distributions were made (computed without regard to sections 562(b) or 316(b)(2)(B)) shall be determined as follows:

(a) First, allocate the corporation's undistributed personal holding company income among the distributions made during the taxable year by reference to the ratio which the aggregate amount of each distribution bears to the total amount of all distributions during such year;

(b) Second, determine the noncorporate distributees' allocable share of the corporation's undistributed personal holding company income for each distribution by multiplying the amount determined under (a) of this subdivision (ii) for each distribution by the ratio which the aggregate value of the stock held by all noncorporate shareholders immediately before the record date of such distribution bears to the total value of all stock outstanding on such date; and

(c) Last, determine the sum of the noncorporate distributees' allocable share of the corporation's undistributed personal holding company income for each distribution.

(4) The amount designated as a dividend to a noncorporate distributee for any taxable year of the distributing corporation may not exceed an amount equal to the sum of the noncorporate distributees' allocable share of undistributed personal holding company income (as determined under subparagraph (3) of this paragraph) for such year multiplied by the ratio which the aggregate value of the stock held by such distributee immediately before the record date of the liquidating distribution bears to the aggregate value of outstanding stock held by all noncorporate distributees on such date. In any case where more than one liquidating distribution is made during the taxable year, the aggregate amount which may be designated as a dividend to a noncorporate distributee for such year may not exceed the aggregate of the amounts determined under the preceding sentence with respect to such distributee for each distribution.

(5) A corporation may designate as a dividend to a shareholder all or part of a distribution in complete liquidation described in section 316(b)(2)(B) and this paragraph by:

(i) Including such amount as a dividend in Form 1099 filed in respect of such shareholder pursuant to section 6042(a) and the regulations thereunder and in a written statement of dividend payments furnished to such shareholder pursuant to section 6042(c) and § 1.6042-4, and

(ii) Indicating on the written statement of dividend payments furnished to such shareholder the amount included in such statement which is designated as a dividend under section 316(b)(2)(B) of this paragraph.

If a corporation complies with the procedure prescribed in the preceding sentence, it satisfies both the designation and notification requirements of section 316(b)(2)(B)(ii) and paragraph (b)(2)(ii) of this section. An amount designated as a dividend shall not be included as a distribution in liquidation on Form 1099L filed pursuant to § 1.6043-2 (relating to returns of information respecting distributions in liquidation). If a corporation designates a dividend in accordance with this subparagraph, it shall attach to the return in which it claims a deduction for such designated dividend a schedule indicating all facts necessary to determine the sum of the noncorporate distributees' allocable share of undistributed personal holding company income (determined in accordance with subparagraph (3) of this paragraph) for the year in which, or in respect of which, the distribution is designated as a dividend.

* * * * *

(d) * * *

Example (5). Corporation O, a calendar year taxpayer, is completely liquidated on December 31, 1964, pursuant to a plan of liquidation adopted July 1, 1964. No distributions in liquidation were made pursuant to the plan of liquidation adopted July 1, 1964, until the distribution in complete liquidation on December 31, 1964. Corporation O has undistributed personal holding company income of $300,000 for the year 1964 (computed without regard to section 562(b) or section 316(b)(2)(B)). On December 31, 1964, immediately before the record date of the distribution in complete liquidation, individual A owns 200 shares of corporation O's outstanding stock and corporation P owns the remaining 100 shares of outstanding stock. All shares are equal in value. The noncorporate distributees' allocable share of undistributed personal holding company income for 1964 is $200,000 $\left(\frac{200 \text{ shares}}{300 \text{ shares}} \times \$300{,}000\right)$. If at least $200,000 is distributed to A in the liquidation, then corporation O may designate $200,000 to A as a dividend in accordance with paragraph (b)(5) of this section, and, if such amount is designated, then A must treat $200,000 as a dividend to which section 301 applies. For an example of the treatment of the distribution to corporation P see paragraph (b)(2)(iii) of § 1.562-1.

PAR. 3. Section 1.331 is amended by revising subsection (b) of section 331 and by adding a historical note. These revised and added provisions read as follows:

§ 1.331 Statutory provisions; gain or loss to shareholders in corporate liquidations.

Sec. 331. *Gain or loss to shareholders in corporate liquidations.* * * *

(b) *Nonapplication of section 301.* Section 301 (relating to effects on shareholder of distributions of property) shall not apply to any distribution of property (other than a distribution referred to in paragraph (2)(B) of section 316(b)) in partial or complete liquidation.

* * * * *

[Sec. 331 as amended by sec. 225(f)(2), Rev. Act 1964 (78 Stat. 88)]

PAR. 4. Section 1.331-1 is amended by revising paragraph (a) to read as follows:

§ 1.331-1 Corporate liquidations.

(a) Section 331 contains rules governing the extent to which gain or loss is recognized to a shareholder receiving a distribution in complete or partial liquidation of a corporation. Under section 331(a)(1), it is provided that amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock. Under section 331(a)(2), it is provided that amounts distributed in partial liquidation of a corporation shall be treated as in full or part payment in exchange for the stock. For this purpose, the term "partial liquidation" shall have the meaning ascribed in section 346. If section 331 is applicable to the distribution of property by a corporation, section 301 (relating to the effects on a shareholder of distributions of property) has no application other than to a distribution in complete liquidation to which section 316(b)(2)(B) applies. See paragraph (b)(2) of § 1.316-1.

* * * * *

PAR. 5. Section 1.333 is amended by adding a new subsection (g) to section 333 and by adding a historical note. These added provisions read as follows:

§ 1.333 Statutory provisions; election as to recognition of gain in certain liquidations.

Sec. 333. *Election as to recognition of gain in certain liquidations.* * * *

(g) *Special rule*—(1) *Liquidations before January 1, 1967.* In the case of a liquidation occurring before January 1, 1967, of a corporation referred to in paragraph (3)—

(A) The date "December 31, 1953" referred to in subsections (e)(2) and (f)(1) shall be treated as if such date were "December 31, 1962", and

(B) In the case of stock in such corporation held for more than 6 months, the term "a dividend" as used in subsection (e)(1) shall be treated as if such term were "long-term capital gain".

Subparagraph (B) shall not apply to any earnings and profits to which the corporation succeeds after December 31, 1963, pursuant to any corporate reorganization or pursuant to any liquidation to which section 332 applies, except earnings and profits which on December 31, 1963, constituted earnings and profits of a corporation referred to in paragraph (3), and except earnings and profits which were earned after such date by a corporation referred to in paragraph (3).

(2) *Liquidations after December 31, 1966*—(A) *In general.* In the case of a liquidation occurring after December 31, 1966, of a corporation to which this subparagraph applies—

(i) The date "December 31, 1953" referred to in subsections (e)(2) and (f)(1) shall be treated as if such date were "December 31, 1962", and

(ii) So much of the gain recognized under subsection (e)(1) as is attributable to the earnings and profits accumulated after February 28, 1913, and before January 1, 1967, shall, in the case of stock in such cooperation held for more than 6 months, be treated as long-term capital gain, and only the remainder of such gain shall be treated as a dividend.

Clause (ii) shall not apply to any earnings and profits to which the corporation succeeds

after December 31, 1963, pursuant to any corporate reorganization or pursuant to any liquidation to which section 332 applies, except earnings and profits which on December 31, 1963, constituted earnings and profits of a corporation referred to in paragraph (3), and except earnings and profits which were earned after such date by a corporation referred to in paragraph (3).

(B) *Corporations to which applicable.* Subparagraph (A) shall apply only with respect to a corporation which is referred to in paragraph (3) and which—

(i) On January 1, 1964, owes qualified indebtedness (as defined in section 545(c)),

(ii) Before January 1, 1968, notifies the Secretary or his delegate that it may wish to have subparagraph (A) apply to it and submits such information as may be required by regulations prescribed by the Secretary or his delegate, and

(iii) Liquidates before the close of the taxable year in which such corporation ceases to owe such qualified indebtedness or (if earlier) the taxable year referred to in subparagraph (C).

(C) *Adjusted post-1963 earnings and profits exceed qualified indebtedness.* In the case of any corporation, the taxable year referred to in this subparagraph is the first taxable year at the close of which its adjusted post-1963 earnings and profits equal or exceed the amount of such corporation's qualified indebtedness on January 1, 1964. For purposes of the preceding sentence, the term "adjusted post-1963 earnings and profits" means the sum of—

(i) The earnings and profits of such corporation for taxable years beginning after December 31, 1963, without diminution by by reason of any distributions made out of such earnings and profits, and

(ii) The deductions allowed for taxable years beginning after December 31, 1963, for exhaustion, wear and tear, obsolescence, amortization, or depletion.

(3) *Corporations referred to.* For purposes of paragraphs (1) and (2), a corporation referred to in this paragraph is a corporation which for at least one of the two most recent taxable years ending before the date of the enactment of this subsection was not a personal holding company under section 542, but would have been a personal holding company under section 542 for such taxable year if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such taxable year.

(4) *Mistake as to applicability of subsection.* An election made under this section by a qualified electing shareholder of a corporation in which such shareholder states that such election is made on the assumption that such corporation is a corporation referred to in paragraph (3) shall have no force or effect if it is determined that the corporation is not a corporation referred to in paragraph (3).

(Sec. 333 as amended by sec. 225 (g), Rev. Act 1964 (78 Stat. 89))

PAR. 6. Section 1.333–1 is amended by revising paragraph (a) to read as follows:

§ 1.333–1 Corporate liquidations in some one calendar month.

(a) *In general.* Section 333 provides a special rule, in the case of certain specifically described complete liquidations of domestic corporations occurring within some one calendar month, for the treatment of gain on the shares of stock owned by qualified electing shareholders at the time of the adoption of the plan of liquidation. The effect of such section is in general to postpone the recognition of that portion of a qualified electing shareholder's gain on the liquidation which would otherwise be recognized and which is attributable to appreciation in the value of certain corporate assets unrealized by the corporation at the time such assets are distributed in complete liquidation. Only qualified electing shareholders are entitled to the benefits of section 333. The determination of who is a qualified electing shareholder is to be made under section 333(c). Section 333(g) provides a rule for the treatment of gain in the case of liquidations which meet the requirements of section 333(g) in addition to the other requirements of section 333. (See § 1.333–5.) For the basis of property received on such liquidations, see section 334(c). Section 333 has no application to gain in respect of stock of a collapsible corporation to which section 341(a) applies.

* * * * *

PAR. 7. Section 1.333–2 is amended by revising paragraph (b)(1) to read as follows:

§ 1.333–2 Qualified electing shareholder.

* * * * *

(b) * * *

(1) His written election to be governed by the provisions of section 333, which cannot be withdrawn or revoked (except in the case of a conditional election made pursuant to section 333(g)(4) and paragraph (g) of § 1.333–5), has been made and filed as prescribed in § 1.333–3; and

* * * * *

PAR. 8. Section 1.333–5 amended and redesignated as § 1.333–6 and a new § 1.333–5 is inserted immediately after § 1.333–4. These revised and added provisions read as follows:

§ 1.333–5 Special rule for treatment of gain.

(a) *In general.* In the case of—

(1) A liquidation occurring before January 1, 1967, of a corporation described in paragraph (f)(1) of this section, and

(2) A liquidation occurring after December 31, 1966, of a corporation described in paragraph (f)(2) of this section, notwithstanding the provisions of paragraph (b) and (c) of § 1.333–4, the amount of gain (determined by reference to paragraph (a) of § 1.333–4) on each share of stock owned by a qualified electing shareholder at the time of the adoption of the plan of liquidation which is recognized shall be determined under paragraph (b) of this section, and the treatment of such recognized gain shall be determined under paragraph (c) or (d) of this section. This section applies only with respect to distributions made in any taxable year of the distributing corporation beginning after December 31, 1963.

(b) *Recognition of gain.* In the case of a liquidation to which this section applies, the determination of the amount of recognized gain on each share of stock owned by a qualified electing shareholder at the time of the adoption of the plan of liquidation shall be made under paragraph (b) of § 1.333–4 except that the date "December 31, 1962" shall be substituted for the date "December 31, 1953" wherever such date appears in paragraph (b)(2) of § 1.333–4.

(c) *Treatment of recognized gain—Liquidations before January 1, 1967.* Where the liquidation of a corporation described in paragraph (f)(1) of this section occurs before January 1, 1967—

(1) In the case of a qualified electing shareholder other than a corporation, the recognized gain on a share of stock owned at the time of the adoption of the plan of liquidation and which has been held by such shareholder for more than six months is treated as a long-term capital gain.

(2) In the case of a qualified electing shareholder other than a corporation, that part of the recognized gain on a share of stock owned at the time of the adoption of the plan of liquidation and which has been held by such shareholder for not more than six months which is not in excess of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, determined as provided in section 333(e)(1), is treated as a dividend and retains its character as such for all tax purposes. The remainder of the gain which is recognized is treated as a short-term capital gain.

(3) In the case of a qualified electing shareholder which is a corporation, the entire amount of the gain which is recognized is treated as a short-term or long-term capital gain, as the case may be.

(d) *Treatment of recognized gain—Liquidations after December 31, 1966.* Where the liquidation of a corporation described in paragraph (f)(2) of this section occurs after December 31, 1966—

(1) In the case of a qualified electing shareholder other than a corporation, the recognized gain on a share of stock owned at the time of the adoption of the plan of liquidation which has been held by such shareholder for more than six months is treated as follows:

(i) That part of the recognized gain which is not in excess of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, and before January 1, 1967, is treated as a long-term capital gain;

(ii) That part of the recognized gain remaining after subtracting the part treated as a long-term capital gain under subdivision (i) of this subparagraph which is not in excess of his ratable share of earnings and profits of the liquidating corporation accumulated after December 31, 1966, computed as of the last day of the month of liquidation, without diminution by reason of distributions made during such month, and including in such computation all items of income and expense accrued up to the date on which the transfer of all property under the liquidation is completed, is treated as a dividend and retains its character as such for all tax purposes; and

(iii) The remainder of the gain which is recognized is treated as a long-term capital gain.

For purposes of subdivision (i) of this subparagraph, in the case of a liquidat-

ing corporation which, for its taxable year within which falls December 31, 1966, does not make its return on the basis of a calendar year, the ratable share of the earnings and profits of such corporation accumulated after February 28, 1913, and before January 1, 1967, shall be determined by treating the part of such year occurring before January 1, 1967, as a taxable year. For purposes of subdivision (ii) of this subparagraph, in the case of a liquidating corporation which, for its taxable year in which falls January 1, 1967, does not make its return on the basis of a calendar year, the ratable share of the earnings and profits of such corporation shall be determined by treating the part of such year occurring after December 31, 1966, as a taxable year.

(2) In the case of a qualified electing shareholder other than a corporation, that part of the recognized gain on a share of stock owned at the time of the adoption of the plan of liquidation and which has been held by such shareholder for not more than six months which is not in excess of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, determined as provided in section 333(e)(1), is treated as a dividend and retains its character as such for all tax purposes. The remainder of the gain which is recognized is treated as a short-term capital gain.

(3) In the case of a qualified electing shareholder which is a corporation, the entire amount of the gain which is recognized is treated as a short-term or long-term capital gain, as the case may be.

(e) *Nonapplicability of paragraphs (c) and (d).* (1) The rules for treatment of recognized gain contained in paragraphs (c) and (d) of this section do not apply to that part of the recognized gain on a share of stock which is not in excess of the qualified electing shareholder's ratable share of earnings and profits to which the liquidating corporation has succeeded after December 31, 1963, pursuant to any corporate reorganization or pursuant to any liquidation to which section 332 applies, except earnings and profits which on December 31, 1963, constituted earnings and profits of a corporation referred to in paragraph (f)(1) of this section and earnings and profits which were earned after such date by a corporation referred to in paragraph (f)(1) of this section. However, the rule for recognition of gain contained in paragraph (b) of this section applies even though the rules for treatment of gain (paragraphs (c) and (d) of this section) do not apply by reason of this paragraph.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. M Corporation (a corporation referred to in paragraph (f)(1) of this section) succeeds to the earnings and profits of N Corporation (a corporation not referred to in paragraph (f)(1) of this section) under section 381 in a transaction occurring before January 1, 1964. In addition, M Corporation succeeds to the earnings and profits of O Corporation (a corporation not referred to in paragraph (f)(1) of this section) under section 381 in a transaction occurring after December 31, 1963. On December 31, 1965, M Corporation liquidates in accordance with section 333 and distributes all of its assets to its sole shareholder A, an individual. A is a qualified electing shareholder who owned his stock at the time of the adoption of the plan of liquidation and for more than 6 months. A's recognized gain is determined under paragraph (b) of this section. That part of the recognized gain which is not in excess of the earnings and profits of O Corporation (to which M succeeded) is treated as a dividend under paragraph (c) of § 1.333–4. The remainder of the gain which is recognized is treated as a long-term capital gain.

(f) *Corporations referred to.* (1)(i) For purposes of this section, a corporation described in this paragraph is a corporation for which at least 1 of its 2 most recent taxable years ending before February 26, 1964, was not a personal holding company under section 542, but which would have been a personal holding company under section 542 for such taxable year if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such taxable year. The law applicable for the first taxable year beginning after December 31, 1963, for purposes of this section means part II (section 541 and following), subchapter G, chapter 1 of the Code as applicable to such year, but does not include amendments to other parts of the Code first applicable with respect to such year.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. In 1962, 80 percent of the gross income of the P Corporation, a calendar year taxpayer more than 50 percent of the stock of which is owned by four individuals, was personal holding company income as defined in section 542, prior to the amendment of such section by section 225 of the Revenue Act of 1964. In 1963 additional operating income was added, with the result that only 70 percent of its gross income (and adjusted ordinary gross income as defined in section 543(b)(2) for taxable years beginning after December 31, 1963) for the year was personal holding company income. P Corporation's 2 most recent taxable years ending before February 26, 1964, are calendar years 1962 and 1963. The P Corporation was a personal holding company for 1962, but was not a personal holding company for 1963 since it did not meet the 80-percent income test of the existing section 542(a)(1) for that year. However, P Corporation would have been a personal holding company for 1963 if the provisions of sections 542(a)(1) and 543, as amended by section 225 of the Revenue Act of 1964, and as applicable to taxable years beginning after December 31, 1963, were applicable to 1963. Therefore, P is a corporation described in this subparagraph. It is immaterial whether P Corporation is or is not a personal holding company for its taxable years beginning after December 31, 1963. If P had been organized on January 1, 1963, it would still be a corporation referred to in this subparagraph.

(2)(i) For purposes of this section, a corporation described in paragraph (d) of this section is one described in subparagraph (1) of this paragraph which:

(*a*) On January 1, 1964, owes qualified indebtedness (as defined in section 545(c)(3) and paragraph (d) of § 1.545–3);

(*b*) Before January 1, 1968, notifies the district director in accordance with paragraph (h) of this section that it may wish to have section 333(g)(2)(A) and paragraph (d) of this section apply to it; and

(*c*) Liquidates before the close of the first taxable year in which it ceases to owe qualified indebtedness, or, if earlier, the first taxable year at the close of which its adjusted post-1963 earnings and profits equal or exceed the amount of such corporation's qualified indebtedness on January 1, 1964.

(ii) For purposes of this section, the term "adjusted post-1963 earnings and profits" means the sum of—

(*a*) The earnings and profits of the distributing corporation for taxable years beginning after December 31, 1963, without diminution by reason of any distributions made out of such earnings and profits; and

(*b*) The deductions allowed to such corporation for taxable years beginning after December 31, 1963, for exhaustion, wear and tear, obsolescence, amortization, or depletion.

(g) *Mistake as to qualification.* If a shareholder makes a valid election to be governed by section 333 by filing Form 964 (revised) and states, in accordance with instructions printed thereon, that such election is made under the assumption that the liquidating corporation is a corporation described in paragraph (f)(1) of this section, then such election shall have no force or effect for any purpose if it is later determined that the liquidating corporation is not a corporation described in paragraph (f)(1) of this section. Thus, if the statement of assumption described in the preceding sentence is made, and it is later determined that the liquidating corporation is not a corporation described in paragraph (f)(1) of this section, then the entire election under section 333 is void even though the electing shareholder desires section 333 (without regard to section 333(g)) to apply to him. The conditional election referred to in this paragraph is the only exception to the rule of paragraph (b)(1) of § 1.333–2 that an election to be governed by the provisions of section 333 once filed cannot be withdrawn or revoked.

(h) *Notification in case of liquidation after December 31, 1966.* (1) If a corporation referred to in paragraph (f)(1) of this section determines that it may liquidate after December 31, 1966, under the provisions of section 333(g)(2)(A) and paragraph (d) of this section, then it must notify the district director for the district in which it files its income tax return for the taxable year within which falls the date of notification. Such notification shall be made by a statement filed with such district director before January 1, 1968, containing the following:

(i) The name, address, and employer identification number of the liquidating corporation;

(ii) A statement that the corporation may liquidate after December 31, 1966, and that it may wish section 333(g)(2)(A) to apply to it;

(iii) A computation indicating that the corporation was not a personal holding company under section 542 for at

least one of its two most recent taxable years ending before February 26, 1964, but would have been a personal holding company under section 542 for such taxable year if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such taxable year; and

(iv) All information necessary to determine whether, and in what amount, the corporation owed qualified indebtedness (as defined in section 545(c)(3) and paragraph (d) of § 1.545–3) on January 1, 1964, to what extent the corporation owes qualified indebtedness on the date of notification, and the adjusted post-1963 earnings and profits of the corporation at the close of taxable years ending before the date of notification, including the following:

(*a*) A summary of the terms upon which the qualified indebtedness was owed on January 1, 1964, and a summary of any changes occurring in such terms after such date;

(*b*) A schedule indicating the qualified indebtedness owed by the corporation at the close of each taxable year ending after December 31, 1963, if any such year has ended before notification occurs, and the qualified indebtedness owed on the date when notification is made under this paragraph;

(*c*) A schedule indicating the amount of earnings and profits of the corporation for each taxable year beginning after December 31, 1963, and ending before the date of notification, if any such years have ended before notification occurs, without diminution by reason of any distribution made out of such earnings and profits; and a schedule indicating the deductions allowed to the corporation for each taxable year beginning after December 31, 1963, and ending before the date of notification, for exhaustion, wear and tear, obsolescence, amortization, or depletion.

(2)(i) If a corporation referred to in paragraph (f)(1) of this section actually liquidates after giving notification in accordance with subparagraph (1) of this paragraph and any shareholder claims the benefit of section 333(g)(2)(A), then such corporation shall file, with the district director for the district in which the corporation's Form 966 was filed, a statement containing the information referred to in subdivision (ii) of this subparagraph. The statement must be filed on or before February 28 of the year following the calendar year in which the complete liquidation occurs.

(ii) The information referred to in this subdivision is the following:

(*a*) The name, address, and employer identification number of the corporation;

(*b*) The date on which the corporation ceased to owe qualified indebtedness (as defined in section 545(c));

(*c*) The amount of earnings and profits of the corporation for each taxable year beginning after December 31, 1963, without diminution by reason of any distribution made out of such earnings and profits; and the deductions allowed to the corporation for each taxable year beginning after December 31, 1963, for exhaustion, wear, and tear, obsolescence, amortization, or depletion.

(3) If a corporation actually liquidates during the calendar year 1967 without having notified the district director in accordance with subparagraph (1) of this paragraph and any shareholder claims the benefit of section 333(g)(2)(A) and paragraph (d) of this section, then it shall be deemed to have satisfied the notification and information requirements of section 333(g)(2)(B)(ii) if it files with the district director for the district in which such corporation's Form 966 was filed a statement containing all information necessary to determine whether, and in what amount, such corporation owed qualified indebtedness on January 1, 1964, and all information referred to in subparagraph (2)(ii) of this paragraph. The statement must be filed on or before February 28, 1968.

(i) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). On January 2, 1964, Q Corporation which is a corporation described in paragraph (f)(1) of this section, adopts a plan of complete liquidation conforming to the requirements of section 333. Its assets on such date consist of the following items:

	Fair market value
Stock in R Corporation (acquired 1956)	$3,000,000
Stock in S Corporation (acquired 1963)	550,000
Real property	200,000
	3,750,000

On January 1, 1964, Q Corporation's earnings and profits accumulated after February 28, 1913, are $250,000. Q Corporation distributes all of its assets in complete liquidation, as provided in section 333, before January 31, 1964, to individual A, its sole shareholder. A acquired all of his stock in 1956, and his adjusted basis in such stock is $2 million. A's total gain realized on the liquidation is $1,750,000 ($3,750,000 minus $2 million). A is a "qualified electing shareholder". Under paragraph (b) of this section, A recognizes gain in the amount of $550,000 (the fair market value of the stock of S Corporation), since such amount is greater than $250,000 (his ratable share of the earnings and profits). The remainder of A's gain is not recognized at the time of liquidation of Q Corporation. Under paragraph (c)(1) of this section, the $550,000 recognized gain is treated as a long-term capital gain since A has held his stock for more than 6 months.

Example (2). The facts are the same as in example (1) except that A acquired all of his stock in Q Corporation on September 30, 1963. Since A held his stock for not more than 6 months, $250,000 (his ratable share of earnings and profits) of his recognized gain is treated as a dividend, and $300,000 ($550,000 minus $250,000, the remainder of the recognized gain) is treated as a short-term capital gain.

Example (3). On January 1, 1964, T Corporation, a calendar year taxpayer, which is a corporation described in paragraph (f)(1) of this section, owes qualified indebtedness (as defined in section 545(c)(3)) in the amount of $200,000. No amounts are used or set aside after December 31, 1963, to retire the qualified indebtedness. T Corporation has earnings and profits accumulated after February 28, 1913, and before January 1, 1964, of $500,000. On June 30, 1966, in accordance with paragraph (h) of this section, T Corporation notifies the appropriate district director that it may wish to liquidate after December 31, 1966. T Corporation has earnings and profits of $50,000 for each of its taxable years 1964, 1965, and 1966, all of which are distributed to its shareholders in each such year. It has earnings and profits of $40,000 for its short taxable year beginning January 1, 1967, and ending June 30, 1967, the date of complete liquidation. No distributions are made during the taxable year beginning January 1, 1967, and ending June 30, 1967, other than distributions made in liquidation. For the years 1964, 1965, and 1966, and for the short taxable year beginning January 1, 1967, T Corporation is allowed deductions for depreciation in the total amount of $35,000. On January 8, 1967, T Corporation, in accordance with section 333, adopts a plan of complete liquidation and distributes on June 30, 1967, all of its assets, consisting of the following items:

Stock in X Corporation (acquired 1958)	$2,000,000
Stock in V Corporation (acquired 1964)	1,000,000
Real property	750,000
Tangible personal property	250,000
Total	4,000,000

Each of the assets are distributed equally to individual B and W Corporation, its two equal shareholders. B acquired all of his stock in 1958 and his adjusted basis in such stock is $1 million. W Corporation acquired all of its T Corporation stock in 1964, and has an adjusted basis for such stock of $1,500,000. B realizes gain on the liquidation of $1 million ($2 million minus $1 million) and W Corporation, $500,000 ($2 million minus $1,500,000). B is a "qualified electing shareholder". Under paragraph (b) of this section, B recognizes gain in the amount of $500,000 (the fair market value of his share of the stock of V Corporation) since such amount is greater than $270,000 (his ratable share of the earnings and profits). The $500,000 remainder of B's gain is not recognized at the time of liquidation of T Corporation. Such recognized gain of $500,000 is treated as follows:

Explanation	Amount	Treatment
B's ratable share of earnings and profits accumulated after Feb. 28, 1913, and before Jan. 1, 1967.	$250,000	Long-term capital gain.
B's ratable share of earnings and profits accumulated after Dec. 31, 1966.	20,000	Dividend.
Remainder	230,000	Long-term capital gain.

W Corporation's gain of $500,000 is recognized in full since it is excluded by section 333(b) from the application of section 333.

Example (4). The facts are the same as in example (3) except that on December 31, 1965, the sum of T Corporation's earnings and profits and depreciation deductions for its taxable years 1964 and 1965 was $185,000. At the close of 1966, the sum of T Corporation's earnings and profits and depreciation deductions for 1964, 1965, and 1966 was $250,000. T Corporation is not a corporation to which section 333(g)(2)(A) is applicable since it did not liquidate before December 31, 1966 (the close of the taxable year in which its adjusted post-1963 earnings and profits exceeded its qualified indebtedness). Thus, B is subject to the treatment prescribed by section 333 without regard to subsection (g) of such section.

§ 1.333–6 Records to be kept and information to be filed with return.

(a) Permanent records in substantial form shall be kept by every qualified electing shareholder receiving distributions in complete liquidation of a domestic corporation. Such shareholder must file with his income tax return for his taxable year in which the liquida-

tion occurs a statement of all facts pertinent to the recognition and treatment of the gain realized by him upon the shares of stock owned by him at the time of the adoption of the plan of liquidation including:

(1) A statement of his stock ownership in the liquidating corporation as of the record date of the distribution, showing the number of shares of each class owned on such date, the cost or other basis of each such share, and the date of acquisition of each such share;

(2) A list of all the property, including money, received upon the distribution, showing the fair market value of each item of such property other than money on the date distributed and stating what items, if any, consist of stock or securities acquired by the liquidating corporation after December 31, 1953, or after December 31, 1962, whichever date is applicable;

(3) A statement of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, computed without diminution by reason of distributions made during the month of liquidation (other than designated dividends under section 316(b)(2)(B));

(4) In the case of a liquidation to which section 333(g)(2) applies, a statement of his ratable share of earnings and profits of the liquidating corporation accumulated after February 28, 1913, and before January 1, 1967; and

(5) A copy of such shareholder's written election to be governed by the provisions of section 333. See § 1.333-3.

(b) For information to be filed by the liquidating corporation, see section 6043.

PAR. 9. Section 1.381(c)(15) is amended by revising subsection (c)(15) of section 381 and by adding a historical note. These amended and added provisions read as follows:

§ 1.381(c)(15) Statutory provisions; carryovers in certain corporate acquisitions; items of the distributor or transferor corporation; indebtedness of certain personal holding companies.

Sec. 381. *Carryovers in certain corporate acquisitions.* * * *

(c) *Items of the distributor or transferor corporation.* The items referred to in subsection (a) are:

* * * * *

(15) *Indebtedness of certain personal holding companies.* The acquiring corporation shall be considered to be the distributor or transferor corporation for the purpose of determining the applicability of subsections (b)(7) and (c) of section 545, relating to deduction with respect to payment of certain indebtedness.

[Sec. 381(c)(15) as amended by sec. 225(i)(3), Rev. Act 1964 (78 Stat. 92)]

PAR. 10. Section 1.381(c)(15)-1 is amended to read as follows:

§ 1.381(c)(15)-1 Indebtedness of certain personal holding companies.

(a) *Qualified indebtedness*—(1) *Carryover requirement.* If, in a transaction to which section 381(a) applies, the acquiring corporation assumes liability for any indebtedness which was qualified indebtedness (as defined in section 545(c) and § 1.545-3) in the hands of the distributor or transferor corporation immediately before the assumption of such indebtedness, then, under section 381(c)(15), in computing its undistributed personal holding company income for any taxable year beginning after December 31, 1963, and ending after the date of distribution or transfer, the acquiring corporation shall be considered the distributor or transferor corporation for purposes of computing the deduction under section 545(c) and § 1.545-3. Such deduction shall be allowed to the acquiring corporation in accordance with section 545(c) and § 1.545-3.

(2) *Successive transactions to which section 381(a) applies.* If in a transaction to which section 381(a) applies, an acquiring corporation assumes liability for qualified indebtedness, such acquiring corporation shall be deemed to have incurred such qualified indebtedness for the purpose of applying section 381(c)(15) to any subsequent transaction in which such acquiring corporation is the distributor or transfer corporation.

(b) *Pre-1934 indebtedness*—(1) *Carryover requirement.* If, in a transaction to which section 381(a) applies, the acquiring corporation assumes liability for any indebtedness incurred, or assumed, before January 1, 1934, by a distributor or transferor corporation, then under section 381(c)(15) the acquiring corporation shall be allowed, in computing its undistributed personal holding company income for any taxable year ending after the date of distribution or transfer, a deduction under section 545(b)(7) for amounts used or irrevocably set aside to pay or to retire such indebtedness. Such deduction shall be allowed to the acquiring corporation in accordance with section 545(b)(7) and paragraph (g) of § 1.545-2 as though the indebtedness had been incurred, or assumed, by the acquiring corporation before January 1, 1934.

(2) *Successive transactions to which section 381(a) applies.* If, in a transaction to which section 381(a) applies, an acquiring corporation assumes liability for indebtedness described in subparagraph (1) of this paragraph, such acquiring corporation shall be deemed to have incurred the indebtedness before January 1, 1934, for the purpose of applying section 381(c)(15) to any subsequent transaction in which such acquiring corporation is the distributor or transferor corporation.

PAR. 11. Section 1.545 is amended by revising subsection (a) of section 545, by adding a new subsection (c) to section 545, and by revising the historical note. These amended and added provisions read as follows:

§ 1.545 Statutory provisions; undistributed personal holding company income.

Sec. 545. *Undistributed personal holding company income*—(a) *Definition.* For purposes of this part, the term "undistributed personal holding company income" means the taxable income of a personal holding company adjusted in the manner provided in subsections (b) and (c), minus the dividends paid deduction as defined in section 561.

* * * * *

(c) *Special adjustment to taxable income*—(1) *In general.* Except as otherwise provided in this subsection, for purposes of subsection (a) there shall be allowed as a deduction amounts used, or amounts irrevocably set aside (to the extent reasonable with reference to the size and terms of the indebtedness), to pay or retire qualified indebtedness.

(2) *Corporations to which applicable.* This subsection shall apply only with respect to a corporation—

(A) Which for at least one of the two most recent taxable years ending before the date of the enactment of this subsection was not a personal holding company under section 542, but would have been a personal holding company under section 542 for such taxable year if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such taxable year, or

(B) To the extent that it succeeds to the deduction referred to in paragraph (1) by reason of section 381(c)(15).

(3) *Qualified indebtedness*—(A) *In general.* Except as otherwise provided in this paragraph, for purposes of this subsection the term "qualified indebtedness" means—

(i) The outstanding indebtedness incurred by the taxpayer after December 31, 1933, and before January 1, 1964, and

(ii) The outstanding indebtedness incurred after December 31, 1963, for the purpose of making a payment or set-aside referred to in paragraph (1) in the same taxable year, but, in the case of such a payment or set-aside which is made on or after the first day of the first taxable year beginning after December 31, 1963, only to the extent the deduction otherwise allowed in paragraph (1) with respect to such payment or set-aside is treated as nondeductible by reason of the election provided in paragraph (4).

(B) *Exception.* For purposes of subparagraph (A), qualified indebtedness does not include any amounts which were, at any time after December 31, 1963, and before the payment or set-aside, owed to a person who at such time owned (or was considered as owning within the meaning of section 318(a)) more than 10 percent in value of the taxpayer's outstanding stock.

(C) *Reduction for amounts irrevocably set aside.* For purposes of subparagraph (A), the qualified indebtedness with respect to a contract shall be reduced by amounts irrevocably set aside before the taxable year to pay or retire such indebtedness; and no deduction shall be allowed under paragraph (1) for payments out of amounts so set aside.

(4) *Election not to deduct.* A taxpayer may elect, under regulations prescribed by the Secretary or his delegate, to treat as nondeductible an amount otherwise deductible under paragraph (1); but only if the taxpayer files such election on or before the 15th day of the third month following the close of the taxable year with respect to which such election applies, designating therein the amounts which are to be treated as nondeductible and specifying the indebtedness (referred to in paragraph (3)(A)(ii)) incurred for the purpose of making the payment or set-aside.

(5) *Limitations.* The deduction otherwise allowed by this subsection for the taxable year shall be reduced by the sum of—

(A) The amount, if any, by which—

(i) The deductions allowed for the taxable year and all preceding taxable years beginning after December 31, 1963, for exhaustion, wear and tear, obsolescence, amortization, or depletion (other than such deductions which are disallowed in computing undistributed personal holding company income under subsection (b)(8)), exceed

(ii) Any reduction, by reason of this subparagraph, of the deductions otherwise allowed by this subsection for such preceding taxable years, and

(B) The amount, if any, by which—

(i) The deductions allowed under subsection (b)(5) in computing undistributed personal holding company income for the taxable year and all preceding taxable years beginning after December 31, 1963, exceed—

(ii) Any reduction, by reason of this subparagraph, of the deductions otherwise allowed by this subsection for such preceding taxable years.

(6) *Pro-rata reduction in certain cases.* for purposes of paragraph (3)(A), if property (of a character which is subject to an allowance for exhaustion, wear and tear, obsolescence, amortization, or depletion) is disposed of after December 31, 1963, the total amounts of qualified indebtedness of the taxpayer shall be reduced pro-rata in the taxable year of such disposition by the amount, if any, by which—

(A) The adjusted basis of such property at the time of such disposition, exceeds—

(B) The amount of qualified indebtedness which ceased to be qualified indebted ness with respect to the taxpayer by reason of the assumption of the indebtedness by the transferee.

[Sec. 545 as amended by sec. 32, Technical Amendments Act 1958 (72 Stat. 1631); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); sec. 225(1) (1) and (2), Rev. Act 1964 (78 Stat. 99)]

PAR. 12. Section 1.545–1 is amended to read as follows:

§ 1.545–1 Definition.

(a) Undistributed personal holding company income is the amount which is subject to the personal holding company tax imposed under section 541. Undistributed personal holding company income is the taxable income of the corporation adjusted in the manner described in section 545(b) and § 1.545–2, and section 545(c) and § 1.545–3, less the deduction for dividends paid. See part IV (section 561 and following), subchapter G, chapter 1 of the Code, and the regulations thereunder, relating to the dividends paid deduction.

(b) For purposes of the imposition of the personal holding company tax on a foreign corporation, resident or nonresident, which files or causes to be filed a return, the undistributed personal holding company income shall be computed on the basis of the taxable income from sources within the United States, and such income shall be adjusted in accordance with the principles of section 545(b) and § 1.545–2, and section 545(c) and § 1.545–3. For purposes of the imposition of such tax on a foreign corporation, resident or nonresident, which files no return, the undistributed personal holding company income shall be computed on the basis of the gross income from sources within the United States without allowance of any deductions. For purposes of this paragraph, a nonresident foreign corporation will be considered to have filed a return for any taxable year ending before September 9, 1958, if the return for any such taxable year is filed on or before February 5, 1960.

PAR. 13. Paragraph (g)(1) of § 1.545–2 is amended to read as follows:

§ 1.545–2 Adjustments to taxable income.

* * * * *

(g) *Payment of indebtedness incurred prior to January 1, 1934*—(1) *General rule.* In computing undistributed personal holding company income, section 545(b)(7) provides that there shall be allowed as a deduction amounts used or irrevocably set aside to pay or to retire indebtedness of any kind incurred before January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness. See § 1.545–3 for the deduction in computing undistributed personal holding company income of amounts used or irrevocably set aside to pay or retire qualified indebtedness (as defined in paragraph (d) of § 1.545–3).

* * * * *

PAR. 14. There is inserted immediately after § 1.545–2 the following new section:

§ 1.545–3 Special adjustment to taxable income.

(a) *In general.* In computing undistributed personal holding company income for any taxable year beginning after December 31, 1963, section 545(c)(1) provides that, except as otherwise provided in section 545(c), there shall be allowed as a deduction amounts used or amounts irrevocably set aside (to the extent reasonable with reference to the size and terms of the indebtedness) during such year to pay or retire qualified indebtedness (as defined in section 545(c)(3) and paragraph (d) of this section). The reasonableness of amounts irrevocably set aside shall be determined under the rules of paragraph (g)(4) of § 1.545–2.

(b) *Amounts used or irrevocably set aside.* The deduction is allowable, in any taxable year, only for amounts used or irrevocably set aside in that year. The use or irrevocable setting aside must be to effect the extinguishment or discharge of indebtedness. A refunding, renewal, or mere change in the form of a qualified indebtedness which does not involve a substantial change in the economic terms of the indebtedness will not result in an allowable deduction, whether or not funds are obtained from such refunding, renewal or change in form, and whether or not such funds are applied on the prior obligation. If amounts are set aside in one year, no deduction is allowable for a later year in which such amounts are actually paid. As long as all other conditions are satisfied, the aggregate amount allowable as a deduction for any taxable year includes all amounts (from whatever source) used and all amounts (from whatever source) irrevocably set aside, irrespective of whether in cash or other medium. The same item shall not be deducted more than once.

(c) *Corporations to which applicable.* Section 545(c)(2) describes the corporations to which section 545(c) applies. In order to qualify under section 545(c)(2), the corporation must be one:

(1) Which for at least one of its two most recent taxable years ending before February 26, 1964, was not a personal holding company under section 542, but which would have been a personal holding company under section 542 for such taxable year if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such taxable year; or

(2) Which is an acquiring corporation treated as a corporation described in subparagraph (1) of this paragraph by reason of section 381(c)(15) (relating to the carryover of certain indebtedness in corporate acquisitions), but only to the extent of the qualified indebtedness to which it has succeeded under section 381(c)(15) and the indebtedness referred to in paragraph (d)(1)(ii) of this section incurred to replace qualified indebtedness to which it has succeeded under section 381(c)(15).

The law applicable for the first taxable year beginning after December 31, 1963, for purposes of this paragraph means part II (section 54 and following), subchapter G, chapter 1 of the Code as applicable to such year but does not include amendments to other parts of the Code first applicable with respect to such year. For an example of a corporation described in subparagraph (1) of this paragraph see paragraph (f)(1) of § 1.333–5.

(d) *Qualified indebtedness*—(1) *General definition.* Except as provided in subparagraphs (2), (3), and (4) of this paragraph the term "qualified indebtedness" means:

(i) The outstanding indebtedness (as defined in subparagraph (6) of this paragraph) incurred after December 31, 1933, and before January 1, 1964, by the taxpayer (or to which the taxpayer succeeded in a transaction to which section 381(c)(15) applies), and

(ii) The outstanding indebtedness (as defined in subparagraph (6) of this paragraph) incurred after December 31, 1963, by the taxpayer (or to which the taxpayer succeeded in a transaction to which section 381(c)(15) applies) for the purpose of making a payment or set-aside referred to in paragraph (a) of this section in the same taxable year of the debtor in which such indebtedness was incurred. An indebtedness shall be deemed not to have been incurred for the purpose of making a payment or set aside referred to in paragraph (a) of this section when such indebtedness is a consequence of a refunding, renewal or mere change in the form of a qualified indebtedness which does not involve a substantial change in the economic terms of the qualified indebtedness. In the case of such a payment or set-aside which is made on or after the first day of the first taxable year beginning after December 31, 1963, such indebtedness incurred after December 31, 1963, is treated as qualified indebtedness only to the extent that the deduction from taxable income otherwise allowed by section 545(c)(1) with respect to such payment or set-aside is treated as nondeductible by reason of the election referred to in paragraph (e) of this section.

(2) *Exception for indebtedness owed to certain shareholders.* For purposes of subparagraph (1) of this paragraph, qualified indebtedness does not include any amounts which were, at any time after December 31, 1963, and before the payment or set-aside to which this section applies, owed directly or indirectly to a person who at such time owned more than 10 percent in value of the taxpayer's outstanding stock. The rules of section

318(a) and the regulations thereunder apply for the purpose of determining ownership under this subparagraph. Amounts which cease to be qualified indebtedness by reason of this subparagraph may not subsequently become qualified indebtedness as a result of any change in the facts (for example, a subsequent sale of stock by the person to whom the amounts are directly or indirectly owed).

(3) *Reduction for amounts irrevocably set aside.* For purposes of subparagraph (1) of this paragraph, qualified indebtedness with respect to a particular contract is reduced when and to the extent that amounts are irrevocably set aside to pay or retire such indebtedness. An amount is not considered to be irrevocably set aside if any person could use such amount for any purpose other than the retirement of the qualified indebtedness with respect to which it was set aside. No deduction is allowed under section 545(c)(1) and this section for payments out of amounts previously set aside. Thus, for example, if a corporation, which is a June 30 fiscal year taxpayer, incurs indebtedness of $1 million on February 1, 1962, and, in accordance with its contract of indebtedness, irrevocably sets aside $50,000 in a sinking fund on February 1, of each of the years 1963, 1964, and 1965, then its qualified indebtedness on January 1, 1964, is $950,000 ($1 million less one set-aside of $50,000 in 1963). The corporation is not allowed a deduction under section 545(c)(1) for the set-aside of $50,000 made during its taxable year ending on June 30, 1964, since section 545(c) is applicable only to taxable years beginning after December 31, 1963, but the qualified indebtedness is nevertheless reduced by such amount. The corporation is allowed a deduction of $50,000 for its taxable year ending June 30, 1965, as a result of the set-aside made during such taxable year, and qualified indebtedness on July 1, 1965, is $850,000. No deduction is allowed to the corporation for a payment in any subsequent taxable year from the amounts so set aside.

(4) *Reduction on disposition of certain property.* (i) Section 545(c)(6) provides that the total amount of the taxpayer's qualified indebtedness (as determined under subdivision (ii) of this subparagraph) shall be reduced if property of a character subject to the allowance for exhaustion, wear and tear, obsolescence, amortization, or depletion is disposed of after December 31, 1963. The reduction is made pro-rata (in accordance with subdivision (iii) of this subparagraph) for the taxable year of such disposition and is equal in total amount to the excess, if any, of:

(*a*) The adjusted basis of the property disposed of (determined under section 1011 and the regulations thereunder) immediately before such disposition; over

(*b*) The amount of qualified indebtedness which ceased to be qualified indebtedness with respect to the taxpayer by reason of the assumption of indebtedness by the transferee of the property disposed of (whether or not such indebtedness was incurred by the taxpayer in connection with the property disposed of).

(ii) The indebtedness reduced under the rule of this subparagraph is the qualified indebtedness which is outstanding with respect to the taxpayer immediately after the disposition referred to in subdivision (i) of this subparagraph.

(iii) The reduction with respect to any particular contract of indebtedness under the rules of this subparagraph shall be determined by multiplying the total reduction (determined under subdivision (i) of this subparagraph) by the ratio which the amount of the qualified indebtedness owed with respect to such contract by the taxpayer on the date referred to in subdivision (ii) of this subparagraph bears to the aggregate qualified indebtedness owed by the taxpayer with respect to all contracts on such date.

(5) *Total debt consisting of both qualified and nonqualified indebtedness.* In any case where, with respect to a particular contract of indebtedness, a part of the total indebtedness owed with respect to such contract is qualified indebtedness and the other part is indebtedness which is not qualified indebtedness, then, any amount paid or irrevocably set aside with respect to such contract shall be allocated between both such parts pro rata unless the taxpayer clearly indicates in its return the part of the payment or set-aside which shall be allocated to the qualified indebtedness.

(6) *Outstanding indebtedness.* For purposes of determining qualified indebtedness, the term "indebtedness" has the same meaning that it has under section 545(b)(7) and paragraph (g)(2) of § 1.545–2. Indebtedness ceases to be outstanding when the taxpayer no longer has an obligation absolute and not contingent with respect to the payment of such debt. An indebtedness evidenced by bonds, notes, or other obligations issued by a corporation is ordinarily incurred as of the date such obligations are issued, and the amount of such indebtedness is the amount represented by the face value of the obligations. However, a refunding, renewal or mere change in the form of an indebtedness which does not involve a substantial change in the economic terms of the indebtedness will not have the effect of changing the date the indebtedness was incurred.

(7) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). M Corporation, a calendar year taxpayer has $600,000 of indebtedness outstanding on December 31, 1963 (which was incurred after 1933), represented by three demand notes. Individuals A and B (who are not shareholders) each hold one of M Corporation's notes in the amount of $150,000 and N Corporation (which is not a shareholder) holds M Corporation's note in the amount of $300,000. The note held by N Corporation is secured by a mortgage on certain depreciable real estate owned by M Corporation which has an adjusted basis to it on July 1, 1964, of $500,000. On July 1, 1964, M Corporation sells the depreciable real estate to O Corporation in consideration for $200,000 in cash and the assumption by O Corporation of the indebtedness on the note held by N Corporation. M Corporation borrows $200,000 on September 30, 1964, of which amount $150,000 is simultaneously applied to liquidate the note held by B. M Corporation's qualified indebtedness is reduced on July 1, 1964, by $300,000, the qualified indebtedness which ceased to be outstanding by reason of the transfer. In addition, the reduction (computed under section 545(c)(6) and subparagraph (4) of this paragraph) of M Corporation's qualified indebtedness by reason of the disposition of depreciable property on July 1, 1964, is as follows:

Outstanding qualified indebtedness after reduction of qualified indebtedness which ceased to be outstanding by reason of the transfer but before the sec. 545(c)(6) reduction	$300,000
Reduced by—	
The excess of the adjusted basis of depreciable real estate disposed of on July 1, 1964 ($500,000), over the amount of qualified indebtedness assumed by O Corporation ($300,000)	200,000
Qualified indebtedness after reductions from transfer and assumption of indebtedness	100,000

The pro-rata share of the reduction with respect to each debt is computed as follows:

Note held by A:	
Qualified indebtedness owed by taxpayer on the note held by A before the disposition of depreciable property	$150,000
Less the pro-rata share of the total reduction computed under subparagraph (4) of this paragraph allocable to such note $200,000 $\times \frac{\$150,000}{\$300,000}$	100,000
Qualified indebtedness owed on the note held by A after the transfer	50,000
Note held by B:	
Qualified indebtedness owed by taxpayer on the note held by B before the transfer of depreciable property	150,000
Less the pro-rata share of the total reduction computed under subparagraph (4) of this paragraph allocable to such note $200,000 $\times \frac{\$150,000}{\$300,000}$	100,000
Qualified indebtedness owed on the note held by B after the transfer	50,000

Of the $150,000 paid by M Corporation on September 30, 1964, to retire the note held by B only $50,000 qualified as a use of an amount to pay or retire qualified indebtedness and, thus, only $50,000 is allowable as a deduction for purposes of computing undistributed personal holding company income for 1964.

Example (2). The facts are the same as in example (1) except that M Corporation elects in accordance with paragraph (d) of this section not to deduct $25,000 of the $50,000 amount otherwise deductible. Then $25,000 of the $200,000 of new indebtedness incurred by M Corporation is qualified indebtedness. If the payment on the note held by B had not been made until January 1, 1965, then the new indebtedness would not be qualified indebtedness since the payment was not made in the taxable year in which the new indebtedness was incurred. If M Corporation pays $40,000 on April 1 and July 1, 1965, on the indebtedness incurred September 30, 1964, then (unless M indicates otherwise in its return for 1965 in accordance

with subparagraph (5) of this paragraph) the payments made on such dates must be allocated between qualified and nonqualified indebtedness in the following manner:

	Qualified	Nonqualified
Apr. 1 payment		
$25,000 (qualified)	$5,000	
$40,000 × $200,000 (total indebtedness)		
$175,000 (nonqualified)		$35,000
$40,000 × $200,000 (total indebtedness)		
July 1 payment		
$20,000 (nonqualified)	5,000	
$40,000 × $160,000 (total indebtedness)		
$140,000 (nonqualified)		35,000
$40,000 × $160,000 (total indebtedness)		
Total	10,000	70,000

Thus, a total of $10,000 of the two payments would be considered used to pay or retire qualified indebtedness.

Example (3). C owns all of the 1000 shares of outstanding capital stock of P Corporation. On December 31, 1963, P Corporation, a calendar year taxpayer, owes $200,000 of outstanding indebtedness to D and $500,000 of outstanding indebtedness to E. These debts were incurred after 1933. On January 15, 1964, P Corporation pays $100,000 in partial liquidation of the $500,000 indebtedness. On March 15, 1964, P Corporation pays $50,000 into a sinking fund with respect to the $200,000 indebtedness owed to D. On April 15, 1964, D purchases one-half of the shares owned by C, constituting 50 percent in value of P Corporation's outstanding stock. P Corporation, on June 15, 1964, pays $50,000 into a sinking fund with respect to the indebtedness owed to D. For purposes of the March 15, 1964, set-aside, the indebtedness owed to D ($200,000) is qualified indebtedness. However, the indebtedness owed to D is not qualified indebtedness for purposes of the June set-aside with respect to such indebtedness since D is a person who after December 31, 1963, and before the June set-aside, owned more than 10 percent in value of P Corporation's outstanding stock. Moreover, any subsequent set-asides made with respect to the indebtedness owed to D will not be made with respect to qualified indebtedness even if the shares owned by D are subsequently sold. Assuming no payments or set-asides are made by P Corporation after June 15, 1964, the P Corporation is entitled to a deduction of $150,000 under section 545(c)(1) for the calendar year 1964 for amounts paid and for amounts irrevocably set aside to pay or retire qualified indebtedness, and the total qualified indebtedness at the end of 1964 is $400,000. No additional deduction is allowed in subsequent taxable years for amounts paid out of the amounts set aside in 1964.

(e) *Election not to deduct*—(1) *In general.* Section 545(c)(4) provides that a taxpayer may elect to treat as nondeductible amounts otherwise deductible under section 545(c)(1) for the taxable year. The election shall be in the form of a statement of election filed on or before the 15th day of the third month following the close of the taxable year with respect to which the election applies. The election shall be irrevocable after such date.

(2) *Statement of election.* The statement of election referred to in subparagraph (1) of this paragraph shall be attached to the taxpayer's Schedule PH (Form 1120) for the year with respect to which such election applies, if such schedule is filed on or before the date referred to in subparagraph (1) of this paragraph, but if an extension of time is granted for filing the Form 1120 for the taxable year with respect to which the election applies, then the statement required by the subparagraph shall clearly set forth thereon the taxpayer's name and address, shall be signed by the taxpayer, and shall be filed with the district director for the internal revenue district in which the taxpayer's income tax return (for the year with respect to which the election is applicable) would be filed, if such return were filed on or before the 15th day of the third month following the close of such year. The following information shall be included in the statement of election:

(i) A statement that the taxpayer wishes to elect in accordance with section 545(c)(4);

(ii) The amounts paid or set aside which are to be treated as nondeductible under section 545(c)(4) and this section;

(iii) All information necessary to identify the qualified indebtedness with respect to which such amounts were paid or set aside;

(iv) The date on which such payments or set-asides were made; and

(v) All information necessary to identify the indebtedness (referred to in section 545(c)(3)(A)(ii) and paragraph (d)(1)(ii) of this section) incurred for the purpose of making the payments or set-asides which the taxpayer elects to treat as nondeductible, including:

(*a*) The date on which such indebtedness was incurred;

(*b*) The amount of such indebtedness;

(*c*) The person or persons to whom such indebtedness is owed; and

(*d*) A statement that such person or persons do not own more than 10 percent in value of the taxpayer's outstanding stock.

(f) *Limitation on deduction*—(1) *In general.* Section 545(c)(5) provides certain limitation on the deduction otherwise allowed by section 545(c)(1). Such deduction is reduced by the sum of the following amounts:

(i) The amount, if any, by which—

(*a*) The deductions allowed for the taxable year and all preceding taxable years beginning after December 31, 1963, for exhaustion, wear and tear, obsolescence, amortization, or depletion (other than such deductions which are disallowed in computing undistributed personal holding company income under the rule of paragraph (h) of § 1.545-2), exceed

(*b*) Any reduction, by reason of section 545(c)(5)(A) and this subdivision (i), of the deductions otherwise allowed by section 545(c)(1) for such preceding years; and

(ii) The amount, if any, by which—

(*a*) The deductions allowed under section 545(b)(5) (relating to long-term capital gain deduction) in computing undistributed personal holding company income for the taxable year and all preceding taxable years beginning after December 31, 1963, exceed

(*b*) Any reduction, by reason of section 545(c)(5)(B) and this subdivision (ii), of the deductions otherwise allowed by section 545(c)(1) for such preceding years.

(2) *Allocation of reduction.* If the total reduction required by subparagraph (1) of this paragraph is greater than the amount of the payment or set-aside made in respect of qualified indebtedness in a taxable year, then the portion of the reduction which is attributable to either section 545(c)(5)(A) or section 545(c)(5)(B), as the case may be, is that portion which bears the same ratio to the total reduction as the total reduction available under either section 545(c)(5)(A) or section 545(c)(5)(B), respectively, bears to the total reduction available under both such sections.

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. (i) Q Corporation, a calendar year taxpayer, has qualified indebtedness of $400,000 on January 1, 1964, with respect to which payments of $50,000 are made on April 15, 1964, and 1965, and $300,000 on April 15, 1966. In the years 1964 and 1966, Q Corporation is allowed a deduction under section 545(b)(5) of $50,000 for the excess of its net long-term capital gain over its net short-term capital loss, minus the taxes attributable to such excess. Q Corporation is allowed a depreciation deduction of $50,000 for each of its taxable years 1964 through 1966. Q Corporation is a personal holding company with taxable income of $200,000 in each of the years 1964 and 1966.

(ii) For 1964, in computing undistributed personal holding company income, Q Corporation's taxable income is reduced by $50,000 by reason of the deduction under section 545(b)(5). No part of the depreciation deduction is disallowed under the rule of paragraph (h) of § 1.545-2. Q Corporation's deduction for payment of qualified indebtedness otherwise allowable under section 545(c)(1) and this section is reduced to zero by reason of the depreciation deduction and the capital gains deduction. The reduction by reason of section 545(c)(5)(A) and subparagraph (1)(i) of this paragraph (depreciation) is $25,000$\left(\frac{\$50,000}{\$100,000} \times \$50,000\right)$, and the reduction by reason of section 545(c)(5)(B) and subparagraph (1)(ii) of this paragraph (capital gain) is

$$\$25,000\left(\frac{\$50,000}{\$100,000} \times \$50,000\right).$$

(iii) For 1966, Q Corporation is allowed a deduction for payment of qualified indebtedness of $100,000 computed as follows:

Amount paid in 1966 to retire qualified indebtedness			$300,000
Less the sum of:			
(*a*) Depreciation deductions allowed for 1964 through 1966 (3 × $50,000)	$150,000		
Reduction of deductions in preceding taxable years (1964)	25,000		
		$125,000	
(*b*) Deduction allowed under section 545(b)(5) (relating to long-term capital gains) for 1964 through 1966	100,000		
Reduction of deductions in preceding taxable years (1964)	25,000		
		75,000	
			200,000
Deduction after reduction			100,000

(iv) If in the year 1966, Q Corporation's depreciation deduction had been limited for purposes of computing undistributed personal holding company income to $25,000 by reason of section 545(b)(8), then Q Corporation's deduction for payment of qualified indebtedness would be $125,000, computed as follows:

Amounts paid in 1966 to retire qualified indebtedness			$300,000
Less the sum of:			
(a) Depreciation deductions allowed for 1964 through 1966	$125,000		
Reduction of deductions in preceding taxable year (1964)	25,000		
		$100,000	
(b) Deduction allowed under section 545(b)(5) (relating to long-term capital gains) for 1964 through 1966	100,000		
Reduction of deductions in preceding taxable years (1964)	25,000		
		75,000	
			175,000
Deduction after reduction			125,000

(g) *Burden of proof.* The burden of proof rests upon the taxpayer to sustain the deduction claimed under this section. In addition to any information required by this section, the taxpayer must furnish the information required by the return, and such other information as the district director may require in substantiation of the deduction claimed.

(h) *Application of section 381(c)(15).* Under section 381(c)(15), if an acquiring corporation assumes liability for qualified indebtedness in a transaction to which section 381(a) applies, then the acquiring corporation is considered to be the distributor or transferor corporation for purposes of section 545(c). Paragraph (c)(2) of this section reflects the application of section 381(c)(15) by including an acquiring corporation within the definition of corporation to which this section applies. Thus, the acquiring corporation is not required to meet the requirements of paragraph (c)(1) or paragraph (d)(1) of this section with respect to such acquired qualified indebtedness to which section 381(c)(15) is applicable. All the other provisions of this section apply in full to the acquiring corporation with respect to such acquired indebtedness.

PAR. 15. Section 1.562 is amended by revising subsection (b) of section 562 and by adding a historical note. These amended and added provisions read as follows:

§ 1.562 Statutory provisions; rules applicable in determining dividends eligible for dividends paid deduction.

Sec. 562. *Rules applicable in determining dividends eligible for dividends paid deduction.* * * *

(b) *Distributions in liquidation.* (1) Except in the case of a personal holding company described in section 542 or a foreign personal holding company described in section 552—

(A) In the case of amounts distributed in liquidation, the part of such distribution which is properly chargeable to earnings and profits accumulated after February 28, 1913, shall be treated as a dividend for purposes of computing the dividends paid deduction, and

(B) In the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation, any distribution within such period pursuant to such plan shall, to the extent of the earnings and profits (computed without regard to capital losses) of the corporation for the taxable year in which such distribution is made, be treated as a dividend for purposes of computing the dividends paid deduction.

(2) In the case of a complete liquidation of a personal holding company, occurring within 24 months after the adoption of a plan of liquidation, the amount of any distribution within such period pursuant to such plan shall be treated as a dividend for purposes of computing the dividends paid deduction, to the extent that such amount is distributed to corporate distributees and represents such corporate distributees' allocable share of the undistributed personal holding company income for the taxable year of such distribution computed without regard to this paragraph and without regard to subparagraph (B) of section 316(b)(2).

[Sec. 562 as amended by sec. 225(f)(3), Rev. Act 1964 (78 Stat. 88)]

PAR. 16. Section 1.562–1 is amended to read as follows:

§ 1.562–1 Dividends for which the dividends paid deduction is allowable.

(a) *General rule.* Except as otherwise provided in section 562 (b) and (d), the term "dividend", for purposes of determining dividends eligible for the dividends paid deduction, refers only to a dividend described in section 316 (relating to definition of dividends for purposes of corporate distributions). No distribution, however, which is preferential within the meaning of section 562(c) and § 1.562–2 shall be eligible for the dividends paid deduction. Moreover, when computing the dividends paid deduction with respect to a United States person (as defined in section 957(d), no distribution which is excluded from the gross income of a foreign corporation under section 959(b) with respect to such person or from the gross income of such person under section 959(a) shall be eligible for such deduction. Further, for purposes of the dividends paid deduction, the term "dividend" does not include a distribution in liquidation unless the distribution is either treated as a dividend under section 316(b)(2) and paragraph (b) of § 1.316–1, or qualifies under section 562(b) and paragraph (b) of this section. If a dividend is paid in property (other than money) the amount of the dividends paid deduction with respect to such property shall be the adjusted basis of the property in the hands of the distributing corporation at the time of the distribution. See paragraph (b)(2) of this section for special rules with respect to liquidating distributions by personal holding companies occurring during a taxable year of the distributing corporation beginning after December 31, 1963. Also see section 563 for special rules with respect to dividends paid after the close of the taxable year.

(b) *Distributions in liquidation*—(1) *General rule*—(i) *In general.* In the case of amounts distributed in liquidation by any corporation during a taxable year of such corporation beginning before January 1, 1964, or by a corporation other than a personal holding company (as defined in section 542) or a foreign personal holding company (as defined in section 552) during a taxable year of such a corporation beginning after December 31, 1963, section 562(b) makes an exception to the general rule that a deduction for dividends paid is permitted only with respect to dividends described in section 316. In order to qualify under that exception, the distribution must be one either in complete or partial liquidation of a corporation pursuant to sections 331, 332, or 333. See subparagraph (2) of this paragraph for rules relating to the treatment of distributions in complete liquidation made by a corporation which is a personal holding company to corporate shareholders during a taxable year of such distributing corporation beginning after December 31, 1963. As provided by section 346(a), for the purpose of section 562(b), a partial liquidation includes a redemption of stock to which section 302 applies. Amounts distributed in liquidation in a transaction which is preceded, or followed, by a transfer to another corporation of all or part of the assets of the liquidating corporation, may not be eligible for the dividends paid deduction.

(ii) *Amount of dividends paid deduction allowable—(a) General rule.* In the case of distributions in liquidation with respect to which a deduction for dividends paid is permissible under subdivision (i) of this subparagraph, the amount of the deduction is equal to the part of such distribution which is properly chargeable to the earnings and profits accumulated after February 28, 1913. To determine the amount properly chargeable to the earnings and profits accumulated after February 28, 1913, there must be deducted from the amount of the distribution that part allocable to capital account. The capital account, for the purposes of this subdivision, includes not only amounts representing the par or stated value of the stock with respect to which the liquidation distribution is made, but also that stock's proper share of the paid-in surplus, and such other corporate items, if any, which, for purposes of income taxation, are treated like capital in that they are not taxable dividends when distributed but are applied against and reduce the basis of the stock. The remainder of the distribution in liquidation is, ordinarily, properly chargeable to the earnings and profits accumulated after February 28, 1913. Thus, if there is a deficit in earnings and profits on the first day of a taxable year, and the earnings and profits for such taxable year do not exceed such deficit, no dividends paid deduction would be allowed for such

taxable year with respect to a distribution in liquidation; if the earnings and profits for such taxable year exceed the deficit in earnings and profits which existed on the first day of such taxable year, then a dividends paid deduction would be allowed to the extent of such excess.

(b) *Special rule.* Section 562(b)(1)(B) provides that in the case of a complete liquidation occurring within 24 months after the adoption of a plan of liquidation the amount of the deduction is equal to the earnings and profits for each taxable year in which distributions are made. Thus, if there is a distribution in liquidation pursuant to section 333, or a distribution in complete liquidation pursuant to section 331(a)(1) or 332 which occurs within a 24-month period after the adoption of a plan of liquidation, a dividends paid deduction will be allowable to the extent of the current earnings and profits for the taxable year or years even though there was a deficit in earnings and profits on the first day of such taxable year or years. In computing the earnings and profits for the taxable year in which the distributions are made, computation shall be made with the inclusion of capital gains and without any deduction for capital losses.

(c) *Examples.* The application of this subparagraph may be illustrated by the following examples:

Example (1). The Y Corporation, which makes its income tax returns on the calendar year basis, was organized on January 1, 1910, with an authorized and outstanding capital stock of 2,000 shares of common stock of a par value of $100 each and 1,000 shares of participating preferred stock of a par value of $100 each. The preferred stock was to receive annual dividends of $7 per share and $100 per share on complete liquidation of the corporation in priority to any payments on common stock, and was to participate equally with the common stock in either instance after the common stock had received a similar amount. However, the preferred stock was redeemable in whole or in part at the option of the board of directors at any time at $106 per share plus its proportion of the earnings of the company at the time of such redemption. In 1910 the preferred stock was issued at $106 per share, for a total of $106,000 and the common stock was issued, at $100 per share, for a total of $200,000. On July 15, 1954, the company had a paid-in surplus of $6,000, consisting of the premium received on the preferred stock; earnings and profits of $30,000 accumulated prior to March 1, 1913; and earnings and profits accumulated since February 28, 1913, of $75,000. On July 15, 1954, the option with respect to the preferred stock was exercised and the entire amount of such stock was redeemed at $141 per share or a total of $141,000 in a transaction upon which gain or loss to the distributees resulting from the exchange was determined and recognized under section 302(a). The amount of the distribution allocable to capital account was $116,000 ($100,000 attributable to par value, $6,000 attributable to paid-in surplus, and $10,000 attributable to earnings and profits accumulated prior to March 1, 1913). The remainder, $25,000 ($141,000, the amount of the distribution, less $116,000, the amount allocable to capital account) is properly chargeable to the earnings and profits accumulated since February 28, 1913, and is deductible as dividends paid.

Example (2). The M Corporation, a calendar year taxpayer, is completely liquidated on November 1, 1955, pursuant to a plan of liquidation adopted April 1, 1955. On January 1, 1955, the M Corporation has a deficit in earnings and profits of $100,000. During the period January 1, 1955, to the date of liquidation, November 1, 1955, it has earnings and profits of $10,000. The M Corporation is entitled to a dividends paid deduction in the amount of $10,000 as a result of its distribution in complete liquidation on November 1, 1955.

Example (3). The N Corporation, a calendar year taxpayer, is completely liquidated on July 1, 1958, pursuant to a plan of liquidation adopted February 1, 1955. No distributions in liquidation were made pursuant to the plan of liquidation adopted February 1, 1955, until the distribution in complete liquidation on July 1, 1958. On January 1, 1958, N Corporation had a deficit in earnings and profits of $30,000. During the period January 1, 1958, to the date of liquidation, July 1, 1958, the N Corporation has earnings and profits of $5,000. The N Corporation is not entitled to any deduction for dividends paid as a result of the distribution in complete liquidation on July 1, 1958. If the earnings and profits for the period January 1, 1958, to July 1, 1958, had been $32,000, the N Corporation would have been entitled to a deduction for dividends paid in the amount of $2,000.

(2) *Special rule*—(i) *Distributions to corporate shareholders.* In the case of amounts distributed in complete liquidation of a personal holding company (as defined in section 542) within 24 months after the adoption of a plan of liquidation, section 562(b)(2) makes a further exception to the general rule that a deduction for dividends paid is permitted only with respect to dividends described in section 316. The exception referred to in the preceding sentence applies only to distributions made in any taxable year of the distributing corporation beginning after December 31, 1963. Under the exception, the amount of any distribution within the 24-month period pursuant to the plan shall be treated as a dividend for purposes of computing the dividends paid deduction, but:

(*a*) Only to the extent that such amount is distributed to corporate distributees, and

(*b*) Only to the extent that such amount represents such corporate distributees' allocable share of undistributed personal holding company income for the taxable year of such distribution (computed without regard to section 316(b)(2)(B) and section 562(b)(2)).

Amounts distributed in liquidation in a transaction which is preceded, or followed, by a transfer to another corporation of all or part of the assets of the liquidating corporation, may not be eligible for the dividends paid deduction.

(ii) *Corporate distributees' allocable share.* For purposes of subdivision (i)(*b*) of this subparagraph—

(*a*) Except as provided in (*b*) of this subdivision, the corporate distributees' allocable share of undistributed personal holding company income for the taxable year of the distribution (computed without regard to sections 316(b)(2)(B) and 562(b)(2)) shall be determined by multiplying such undistributed personal holding company income by the ratio which the aggregate value of the stock held by all corporate shareholders immediately before the record date of the last liquidating distribution in such year bears to the total value of all stock outstanding on such date.

(*b*) If more than one liquidating distribution was made during the year, and if, after the record date of the first distribution but before the record date of the last distribution, there was a transfer of stock between a corporate shareholder and a noncorporate shareholder, then the corporate distributees' allocable share of undistributed personal holding company income for the taxable year of the distributions (computed without regard to sections 316(b)(2)(B) and 562(b)(2)) shall be determined as follows:

(*1*) First, allocate the corporation's undistributed personal holding company income for the taxable year among the distributions made during such year by reference to the ratio which the aggregate amount of each distribution bears to the total amount of all distributions during such year;

(*2*) Second, determine the corporate distributees' allocable share of the corporation's undistributed personal holding company income for each distribution by multiplying the amount determined under (*1*) of this subdivision (*b*) for each distribution by the ratio which the aggregate value of the stock held by all corporate shareholders immediately before the record date of such distribution bears to the total value of all stock outstanding on such date; and

(*3*) Last, determine the sum of the corporate distributees' allocable share of the corporation's undistributed personal holding company income for each distribution.

(iii) *Example.* The application of this subparagraph may be illustrated by the following example:

Example. O Corporation, a calendar year taxpayer is completely liquidated on December 31, 1964, pursuant to a plan of liquidation adopted July 1, 1964. No distributions in liquidation were made pursuant to the plan of liquidation adopted July 1, 1964, until the distribution in complete liquidation on December 31, 1964. O Corporation has undistributed personal holding company income of $300,000 for the year 1964 (computed without regard to section 316(b)(2)(B) and section 562(b)(2)). On December 31, 1964, immediately before the record date of the distribution in complete liquidation, P Corporation owns 100 shares of O Corporation's outstanding stock and individual A owns the remaining 200 shares. All shares are equal in value. The amount which represents P Corporation's allocable share of undistributed personal holding company income is $\$100{,}000\left(\frac{100 \text{ shares}}{300 \text{ shares}} \times \$300{,}000\right)$, and for purposes of computing the dividends paid deduction, such amount is treated as a dividend under section 562(b)(2) provided that the liquidating distribution to P Corporation equals or exceeds $100,000. P Corporation does not treat the $100,000 distributed to it as a dividend to which section 301 applies. For an example of the treatment of the distribution to individual A see example (5) of paragraph (d) of § 1.316–1.

(iv) *Distributions to noncorporate shareholders.* For the rules for determining the extent to which distributions in complete liquidation made to noncorporate shareholders by a personal holding company are dividends within the meaning of section 562(a), see section 316(b)(2)(B) and paragraph (b)(2) of § 1.316–1.

(c) *Special definition of dividend for nonliquidating distributions by personal holding companies.* Section 316(b)(2)(A) provides that in the case of a corporation which, under the law applicable to the taxable year in which or in respect of which a distribution is made, is a personal holding company, the term "dividend" (in addition to the general meaning set forth in section 316(a)) also means a nonliquidating distribution to its shareholders to the extent of the corporation's undistributed personal holding company income (determined under section 545 without regard to such distributions) for the taxable year in which or in respect of which the distribution is made. See paragraph (b)(1) of § 1.316–1.

PAR. 17. Section 1.6043–1 is amended by revising subparagraph (2) of paragraph (b) to read as follows:

§ 1.6043–1 Return regarding corporate dissolution or liquidation.

* * * * *

(b) *Contents of return.* * * *

(2) *Liquidation within one calendar month.* If the corporation is a domestic corporation, and the plan of liquidation provides for a distribution in complete cancellation or redemption of all the capital stock of the corporation, and for the transfer of all the property of the corporation under the liquidation entirely within some one calendar month pursuant to section 333, and any shareholder claims the benefit of such section, such return shall, in addition to the information required by subparagraph (1) of this paragraph, contain the following:

(i) A statement showing the number of shares of each class of stock outstanding at the time of the adoption of the plan of liquidation, together with a description of the voting power of each such class;

(ii) A list of all the shareholders owning stock at the time of the adoption of the plan of liquidation, together with the number of shares of each class of stock owned by each shareholder, the certificate numbers thereof, and the total number of votes to which entitled on the adoption of the plan of liquidation;

(iii) A list of all corporate shareholders as of January 1, 1954, together with the number of shares of each class of stock owned by each such shareholder, the certificate numbers thereof, the total number of votes to which entitled on the adoption of the plan of liquidation, and a statement of all changes in ownership of stock by corporate shareholders between January 1, 1954, and the date of the adoption of the plan of liquidation, both dates inclusive; and

(iv) If the liquidation is pursuant to section 333(g), a computation indicating that the corporation was not a personal holding company for at least one of its two most recent taxable years ending before February 26, 1964, but that it would have been a personal holding company under section 542 if the law applicable for the first taxable year beginning after December 31, 1963, had been applicable to such year.

* * * * *

PAR. 18. Section 1.6043–2 is amended by revising paragraph (b) to read as follows:

§ 1.6043–2 Return of information respecting distributions in liquidation.

(b) If the distribution is in complete liquidation of a domestic corporation pursuant to a plan of liquidation in accordance with which all the capital stock of the corporation is cancelled or redeemed, and the transfer of all property under the liquidation occurs within some one calendar month pursuant to section 333, and any shareholder claims the benefit of such section, the return on Form 1096 shall show:

(1) The amount of earnings and profits of the corporation accumulated after February 28, 1913, determined as of the close of such calendar month, without diminution by reason of distributions made during such calendar month, but including in such computation all items of income and expense accrued up to the date on which the transfer of all the property under the liquidation is completed;

(2) The ratable share of such earnings and profits of each share of stock canceled or redeemed in the liquidation;

(3) The date and circumstances of the acquistion by the corporation of any stock or securities distributed to shareholders in the liquidation;

(4) If the liquidation is pursuant to section 333(g), a schedule showing the amount of earnings and profits to which the corporation has succeeded after December 31, 1963, pursuant to any corporate reorganization or pursuant to a liquidation to which section 332 applies, except earnings and profits which on December 31, 1963, constituted earnings and profits of a corpoartion referred to in section 333(g)(3), and except earnings and profits which were earned after such date by a corporation referred to in section 333(g)(3); and

(5) If the liquidation occurs after December 31, 1966, and is pursuant to section 333(g)(2), the amount of earnings and profits of the corporation accumulated after February 28, 1913, and before January 1, 1967, and the ratable share of such earnings and profits of each share of stock canceled or redeemed in the liquidation.

[F.R. Doc. 65–9836; Filed, Sept. 15, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Restoration of Limit of Liability Endorsement

The Nuclear Energy Liability Insurance Association and the Mutual Atomic Energy Liability Underwriters have proposed an amendment to an endorsement to the form of the nuclear energy liability insurance policy set forth in appendix A, 10 CFR Part 140 (25 F.R. 2948, 26 F.R. 6641, 28 F.R. 7077, 29 F.R. 7710, 9529). Appendix A is the form of the nuclear energy liability insurance policy issued by the two associations and approved by the Commission as financial protection under this part. The endorsement proposed to be amended is the "Restoration of Limit of Liability Endorsement" which is used by the insurers in reinstating the limit of liability coverage following payments by the insurers of an incurred loss.

The endorsement previously approved provides that restoration of limit is prospective only, i.e., it applies to obligations assumed or expenses incurred because of bodily injury or property damage caused after the effective date of the endorsement by the nuclear energy hazard. The reduced limit (original policy limit less payments made by the insurers under the policy) applies to all bodily injury or property damage caused prior to such date, whether or not claims for such injury or damage have been reported. The proposed alternative paragraph set forth in the following amendment would be used when the reduction in the limit of liability results from a clearly identifiable nuclear event and restoration of the limit would be made retroactive to the effective date of the policy for claims other than those resulting from the identified event.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that the Commission is considering adoption of the following amendment to 10 CFR Part 140. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Section 140.75, appendix "A", is amended by adding an explanatory note and alternative paragraph 2 to follow existing paragraph 2 of the Nuclear Energy Liability Policy (Facility Form), Restoration of Limit of Liability Endorsement, to read as follows:

NOTE: When the reduction of the limit of liability results from a clearly identifiable nuclear event of restoration is offered retroactive to the effective date of the policy for claims other than those resulting from said event, above paragraph 2 will be replaced by the following:

2. Such reduced limit is restored to the amount stated in Item 4 of the declarations, except with respect to bodily injury or property damage resulting from (describe nuclear event).

(Section 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Germantown, Md., this 3d day of September 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65–9791; Filed, Sept. 15, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-109]

TRANSITION AREA, CONTROL ZONES, AND CONTROL AREA EXTENSION

Proposed Designation, Alteration, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Marquette, Mich., terminal area.

The following controlled airspace is presently designated in the Marquette, Mich., terminal area:

1. The Marquette, Mich., control area extension is designated as that airspace within a 40-mile radius of K. I. Sawyer AFB, Marquette, Mich. (latitude 46°20'-54'' N., longitude 87°24'05'' W.), excluding the airspace within the 40-mile radius bounded on the W by longitude 87°20'30'' W., and on the N by latitude 46°03'00'' N. The portion of this control area extension within R-4208 shall be used only after obtaining prior approval from appropriate authority.

2. The Marquette, Mich. (Marquette County Airport), control zone is designated as that airspace within a 5-mile radius of the Marquette County Airport (latitude 46°32'03'' N., longitude 87°-33'35'' W.); within 2 miles either side of the Marquette VOR 083° radial, extending from the 5-mile radius zone to 9 miles E of the VOR; and within 2 miles either side of the Marquette VOR 249° radial, extending from the 5-mile radius zone to 12 miles SW of the VOR. The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority.

2. The Marquette, Mich. (K. I. Sawyer AFB) control zone is designated as that airspace within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15'' N., longitude 87°23'40'' W.); within 2 miles either side of the K. I. Sawyer VOR 009° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles either side of the K. I. Sawyer VOR 189° radial extending from the 5-mile radius zone to 15 miles S of the VOR. The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Marquette, Mich., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/61-29, proposes the following airspace actions:

1. Redesignate the Marquette, Mich. (Marquette County Airport) control zone as that airspace within a 5-mile radius of Marquette County Airport (latitude 46°32'03'' N., longitude 87°33'35'' W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

2. Redesignate the Marquette, Mich. (K. I. Sawyer AFB) control zone as that airspace within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15'' N., longitude 87°23'40'' W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer S course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the K. I. Sawyer TACAN 015° radial extending from the 5-mile radius zone to 8 miles N of the TACAN.

3. Designate the Marquette, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Marquette County Airport (latitude 46°32'03'' N., longitude 87°33'35'' W.); within 8 miles S and 5 miles N of the Marquette VOR 250° radial extending from the VOR to 12 miles W of the VOR; within an 8-mile radius of K. I. Sawyer AFB (latitude 46°21'15'' N., longitude 87°23'40'' W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer course extending from the 8-mile radius area to 12 miles S of the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial, extending from the 8-mile radius area to 12 miles S of the TACAN; and within 2 miles E and 5 miles W of the K. I. Sawyer AFB TACAN 015° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of K. I. Sawyer AFB, excluding the portion which overlies the Escanaba, Mich., transition area.

4. Revoke the Marquette, Mich., control area extension.

The proposed control zones would provide controlled airspace protection for aircraft executing prescribed instrument approach procedures at Marquette County Airport and K. I. Sawyer AFB during descent below 1,000 feet above the surface and for departing aircraft at the two locations during climb to 700 feet above the surface.

The proposed 700-foot floor transition area would provide controlled airspace for arriving aircraft at Marquette County Airport and K. I. Sawyer AFB during descent from 1,500 to 1,000 feet above the surface and for departing aircraft at the two locations during climb to 1,200 feet above the surface.

The 1,200-foot floor transition area would provide controlled airspace for the portions of the prescribed instrument approach procedures for Marquette County Airport and K. I. Sawyer AFB which are conducted at and above 1,500 feet above the surface. It would also provide controlled airspace for the various holding patterns for the two locations. In addition, it would provide for the required flexibility in radar vectoring of aircraft arriving and departing the area.

The transition area proposed herein would replace the present control area extension.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition areas.

Certain minor revisions to the prescribed instrument approach procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on August 31, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-9800; Filed, Sept. 15, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-60]

CONTROL ZONE

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a control zone at Albert-Whitted Airport, St. Petersburg, Fla.

A control tower is scheduled to be commissioned on January 20, 1966, to provide traffic control service for aircraft operating at Albert-Whitted Airport. Since the airspace below 700 feet above the surface is presently uncontrolled, the establishment of a control zone at Albert-Whitted Airport is required for the safety of aircraft operating under the jurisdiction of the control tower. It is FAA policy to include airports served by an FAA control tower within control zones.

The proposed control zone would be designated within a 3-mile radius of the Albert-Whitted Airport (latitude 27°45'-51" N., longitude 82°37'46" W.), effective from 0600 to 2200 hours, local time, daily.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. 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 official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on September 8, 1965.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 65-9839; Filed, Sept. 15, 1965; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-65]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Vero Beach, Fla.

The Vero Beach, Fla., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vero Beach, Fla., Municipal Airport (latitude 27°39'15" N., longitude 80°-24'55" W.) and within 2 miles each side of the Vero Beach VORTAC 291° radial extending from the 6-mile radius area to 8 miles W of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Vero Beach VORTAC, including the area SW of Vero Beach bounded on the E by V-51, on the SW by V-492N, on the NW by V-225, and including the airspace W of Vero Beach bounded on the SE by V-225, on the W by V-267, on the NE by V-295; excluding the airspace within a 25-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'15" N., longitude 80°36'35" W.) and the airspace outside of the continental limits of the United States.

The proposed Vero Beach, Fla., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vero Beach, Fla., Municipal Airport latitude 27°39'15" N., longitude 80°-24'55" W.) and within 2 miles each side of the Vero Beach VORTAC 291° radial extending from the 6-mile radius area to 8 miles W of the VORTAC; within a 5-mile radius of the St. Lucie County Airport, Fort Pierce, Fla. (latitude 27°29'-38" N., longitude 80°22'02" W.); within 2 miles each side of the Vero Beach VORTAC 151° radial extending from the 5-mile radius area to the Vero Beach VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Vero Beach VORTAC, including the area SW of Vero Beach bounded on the E by V-51, on the SW by V-492N, on the NW by V-225, and including the airspace W of Vero Beach bounded on the SE by V-225, on the W by V-267, on the NE by V-295; excluding the airspace within a 25-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'15" N., longitude 80°36'35" W.) and the airspace outside of the continental limits of the United States.

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

The proposed transition area alteration is needed for the protection of IFR operations at the St. Lucie County Airport, Fort Pierce, Fla. A prescribed instrument approach procedure is proposed to become effective concurrently with the alteration of this transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. 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 official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on September 8, 1965.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 65-9840; Filed, Sept. 15, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16184; FCC 65-780]

FM BROADCAST STATIONS

Proposed Table of Assignments

Memorandum opinion and order and notice of proposed rule makings. In the matter of amendment of § 73.-202, *Table of assignments, FM broadcast stations* (Lebanon, Ind., Winchester, Ind., Sheldon, Iowa, Stanford, Ky., Bedford, Pa., River Falls, Wis., Paris, Tenn., St. Peter and Montevideo, Minn., Conroe, Lufkin, Bay City and Rosenberg, Tex., Hammond and Baton Rouge, La., Fort Myers, Fla., Plantation Key and Key West, Fla.); Docket No. 16184, RM-809, RM-793, RM-792, RM-782, RM-784, RM-781, RM-813, RM-778, RM-779, RM-797, RM-799, RM-804, RM-812.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.-202 of the Commission's rules. All proposed new assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for and all population figures are from the 1960 U.S. census.

2. *RM-809, Lebanon, Ind.* (Charles R. Banks); *RM-793, Winchester, Ind.* (Edward William Roehling); *RM-792, Sheldon, Iowa* (Sheldon Broadcasting Co.); *RM-782, Stanford, Ky.* (Lanier Burchett, Station WRSL); *RM-784, Bedford, Pa.* (Carl W. Amick); *RM-781, River Falls, Wis.* (Smith Broadcasting Co.); *RM-813, Paris, Tenn.* (Paris Broadcasting Co.). In these seven cases, interested parties have sought the addition of a Class A channel to a community presently having no FM assignment, without requiring any other changes in the table. All of the communities are of substantial size and appear to

warrant the proposed assignments. In the case of Lebanon, Ind., a site will have to be selected about 4 miles out of the city to meet the required minimum spacings. Comments are therefore invited on the additions to the table listed below:

City	Channel No.
Lebanon, Ind	265A
Winchester, Ind	[1] 252A
Sheldon, Iowa	288A
Stanford, Ky	240A
Bedford, Pa	265A
River Falls, Wis	292A
Paris, Tenn	288A

[1] In Docket No. 15543, FCC 64-615, it was proposed to shift Channel 252A from Kenton, Ohio, to Bellefontaine, Ohio. In the event this proposal is adopted, it would be necessary to locate a site for Channel 252A at Winchester somewhat closer to the city than suggested by the petitioner in order to meet the required spacing to the proposed Bellefontaine assignment on the same channel.

3. *RM-778, St. Peter, Minn.* On May 7, 1965, Seehafer and Johnson Broadcasting Corp., licensee of radio Station KRBI(AM), St. Peter, Minn., filed a petition requesting the assignment of Channel 288A to St. Peter by the substitution of Channel 288A for 287 at Montevideo, Minn. St. Peter is a community of 8,484 persons and is the county seat and largest community in Nicollet County, which has a population of 23,196. There is no FM assignment in the county and the sole AM station is KRBI, a daytime-only operation. The proposal would substitute a Class A assignment for the Class C assignment in Montevideo. This community has a population of 5,693 and is the county seat and largest community in Chippewa County. The county population is 16,320. Montevideo has an unlimited-time AM station in operation.

4. The Commission is of the view that rule making should be instituted on petitioner's request in order that all interested parties may file their comments and relevant data. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
St. Peter, Minn		288A
Montevideo, Minn	287	288A

5. *RM-779 and RM-812, Conroe and Rosenberg, Tex.* On May 11, 1965 Montgomery Broadcasting Co., licensee of radio Station KMCO (AM), Conroe, Tex., filed a petition which seeks the assignments of a first Class A FM Channel (285A) to Conroe by the deletion of two Class C assignments elsewhere as follows:

City	Channel No.	
	Present	Proposed
Conroe, Tex		285A
Lufkin, Tex	277, 286	277
Bay City, Tex	284	

Conroe is a community with a population of 9,192 persons. It is the county seat and largest community of Montgomery County, which has a population of 26,839. The sole AM radio station in Conroe is a daytime-only one licensed to petitioner. KNRO-FM also operates in Conroe on Channel 295, assigned to Cleveland, Tex., but available to Conroe under the "25-mile rule." Petitioner urges that the proposal conforms to all the rules, would not adversely affect any station or applicant, and that it is anxious to expand its operations to include an FM station. Lufkin, a city of 17,641 persons, has two AM stations, one unlimited and the other a Class IV. No applications have been filed for the two assigned FM channels. Nearby Dibol (about 10 miles) has a Class C FM station in operation. Bay City has a population of 11,656 and one unlimited-time AM station. No application has been filed for the sole FM channel assigned to it. On June 24, 1965, Fort Bend Electronics Co., prospective applicant for a new FM station in Rosenberg, filed a conflicting petition requesting the assignment of Channel 285A to Rosenberg by the substitution of Channel 221A at Bay City. Since Conroe and Rosenberg are less than the required 65-mile spacing the two proposals are mutually exclusive. Rosenberg is a community of 9,698 persons and has a daytime-only AM station. It is the largest community in Fort Bend County, which has a population of 40,527.

6. Conroe already has a Class C FM station in operation. The subject proposal would require that we delete two Class C assignments in order to make possible the addition of a Class A assignment to Conroe and would preclude the assignment of a first Class A assignment to Rosenberg, a community somewhat larger than Conroe. We are therefore of the view that the Conroe request should be denied and that comments should be invited on the Rosenberg request. It appears, however, that Channel 245 may be substituted for Channel 284 in Bay City. Since Bay City is fairly large and is relatively far removed from a large city or metropolitan area, we deem it important to insure that this community is not left without a wide area FM assignment. In view of the foregoing and in order that all interested parties may submit their views and relevant data, comments are invited on the following proposal:

City	Channel No.	
	Present	Proposed
Rosenberg, Tex		285A
Bay City, Tex	284	245

7. *RM-797, Hammond, La.* On May 28, 1965, Tangi Broadcasting Co., Inc., permittee of FM Station WTGI, on Channel 296A at Hammond, La., filed a petition for rule making requesting the deletion of Channel 277 from Baton Rouge, La., and its assignment to Hammond, La. Hammond, the largest city in Tangipahoa County, has a population of 10,563. Tangipahoa County has a population of 59,434. Hammond has a Class IV AM station in addition to the Class A station operated by petitioner. Baton Rouge has a population of 152,419 and has been assigned 5 Class C FM channels. It also has seven AM stations, four of which are unlimited time operations. Only one of the five assignments are in operation and no applications are on file for the remaining assignments.[2] Petitioner urges that it is interested in increasing its coverage substantially and that this can only be done by the use of a Class C channel. It states that a channel study reveals that only Channel 277 can be assigned to Hammond in conformance with the rules but that this assignment must be removed from Baton Rouge and that it will file an application for this channel in the event the proposal is adopted by the Commission.

8. Normally, we have attempted to assign Class A channels to the smaller communities and Class B or C channels to the large cities and metropolitan areas, although exceptions have been made where the small community was far removed from large cities and the area around it was largely rural in nature. Hammond is a fairly large community (10,563) and is over 40 miles from the large cities Baton Rouge and New Orleans. We believe therefore, that Hammond may be the type of community which would warrant the assignment of a Class C channel and are inviting comments on the petitioner's proposal as follows:

City	Channel No.	
	Present	Proposed
Baton Rouge, La	251, 264, 268, 273, 277	251, 264, 268, 273
Hammond, La	296A	277, 296A

In the event we adopt the proposal we will determine whether the mixture of a Class A and C assignment is necessary in this case based on the comments filed in this regard.

9. *RM-799, Fort Myers, Fla.* On June 3, 1965, the Riverside Baptist Church of Fort Myers, Inc., prospective applicant for a new FM station in Fort Myers filed a request for the addition of either Channel 237A or 240A to Fort Myers, Fla. At the present time Fort Myers (population 22,523) has two Class C assignments, Channels 245 and 279, both of which are in operation. It also has three AM stations, two of which are unlimited time. The county, of which it is the largest community and county seat, has a population of 54,539. Petitioner states that it wishes to bring a new and different service to the community and that since it is not planning a station which will be dependent upon broad listener appeal or on advertising support, a Class A assignment will be sufficient. It urges that a number of cities of comparable size have three FM assignments and that the assignment of either proposed channel will conform to the rules and would not preclude its assignment to any community of substantial size (2,500 or greater population). Finally,

[2] On Sept. 2, 1965, an application was tendered for Channel 277 and this will have to be amended in the event the instant proposal is adopted.

it is argued that the addition of a Class A assignment would not create competitive inequality in view of the proposed non-commercial use.

10. We are of the view that comments should be invited on petitioner's proposal. While we have been reluctant to mix Class A and C assignments in the same community, such a mixture may be justified under the circumstances presented herein. We therefore invite comments on the following:

City	Channel No.	
	Present	Proposed
Fort Myers, Fla.	245, 270	237A, 245, 270

11. *RM–804, Plantation Key, Fla.* On June 9, 1965, the Sounds of Service Radio, Inc., prospective applicant for a new FM station at Plantation Key, Fla., filed a petition requesting the reassignment of Channel 262 from Key West to Plantation Key, Fla. Plantation Key is a small community in the northern portion of the Florida Keys about 60 miles south of Miami. It has a summer population of about 500 persons and a winter population of about 1,000 persons. It has no AM station or FM assignment. Monroe County, in which it is located, has a population of 47,921. Petitioner states that it is seeking to cover a large area together with all the marine interests, both government and private, with a reliable interference-free and static-free service. It submits that AM coverage of the entire area would be difficult due to NARBA restrictions and the potential of interference from other countries in this band. The proposed station would supply weather and emergency information of interest to all the people in the land and water areas from a site which was selected because of its hurricane protection characteristics.

12. While we believe that the assignment of a wide-area channel may be merited in this case we do not believe that Key West, a city of 33,956 persons, and the county seat and largest community in its county, should be reduced to only one FM assignment. However, there are several Class C assignments which can be made to Key West without affecting any other station or assignment and in conformance with the rules. We are therefore inviting comments on the petitioner's proposal amended as follows:

City	Channel No.	
	Present	Proposed
Key West, Fla.	223, 262	223, 238
Plantation Key, Fla.		262

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

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before October 11, 1965, and reply comments on or before October 26, 1965. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

15. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

16. *It is ordered*, That the petition of Montgomery Broadcasting Co., RM–779, is denied.

Adopted: September 8, 1965.

Released: September 10, 1965.

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

[F.R. Doc. 65–9813; Filed, Sept. 15, 1965; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 16186; FCC 65–788]

FM BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.202, *Table of assignments, FM broadcast stations* (Oskaloosa, Ottumwa, Perry, Marshalltown, Knoxville, Carroll, Waterloo, Oelwein, and Charles City, Iowa); Docket No. 16186, RM–659, RM–803.

1. The Commission has before it for consideration a petition, filed on September 17, 1964, and a supplement thereto, filed on February 5, 1965, by Palmer Broadcasting Co., licensee of Station WHO–TV, Des Moines, Iowa, requesting several changes in the Commission's Table of FM Assignments relating to the State of Iowa. The stated purpose of the proposal is to eliminate second harmonic interference being caused to Station WHO–TV by Station KBOE–FM, Oskaloosa, Iowa, and to eliminate potential second harmonic interference from a number of unused FM assignments. Station KBOE–FM has stated that it will cooperate with petitioner. (Petition, Exhibit No. 2.)

2. Palmer states that Station WHO–TV operates on Channel 13 (210–216 Mc/s) and that those FM stations which operate on that portion of the FM band extending from Channel 286 through Channel 300 (with carrier frequencies from 105.1 Mc/s through 107.9 Mc/s respectively) are capable of causing objectionable second harmonic interference to the television signal of Station WHO–TV. Palmer asserts that WHO–TV has experienced serious second harmonic interference from KBOE–FM, operating on Channel 292A (106.3 Mc/s) with a transmitter site approximately 42.7 miles from WHO–TV, since the FM station first commenced operation on or about February 7, 1964.[1] The Palmer proposal would effect the operation of only the one existing station. The present FM Table of Assignments contains unused allocations for Perry, Iowa (Channel 292A), and for Marshalltown, Iowa (Channel 296A), both located within WHO–TV's Grade B contour, according to the petition, which create potential second harmonic interference problems from future operations in those cities. The changes which petitioner proposes in the channels assigned to Ottumwa and Knoxville are to permit the requested substitution of frequencies in Oskaloosa, Perry, and Marshalltown. The petition also contained other changes which related to several rule making petitions then pending before the Commission and which have now been finalized.[2] And, finally, the petition contained proposals relating to changes in channels at Fort Dodge, Cherokee, and Carroll, Iowa. In its Second Report and Order in Docket No. 15542,[3] the Commission noted the petition being considered here and said that under the circumstances in that proceeding, Palmer's suggested assignments to Fort Dodge, which could be made without loss of FM assignment potential, were adopted by the Commission. However, the Commission did not accept Palmer's suggested change in Cherokee, Iowa but disposed of the request by assigning a different channel to that city.[4]

[3] Commissioners Hyde and Wadsworth absent.

[1] As an exhibit to its petition Palmer submitted four letters (three from Oskaloosa and one from Ottumwa) written to the station in August 1964, complaining of interference to WHO–TV's picture. In December 1964, the station asked its viewers in the Oskaloosa area if they noticed increased difficulty with WHO–TV reception in the past year. Petitioner states, in its supplementary pleading, that it received 90 letters in response to the announcement; and 16 of the letters were attached to the pleading.

[2] In the Matter of FM Assignments, Dubuque, Muscatine, and Cedar Rapids, Iowa, 4 Pike & Fischer, R.R. 2d 1505 (1965); and In the Matter of FM Assignments, Iowa Falls and Cedar Rapids, Iowa, 4 Pike & Fischer, R.R. 2d 1501 (1965).

[3] In the Matter of FM Assignments, Fort Dodge, Carroll, and Charles City, Iowa, 4 Pike & Fischer, R.R. 2d 1649 (1965).

[4] Id. at p. 1654:

"16. Assignment of Channel 233 to Fort Dodge requires deletion of Channel 232A at Cherokee (unapplied for), and Palmer suggests 285A as a replacement. However, this would mean loss of the possibility of using Channel 286 at any place within a large area, including Fort Dodge, Carroll, and other places within 105 miles of Cherokee. Palmer would of course have us refrain from making any such assignment anyhow (within a large radius from Des Moines) because of the potential FM–TV interference problem mentioned. But, while we have the Palmer petition under consideration and action thereon will be taken shortly, we are not prepared at this time to relinquish the possible use of this channel in this general area. It appears that Channel 228A can be used at Cherokee as a replacement for 232A, and accordingly we are assigning that channel to that community."

In connection with Palmer's proposal for Carroll, Iowa, the Commission said this about Palmer's petition:

17. Since Channel 286 is not being assigned to Fort Dodge, its deletion at Carroll is not required, and for the time being we are retaining this assignment. However, in view of the uncertainty connected with it for reasons mentioned above, we believe it also appropriate to assign 224A to that community, as proposed, so that a firm assignment will be available for potential applicants. Interested parties should bear in mind the pendency of the Palmer petition and its request that Channel 286 at Carroll be deleted. Additionally, other uses of Channel 286 may be considered if demand arises, such as a second wide-coverage assignment for Fort Dodge.[5]

3. The changes in frequency proposed by Palmer can be accomplished in conformance with our rules and, except as noted above, without adverse effect on any other assignment. Only one existing station would be required to change channels. With respect to the other channels, they are not in use, are not involved in rule making, and have not been applied for. While second harmonic interference is basically a problem of transmitter and receiver design and ordinarily is not a factor in the assignment of FM channels, we have, in the past, made changes in assignments where a simple solution to the problem had been found to be acceptable to all parties concerned. The proposal is a simple solution of the problem and does not adversely affect the public interest.

4. On June 8, 1965 Black Hawk Broadcasting Co., licensee of Station KWWL (AM), at Waterloo, Iowa, filed a petition requesting a change in an assignment in Waterloo, Iowa, as follows:

City	Channel No.	
	Delete	Add
Waterloo, Iowa	266	300
Oelwein, Iowa	300	222
Charles City, Iowa	224A	265A

Black Hawk proposes the change in Waterloo in order to be able to use a common site for both its TV station (KWWL–TV) and its proposed FM station at a location near Walker, Iowa. It urges that with the proposed site and facilities it will be able to serve both Waterloo and Cedar Rapids as well as a large portion of eastern Iowa. This proposal does, however, conflict with that of Palmer in that Channel 222 cannot be assigned to Oelwein at the same time that Channel 221A is assigned to Marshalltown in view of the short separation between these two communities (70 miles as against a required 105 miles). Black Hawk further urges that the Palmer request should be considered in a rule making proceeding dealing generally with the problem of second harmonic interference but that in any event the substitution of Channel 221A at Marshalltown for 296A should not be adopted in view of the conflicting request in its petition which would provide additional service to the city of Waterloo and a large surrounding area. In view of the above-discussed conflict either Channel 222 at Oelwein or Channel 221A at Marshalltown will be adopted unless a solution to the conflict is proposed by any interested party.

5. In view of the foregoing, comments are invited on the following proposals:

City	Channel No.	
	Present	Proposed
Oskaloosa, Iowa	292A	285A
Ottumwa, Iowa	257A, 285A	224A, 249A
Perry, Iowa	292A	285A
Knoxville, Iowa	221A	257A
Carroll, Iowa	224A, 286	224A
and		
Marshalltown, Iowa	296A	221A
or		
Waterloo, Iowa	266, 270, 289	270, 289, 300
Oelwein, Iowa	300	222
Charles City	224A	265A

6. If it is determined by the Commission that the rule amendments proposed herein will serve the public interest, the Commission will take such further action as may be appropriate with respect to any outstanding authorization.

7. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before October 11, 1965, and reply comments on or before October 26, 1965. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: September 8, 1965.

Released: September 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION[6]

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

[F.R. Doc. 65-9814; Filed, Sept. 15, 1965; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 16183, RM-776; FCC 65-778]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments; Eureka, Calif.

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

2. The Commission has before it for consideration a petition filed April 28, 1965, by Redwood Empire Educational Television, Inc., requesting that the Commission reserve television Channel 13 for non-commercial educational use at Eureka, Calif. (where it is presently assigned for commercial use). Comments in support of petitioner's request have been filed by The National Association of Educational Broadcasters (NAEB). No opposing comments have been filed.

3. Eureka, a city of 28,137,[1] is the county seat of Humboldt County (population 104,892) and according to petitioner is the hub of activity for an area roughly comparable geographically to the State of Indiana. It is presently served by Station KIEM–TV and Station KVIQ–TV on commercial Channels 3 and 6 respectively. Channel 13, the only other channel assigned to Eureka (Table of Assignments—Fourth Report and Order—Docket 14229), is currently unused and available for an additional television service for the area. As pointed out by petitioner, the NAEB Table of Assignments proposed in Docket 14229 would reserve Channel 13 for educational use.

4. Petitioner, a corporation organized under the General Non-Profit Corporation Law of the State of California, states that there is no educational television station in the region, and that, conservatively estimated, some 45,000 present television families, as well as Humboldt State College, would be served by an educational television station. Petitioner states that Humboldt State College, a multi-purpose institution located eight miles north of Eureka at Arcata and one of sixteen colleges of the California State College system, has an unusually well-equipped television studio and is ready to cooperate with community television efforts. Petitioner also points out that the station could be joined with the California statewide educational television network which includes educational television stations in San Francisco, Sacramento, and Redding, and thus furnish local residents, schools, agencies, and educators with a wide variety of educational programs at a relatively modest cost.

5. Petitioner states that programming sources will be local talent, California educational television films, and foundation films. Petitioner outlines anticipated program services for in-school instruction, teacher-training, adult education and college level courses together with its plans for financing, sponsorship, and facilities.

6. The NAEB in its supporting comments observes that the requested reservation would be a further step in the progressive development of educational television in the northern California area.

7. The Commission is of the view that rule making should be instituted on petitioner's proposal in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the proposal to amend § 73.606 of the rules as follows:

City	Channel No.	
	Present	Proposed
Eureka, Calif.	3–, 6–, 13–	3–, 6–, *13–

[5] *Id.* at p. 1654. Channel 286, if used at Carroll, would have to locate a site about 20 miles out of the city in order to meet minimum spacing requirements.

[6] Commissioners Hyde, Bartley, and Wadsworth absent; Commissioner Cox dissenting.

[1] All population figures—1960 U.S. Census.

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

9. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before October 18, 1965, and reply comments on or before November 3, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: September 8, 1965.

Released: September 10, 1965.

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

[F.R. Doc. 65-9815; Filed, Sept. 15, 1965; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 15709, RM-522; FCC 65-783]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments; Oberlin, Kans., and McCook, Nebr.

1. The Commission has before it for consideration its notice of proposed rule making released November 19, 1964 (FCC 64-1078), in response to a petition filed by Wichita Television Corp., Inc. (Wichita TV), licensee of Station KOMC-TV, Channel 8, McCook, Nebr., requesting that this channel be deleted from McCook and reassigned to Oberlin, Kans. KOMC is operated as a satellite of KCKT-TV, Great Bend, which in turn is a satellite of KARD-TV in Wichita, both in Kansas. The KOMC transmitter is located nine miles west of Oberlin and twenty-five miles south of McCook and, therefore, no change in transmitter site or coverage area is contemplated.

2. Oberlin, in northwest Kansas, is located approximately 28 miles southeast of McCook, Nebr., and about 12 miles south of the Kansas-Nebraska State line. Following are the populations, according to the 1960 U.S. census, of the two communities and the counties in which they are located: Oberlin, 2,337, Decatur County, 5,778; McCook, 8,301, Red Willow County, 12,940. Petitioner states that, while McCook has a population in excess of Oberlin, the Grade B contour covers a population in Kansas of 24,081 and in Nebraska, of 26,978 persons, or approximately the same number in each state.

3. The channel assignments for these communities are as follows:

City	Channel No.
Oberlin, Kans.	------
McCook, Nebr.	8—[1]

[2] Commissioners Hyde and Wadsworth absent.

Oberlin receives a principal community signal from KOMC and is within the Grade B contour of KHPL-TV, Channel 6, Hayes Center, Nebr. KOMC covers McCook with a principal community signal and all of Red Willow County receives a Grade B or better signal from that station, as well as from KHPL-TV, Hayes Center.

4. Wichita TV filed reply comments only, relying on its petition to support the proposal. To indicate the interest of northwest Kansas in the designation of KOMC as an Oberlin station, numerous letters and resolutions from business and civic organizations in that area were filed with the petition. The principal reason given for the request was that KOMC, while formally designated a McCook, Nebr., station, is in reality a Kansas station, built by Kansas residents, licensed to and owned and operated by Kansans from its inception to the present time, and primarily oriented to the service needs of the Kansas area and population within its Grade B coverage area.

5. The Mayor and the President of the McCook Chamber of Commerce filed objections to the proposed reallocation, both prior to and subsequent to the issuance of the notice of proposed rule making, indicating that the residents of McCook and the surrounding area have a continuing interest in the designation of KOMC as a McCook station. They contend that while McCook residents do not share in the ownership of the station, money was collected when organizers were contemplating applying for the channel which was returned to the McCook people although they did not request its return and that the people in McCook cooperated with the builders of the station in the selection of the location and did not oppose construction across the State line in Kansas since there was no suggestion, either prior to or at the time of construction, that the allocation would be changed from McCook to Oberlin. They are concerned that the Omaha World-Herald will probably not continue to carry the programming of KOMC if the McCook identification is dropped. They contend approximately 52 percent of KOMC's revenue from local advertising comes from the McCook area. Letters were received from several operators of small businesses in McCook, stating they would not continue to advertise over the station if McCook is no longer mentioned in its designation.

6. McCook is interested in retaining the assignment there and in the continuing designation of KOMC as a McCook station. In its Reply Comments, Wichita TV requested that the Commission change the channel assignment and simultaneously authorize them to identify KOMC with McCook as well as with Oberlin, which would then be its principal community.

7. Although petitioner points out that "McCook, Nebr., is barely covered by the principal community signal of Channel 8, whereas, the city of Oberlin, Kans., is well within the principal community contour * * *", Channel 8 is nonetheless assigned to McCook and was so assigned at the time those who constructed the station secured the waiver to locate their transmitter 25 miles from their principal community. The Commission granted the waiver but the allocation was not changed at that time from McCook to Oberlin. The change at this time would not result in benefit by way of improved coverage or programming and the designation of the station, according to the present owner, would remain the same.

8. The Commission is not persuaded that any benefit to the public interest would result from reassignment of Channel 8 from McCook to Oberlin, and, in view of the foregoing: *It is ordered*, That the Petition for Rule Making filed by Wichita Television Corp., Inc., is denied.

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

Adopted: September 8, 1965.

Released: September 10, 1965.

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

[F.R. Doc. 65-9816; Filed, Sept. 15, 1965; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 16185, RM-795; FCC 65-782]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments; Colby, Kans.

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

2. The Commission has before it for consideration a petition filed on May 25, 1965, by Colby Development, Inc., requesting that the Commission initiate rule making proceedings looking toward the assignment of Channel 4 to Colby, Kans.

3. Colby Development, Inc., is a corporation, according to the petition, formed by a group of local businessmen to stimulate the development of Colby and the surrounding area. Colby, which has a population of 4,210 and is located in the northwestern corner of Kansas, is the largest community and the county seat of Thomas County (population 7,358).[1] Although Colby has no television channel assignment at the present time,[2] it is, as stated in the petition, within the Grade A contour of Station KLOE-TV, Goodland, Kans., and the Grade B contour of Station KOMC-TV, McCook, Nebr., 35 and 36 miles respectively from Colby. Station KLOE-TV, which is operated as a satellite of Sta-

[1] When the notice of proposed rule making issued, Channel 17 was also assigned to McCook. However, in our Fourth Report and Order in Docket 14229 (FCC 65-504), we did not provide a UHF channel for McCook.

[2] Commissioners Hyde and Wadsworth absent.

[1] All population figures—1960 U.S. Census.

[2] Channel 22 was assigned to Colby in the old Table of Assignments; however, this assignment was dropped in the new Table (Commission's Fourth Report and Order—Docket 14229, adopted June 4, 1965).

tion KAYS–TV, Hays, Kans., is affiliated with the Columbia Broadcasting System and Station KOMC–TV, which is operated as a satellite of Station KARD–TV, Wichita, Kans., is affiliated with the National Broadcasting Co.

4. Petitioner asserts that the allocation of a VHF channel for wide area coverage in the Colby area is essential to provide network programs of the American Broadcasting Co. and also to make possible the presentation of programs designed to meet local needs.

5. Although a station operating on Channel 4 would not meet the Commission's channel separation requirements if the transmitter were located in Colby itself, it appears there is a relatively large area just outside of the city where the transmitter could be located so as to be in conformity with the separation requirements and also provide the required principal city grade of service to Colby.

6. It is stated in the petition that it is the intention of Colby Development, Inc. to apply for a construction permit to utilize Channel 4 at Colby in accordance with the requirements specified in the attached engineering statement if the instant request results in the allocation of Channel 4 to Colby. The Commission is of the view that rule making should be instituted on the proposal in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the proposal to amend § 73.606 of the rules, insofar as community named is concerned, to read as follows:

City	Channel No.	
	Present	Proposed
Colby, Kans.		4

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

8. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested parties may file comments on or before October 18, 1965, and reply comments on or before November 3, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: September 8, 1965.

Released: September 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 65-9845; Filed, Sept. 15, 1965; 8:48 a.m.]

[1] Commissioners Hyde and Wadsworth absent.

[47 CFR Part 73]

[Docket No. 15691]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments; Hot Springs and Fort Smith, Ark.

Order extending time for filing oppositions and replies to petition for partial reconsideration. In the matter of amendment of § 73.606, *Table of assignments television broadcast stations* (Hot Springs, Ark.), Docket No. 15691, RM–506; and (Hot Springs, Fort Smith, Ark.), RM–448.

The Commission has before it a Petition for Partial Reconsideration of its Report and Order in this proceeding released July 30, 1965. The petition was filed August 30, 1965, by KWHN Broadcasting Co., and public notice of it was released September 3.

The petition urges the Commission to reconsider its action assigning Channel 9 to Arkadelphia, Ark., as a reserved channel and to assign it to both Arkadelphia and Fayetteville, Ark. as reserved channels, specifying transmitter sites which would meet the Commission's minimum separation requirements, and at the same time to reassign Channel 13, presently an educational assignment in Fayetteville, to Fort Smith as a second VHF commercial channel.

On September 3 counsel for American Television Co., Inc., addressed a letter to the Commission which argues that KWHN's petition is in reality a petition for rule making and should be considered as such. In the event that the petition be construed to be a petition for reconsideration counsel requests that time for filing oppositions be extended until October 4, 1965.

Inasmuch as the action requested in the petition would involve a modification of the assignment of Channel 9 to Arkadelphia to specify a transmitter location south of the city, and since the question of assigning a second VHF channel to Fort Smith was considered in the proceeding, we find that the petition is properly termed a petition for reconsideration. However, in view of the scope of the action requested in the petition we believe that it would be in the public interest to extend the time for filing oppositions and replies thereto.

Accordingly, it is ordered, This 13th day of September 1965, that time for filing responses to KWHN's Petition for Partial Reconsideration is extended to October 4, 1965, and that the time for filing replies is extended to October 15, 1965.

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

Adopted: September 13, 1965.

Released: September 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 65-9846; Filed, Sept. 15, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 16187, RM–713; FCC 65–789]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.606, rules and regulations, *Table of Assignments* (Las Vegas, Boulder City, Goldfield, Nev., and Cedar City, Utah); Docket No. 16187, RM–713.

1. The Commission has before it for consideration a petition filed on January 11, 1965, by Southern Nevada Radio and Television Co. (Southern Nevada) requesting rule making to substitute Channel 3 for Channel 2 at Las Vegas, Nev., which would require the following changes in the Table of Assignments:

City	Delete	Add
Las Vegas, Nev.	2–	3
Boulder City, Nev.	4+	5+
Goldfield, Nev.	5–	2–
Cedar City, Utah	5	4

2. Southern Nevada is licensee of KORK–TV, Las Vegas. The station operates on Channel 2 from a combined studio and transmitter site near Las Vegas with maximum peak visual power of 100 kw with a transmitting antenna on a 423-foot tower that provides an effective height of 272 feet above average terrain.

3. Petitioner is engaged in the development of a television microwave relay repeater site on Potosi Mountain, approximately 25 miles southwest of Las Vegas. Since this site is already under development, Southern Nevada believes it will be advantageous to locate its transmitter there. Potosi Mountain is 188.41 miles from the existing cochannel site of KNXT, Los Angeles, Calif., and operation there on Channel 2 would not meet the Commission's separation requirements. Petitioner therefore requests that Channel 3 be assigned to Las Vegas, Nev., and that its license be modified to specify operation on that channel. In support of its petition, Southern Nevada submitted engineering data indicating that its operation on Channel 3 with maximum power from Potosi Mountain would bring a first Grade A service to an area of 9,142 square miles and a first Grade B service to an area of 23,919 square miles.

5. The Commission is of the view that rule making should be held on the above proposal and interested parties are invited to submit their views and relevant data. If the Commission decides to adopt the amendments proposed, it will take further action as may be deemed appropriate with respect to Southern Nevada's outstanding authorization.

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 18, 1965, and reply comments on or before November 3, 1965. All submissions

by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: September 8, 1965.

Released: September 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION [1]

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

[F.R. Doc. 65-9847; Filed, Sept. 15, 1965; 8:49 a.m.]

[47 CFR Parts 81, 83]

[Docket No. 16181, RM-788; FCC 65-768]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

Frequencies Available for Public Ship-Shore Use

In the matter of amendment of Parts 81 and 83 of the Commission's rules to make the frequency pair 2566 kc/s (coast)—2390 kc/s (ship) available for public ship-shore use on a day only basis to provide service to vessels in the vicinity of Boston, Mass.; Docket No. 16181, RM-788.

1. Notice is hereby given of proposed rule making in the above entitled matter. The amendments proposed to be adopted are set forth below.

2. New England Telephone and Telegraph Co. (NETT), Boston, Mass., has filed a petition requesting that §§ 81.306 and 83.354 of the Commission's rules be amended to permit use of 2390 kc/s for ship stations and 2566 kc/s by its public coast station WOU, Boston, Mass.

3. The requested frequency pair is assigned to public Class II-B coast stations WJO at Charleston and WNJ at Jacksonville. The separation between Boston and these locations is sufficient to permit daytime only use at Boston without causing harmful interference to the use at the latter locations.

4. Petitioner states that the number of vessels registered for service with the New England Telephone and Telegraph Co. has increased over 9 percent each year for the past 10 years. There are 5840 vessels registered with NETT and an estimated 1,000 additional vessels registered with other Bell system companies which are equipped for communication through WOU. There are now two channels in operation at Boston which NETT states are inadequate to handle the seasonal peak traffic load, particularly in the summer months.

5. This proposal is issued under the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 18, 1965, and reply comments will be considered on or before October 29, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. All submissions by parties to this proceeding or by persons acting on behalf of the parties must be made in the form of written comments, reply comments or other appropriate pleadings.

7. In accordance with § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: September 8, 1965.

Released: September 9, 1965.

FEDERAL COMMUNICATIONS Commission,[1]

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

A. Part 81 is amended as follows: In § 81.306(b), the table is amended to add new frequency pair in the entry for Boston, Mass., to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

* * * * * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency		Associated coast station receiving carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in §83.354 (a) (1) of this chapter [2]
Boston, Mass.	2450	None	2366	None.
	2506	do	2406	Do.
	2566	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2390	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
* * *	* * *	* * *	* * *	* * *

B. Part 83 is amended as follows: In 83.354(a)(1), the table is amended to add a new frequency pair in the entry for Boston, Mass., to read as follows:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) * * *

(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency		Associated coast station carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	pecific conditions relating to use of these frequencies by coast stations for transmission as shown in § 81.306(b) of this chapter.[2]
Boston, Mass.	2366	None	2450	None.
	2390	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2566	Day only, on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.
	2406	None	2506	None.
* * *	* * *	* * *	* * *	* * *

[F.R. Doc. 65-9817; Filed, Sept. 15, 1965; 8:47 a.m.]

[47 CFR Part 91]

[Docket No. 16182, RM-787; FCC 65-770]

INDUSTRIAL RADIO SERVICES

Frequencies Available for Assignment to Operational Fixed Stations Outside Continental Limits of U.S. and Adjacent Waters

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

2. The Commission has under consideration a Petition for Rule Amendment (RM-787), filed on May 19, 1965 by Capital, Inc., Puerto Rico Aggregates Co., Inc., Puerto Rico Homes, Inc., and Rexach Construction Co., Inc. All of these companies are engaged in construction and related business activities in Puerto Rico.

3. The rule which Petitioners seek to have amended is § 91.8(e), of Part 91, of the Industrial Radio Services Rules. This rule, as presently written, specifies that, beyond the continental limits of the United States and its adjacent waters, certain Land Mobile Radio Service frequencies above 152 Mc/s may be assigned to Operational Fixed stations, on the condition that harmful interference be not caused to mobile service operations.

[1] Commissioners Hyde, Bartley, and Wadsworth absent.

[1] Commissioners Hyde and Wadsworth absent.

4. By virtue of a reallocation proceeding concluded in 1957, the Land Mobile Services frequency allocation between 100 and 200 Mc/s was amended to reflect the availability of frequencies in the band 150.8–152 Mc/s. Prior to that time, the Land Mobile Service frequency allocation between 100 and 200 Mc/s had commenced at 152 Mc/s. Petitioners request that § 91.8(e) be amended to include the availability of channels in the band of 1.2 megacycles between 150.8 and 152 Mc/s for use beyond the continental limits of the United States and waters adjacent thereto, by operational fixed stations, on a basis of non-interference to mobile service operations.

5. The secondary assignment of Land Mobile Service frequencies to fixed stations in locations beyond the continental limits of the United States has been a practice of long standing in the Commission's administrative scheme. This practice and the rule which documents it, acknowledges the Commission's recognition of the unique character of the conditions and circumstances under which radio communications must needs be conducted in certain areas. This practice has proven particularly beneficial and economical to licensees in areas such as Puerto Rico—with its difficult terrain and relative lack of wireline facilities. Moreover, because adequate safeguards against causing interference to other users have been written into the rule governing the secondary assignment of frequencies in the areas specified in the rule, no adverse impact on these other users has been experienced, nor is any foreseen. In view of these factors, the Commission is disposed to consider an amendment to § 91.8(e) of its rules. It is proposed that § 91.8(e) be amended to read as follows:

§ 91.8 **Policy governing the assignment of frequencies.**

* * * * *

(e) Outside the continental limits of the United States and waters adjacent thereto, frequencies above 150.8 Mc/s, listed elsewhere in this part as available for assignment to Base Stations or Mobile Stations in particular services are also available for assignment to Operational Fixed Stations in the same service on condition that no harmful interference be caused to mobile service operations.

* * * * *

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

7. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before October 18, 1965, and reply comments on or before November 1, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.415(b) of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: September 8, 1965.

Released: September 9, 1965.

FEDERAL COMMUNICATIONS[1] COMMISSION,

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

[F.R. Doc. 65-9818; Filed, Sept. 15, 1965; 8:47 a.m.]

[1] Commissioners Hyde and Wadsworth absent.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Phoenix 085928]

ARIZONA

Order Providing for Opening of Public Lands

SEPTEMBER 9, 1965.

1. Pursuant to the Act of May 13, 1946 (60 Stat. 179), the following lands are open to entry, subject to the terms and conditions cited below:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 8 S., R. 31 E.,
Sec. 35, E½SE¼.

The area described aggregates 80.00 acres.

2. The lands are located in Greenlee County. The soil is gravelly loam. The topography is relatively flat, and lies on top of a low ridge. Most of the vegetation has been removed, leaving a small amount of desert browse.

3. No application for these lands will be allowed under the homestead, desert land or any other non-mineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Inquiries concerning these lands shall be addressed to the Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz., 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 65-9807; Filed, Sept. 15, 1965; 8:46 a.m.]

[MONTANA 070895]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 10, 1965.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described land has been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONT.

T. 13N., R. 57 E.,
Sec. 30, Lot 3, NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.

The area described contains 330.84 acres.

2. The lands are located approximately 20 air miles southwest of Wibaux, Mont. The lands have a rolling to broken topography. Geologic erosion is slight to moderate. The vegetative cover consists of grasses and forbs. The soils vary from loam to clay in texture. The area supports antelope, deer and upland game bird populations.

3. Pursuant to authority delegated to me in section 2.5 of Bureau of Land Management Order No. 701, dated July 23, 1964, the lands described in paragraph 1 hereof are restored to the operation of the public land laws and shall become subject to application, petition and selection generally under the nonmineral public land laws, except applications under the Small Tract Act, subject to valid existing rights effective 10 a.m., October 15, 1965. Applications received at or prior to that date will be considered as simultaneously filed at that time.

4. The United States did not acquire minerals in the lands described above.

5. Inquiries should be addressed to the Land Office Manager, Bureau of Land Management, 316 North 26th Street, Billings, Mont., 59101.

KENNETH J. SIRE,
Acting Land Office Manager.

[F.R. Doc. 65-9808; Filed, Sept. 15, 1965; 8:46 a.m.]

ALASKA

Notice of Termination of Amendment of Proposed Withdrawal and Reservation of Lands

Notice of amendment of an application, Serial No. Fairbanks 031968, for withdrawal and reservation of lands was published as Federal Register Document No. 64-13162 on page 18238 of the issue for Wednesday, December 23, 1964. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands will be at 10 a.m. on the date of this publication, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

KOTZEBUE, ALASKA

TRACT A

Commencing at the point of beginning of the State of Alaska, Division of Aviation's Tract V, proceed S. 79°15'00" E. 2,007.89 feet along the south boundary line of said Tract V to the true point of beginning of this description; thence continuing along said boundary S. 79°15'00" E. 4,692.87 feet to the Southeast Corner of Tract V; thence N. 10°45'00" W. 2,500 feet to the Northeast Corner of said Tract V; thence along the north boundary line of Tract V, N. 79°15'00" W. 4,154.39 feet to a point; thence S. 10°45'00" W. 705.63 feet to a point; thence S. 5°32'08" W. 1,343.80 feet to a point; thence S. 66°18'01" W. 806.33 feet to the point of beginning.

An area containing 238.543 acres more or less.

R. DON CHRISTMAN,
Acting State Director.

[F.R. Doc. 65-9837; Filed, Sept. 15, 1965; 8:48 a.m.]

National Park Service

[Order 4, Amdt. 1]

NORTHEAST REGIONAL OFFICE, PENNSYLVANIA

Horticulturist; Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment or Services

SEC. 7. *Horticulturist (Management-Tree Crew).* The Horticulturist operating in the field and based at the Northeast Regional Office, may issue Purchase Orders not in excess of $250 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

Present sections 7, 8 and 9 are renumbered as sections 8, 9 and 10 respectively.

(National Park Service Order 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))

RONALD F. LEE,
Regional Director,
Northeast Regional Office.

AUGUST 23, 1965.

[F.R. Doc. 65-9806; Filed, Sept. 15, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

PARIS STOCKYARDS, INC., ET AL.

Proposed Posting of Stockyards

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

Paris Stockyards, Inc., Paris, Ky.
Raynor I. Crosman, Corinna, Maine.
Exeter Livestock Sales, Exeter, Maine.
Tulsa Livestock Auction, Stockyards, Inc., Tulsa, Okla.
Chamberlain Livestock Sales, Inc., Chamberlain, S. Dak.
Canyon Livestock Commission, Co., Canyon, Tex.

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

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Mar-

keting Service, U.S. Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 9th day of September 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-9822; Filed, Sept. 15, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approval of Applications

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:

DRUGS FOR HUMAN USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
				1965	
Amodiaquine hydrochloride, 0.2 gm.	Camoquin Hydrochloride (compressed tablet).	Antimalarial	Parke, Davis & Co., Joseph Campau Ave. at the River, Detroit, Mich., 48232.	Apr. 12 [2]	R_x
Chlorpropamide, 100 and 250 mg.	Diabinese (tablet).	Oral hypoglycemic.	Chas. Pfizer & Co., Inc., 235 East 42d St., New York, N.Y., 10017.	Apr. 20 [2]	R_x
Sparteine sulfate, 150 mg. per cc.	Tocosamine (injection).	Oxytocic	Trent Pharmaceuticals, 233 Broadway, New York, N.Y., 10007.	May 18 [2]	R_x
Triamcinolone acetonide, 0.1 percent.	Aristocort (topical ointment).	Corticosteroid	Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y., 10965.	May 19 [2]	R_x
Sustained-release aspirin and sodium salicylate.	Stendin (sustained-release tablet).	Analgesic	Abbott Laboratories, North Chicago, Ill., 60064.	May 24	OTC.
Sparteine sulfate, 150 mg. per cc.	Actospar (intramuscular injection).	Oxytocic	Sandoz Pharmaceuticals, Division of Sandoz, Inc., Hanover, N.J.	May 28	R_x
Dyclonine hydrochloride, 0.5 percent and 1 percent.	Dyclone Solution 0.5 percent and 1 percent.	Topical anesthetic.	Pitman-Moore, Division of Dow Chemical Co., Post Office Box 1656, Indianapolis, Ind., 46206.	June 1 [2]	R_x
Oxazepam, 10, 15, and 30 mg.	Serax (capsules)	Psychotherapeutic agent, tranquilizer.	Wyeth Laboratories, Post Office Box 8299, Philadelphia, Pa., 19101.	June 4	R_x
Indomethacin, 25 and 50 mg.	Indocin (capsules).	Anti-inflammatory.	Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa., 19486.	June 10	R_x
Chlorphenesin carbamate, 400 mg.	Maolate (tablet)	Musculoskeletal analgesic.	The Upjohn Co., Kalamazoo, Mich.	June 14	R_x
Doxapram hydrochloride, 20 mg. per cc.	Dopram (injection).	Respiratory stimulant.	A. H. Robins Co., Inc., 1407 Cummings Dr., Richmond, Va., 23220.	June 23	R_x
Triamcinolone acetonide, 0.1 percent.	Aristocort (topical cream).	Corticosteroid	Lederle Laboratories, Division of American Cyanamid Co., Pearl River, N.Y., 10965.	June 25 [2]	R_x

DRUGS FOR VETERINARY USE

Phenothiazine, 12.5 gm. per fluid oz.; 2,2'-methylenebis (3,4,6-trichlorophenol), 450 mg. per fluid oz.	Cooper Bisohene Cattle Drench (drench).	Anthelmintic (cattle).	William Cooper Nephews, Inc., 1909-25 Clifton Ave., Chicago, Ill.	May 24	OTC.
N-Butylchloride and toluene in five concentrations.	Nemanthic (capsules).	Anthelmintic (dogs and cats).	Diamond Laboratories, Des Moines, Iowa.	June 7	OTC.
Griseofulvin (ultrafine) veterinary, 2.5 gm. per bolus.	Fulvicin-U/F (bolus).	Antifungal antibiotic (horses).	Schering Corp., 60 Orange St., Bloomfield, N.J.	June 29	R_x

[1] The abbreviation "R_x" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.
[2] Supplemental application, labeling change.

Dated: September 8, 1965.

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

[F.R. Doc. 65-9784; Filed, Sept. 15, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-133]

PACIFIC GAS & ELECTRIC CO.

Notice of Proposed Issuance of Amendment to Provisional Operating License

Please take notice that pursuant to sections 189 of the Atomic Energy Act of 1954, as amended, and 50.59 of 10 CFR Part 50, the Atomic Energy Commission is considering the issuance of an amendment, set forth below, to Provisional Operating License No. DPR-7 ("the license") which authorizes the Pacific Gas & Electric Co. to operate its Humboldt Bay Powerplant Unit No. 3 ("the reactor") located in Humboldt County, Calif., at steady state power levels up to 240 thermal megawatts. The amendment would modify the technical specifications appended to the license to permit power operation of the reactor with type II zircaloy clad fuel assemblies, in accordance with the application dated April 9, 1965, and supplements thereto dated June 15, 1965 and July 26, 1965. Change No. 17 to the technical specifications, issued September 9, 1965, authorized the proposed modifications of the reactor and the loading and critical testing of the type II zircaloy clad fuel assemblies.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed amendment, see (1) the application and supplements thereto, (2) the report of the Advisory Committee on Reactor Safeguards dated August 10, 1965, and (3) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of September 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

PACIFIC GAS & ELECTRIC CO.

[Docket No. 50-133]

PROPOSED AMENDMENT TO PROVISIONAL OPERATING LICENSE

[License No. DPR-7; Amdt. No. 9]

The Atomic Energy Commission having found that:

a. The application dated April 9, 1965, as supplemented June 15, 1965 and July 26, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance (i) that the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

c. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. DPR-7, as amended, issued to Pacific Gas & Electric Co. for operation of its Humboldt Bay Powerplant Unit No. 3 ("the reactor"), located in Humboldt County, Calif., is hereby further amended, in accordance with the application, as follows:

"The technical specifications attached as Appendix A to Provisional Operating License No. DPR-7 are modified by deleting from Subsection V.B.1.b. the following provision:

'* * * Provided, that, when the core contains any Type II zircaloy clad fuel the reactor shall be depressurized and reactor power shall be limited to 0.1 Mwt.'"

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-9832; Filed, Sept. 15, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

PELICAN UTILITY CO. ET AL.

Notice of Expiration of Licenses

SEPTEMBER 10, 1965.

So that Congress may have an adequate opportunity to decide whether upon the expiration of the licenses for the following-designated projects, the United States will recapture the projects under section 14 of the Federal Power Act and that the licensees for the projects and others may have adequate notice and opportunity to file timely applications for new licenses, public notice is hereby given pursuant to § 2.6 of the Commission's rules (18 CFR 2.6) that the licenses issued for the following-designated and described projects will expire on the dates specified.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN 1966 AND 1971, INCLUSIVE, WHICH ARE SUBJECT TO RECAPTURE [1]

License expiration date	Licensee	Project No.	State	County or Town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
July 21, 1966	Pelican Utility Co.	1321	Alaska	On Chicagof Island	Unnamed creek	500	Diversion dam, flume, tunnel, penstock, powerhouse.	25
Sept. 30, 1966	E. L. Cord	1746	Nevada	Esmeralda	Leidy Creek	200	Diversion dam, conduits, penstock, powerhouse, transmission lines.	5
Apr. 30, 1967	Harvey F. Stelling	1970	Alaska	Valdez	Solomon Gulch	150	Storage dam, diversion dam, flume, penstock, powerhouse, transmission line.	20
Sept. 29, 1967	Mrs. O. B. Day	1946	do	do	Allison Creek	300	Diversion dam, penstock, powerhouse, transmission line.	20
May 17, 1968	Edible Herring Products, Inc.	1998	do	On Baranof Island	Big Port Walter Falls Creek.	300	Diversion dam, wood stave pipe, powerhouse.	20
Aug. 31, 1968	The Empire District Electric Co.	2221	Missouri	Taney	White River	16,000	Dam and integral powerhouse	10
Sept. 30, 1968	Calvert Corp.	[2] 1880	Alaska		Hanley Creek	280	Diversion dam, flume, penstock, powerhouse, transmission line.	25
Dec. 31, 1968	Pacific Gas & Electric Co.	619	California	Plumas	Bucks Creek	66,000	4 Reservoirs, pipeline, tunnels, penstock, powerhouse.	44¾
Do	Utah Power & Light Co.	1740	Wyoming	Lincoln	Pine Creek	350	Diversion dam, conduit, powerhouse, transmission line.	25
Do	Jardine Mining Co.	1878	Montana	Park	Bear Creek	880	Diversion dam, ditch, pipeline, powerhouse, transmission line.	25
Dec. 31, 1969	Margaret P. Dawson	1890	California	Mono	Milner Creek	250	Diversion dam, pipeline, powerhouse, transmission line.	25
Do	Intercoastal Packing Co.	2026	Alaska	On Kodiak Island	Crater and Ash Creeks.	150	2 Diversion dams, ditch, flumes, pipeline, powerhouse.	25
Do	The Montana Power Co.	2301	Montana	Stillwater	West Rosebud Creek.	10,000	Storage dam, tunnel, pipeline, penstock, powerhouse, transmission line.	7¼
Apr. 12, 1970	The Western Colorado Power Co.	733	Colorado	Ouray	Uncompahgre River.	432	Storage dam, conduit, penstock, powerhouse.	10
June 15, 1970	Southern California Edison Co.	372	California	Tulare	Tule River	2,000	2 diversion dams, conduits, regulating reservoir, penstock, powerhouse, transmission line.	28½
June 30, 1970	The Western Colorado Power Co.	400	Colorado	La Plata, San Juan, San Miguel, Ouray.	Animas and South Fork, San Miguel Rivers.	11,600	4 dams, 3 reservoirs, 3 conduits, 2 powerhouses, 5 transmission lines.	33
Do	Utah Power & Light Co.	472	Idaho	Franklin	Bear River	30,000	Storage dam, steel pipe, penstocks, powerhouse, transmission line.	43½
Do	do	486	Utah	Cache	Logan River	2,000	Diversion dam, wooden flume, 2 penstocks, powerhouse, transmission line.	43½
Do	Idaho Power Co.	503	Idaho	Ada and Owyhee	Snake River	10,300	Storage dam and powerhouse	42½
Do	Utah Power & Light Co.	597	Utah	Salt Lake	Big Cottonwood Creek.	1,000	Diversion dam, channel, steel pipe, powerhouse, transmission line.	43½
Do	do	665	do	Utah	Santaquin or Summit Creek.	880	Diversion dam, conduit, steel pipe, powerhouse, transmission line.	43½
Do	do	[3] 671	do	do	Alpine Creek	1,800	3 diversion dams, conduits, penstock, powerhouse, transmission line.	43½
Do	do	696	do	do	American Fork Creek.	850	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	703	Idaho	Bear Lake	Paris Creek	650	Diversion dam, canal, forebay, penstock, powerhouse, transmission line.	43½
Do	do	713	Utah	Salt Lake	Mill Creek	300	Diversion dam, conduit, penstock, powerhouse, transmission line.	43½
Do	do	1744	do	David, Morgan, Weber.	Weber River	2,500	Dam, conduit, powerhouse, 2 transmission lines.	32½
Do	Wisconsin Michigan Power Co.	1759	Wisconsin	Iron	Michigamme and Menominee Rivers.	22,500	3 dams, 3 reservoirs, tunnel, conduits, 3 powerhouses, 2 transmission lines.	32¼
Do	New England Power Co.	1855	Vermont, New Hampshire.	Windham, Windsor, Vt.; Cheshire, Sullivan, N.H.	Connecticut River.	40,800	Dam, canal, powerhouse, 4 transmission lines.	22¼
Do	Pennsylvania Power & Light Co.	1881	Pennsylvania	York and Lancaster.	Susquehanna River.	109,800	Dam and integral powerhouse	22¼

See footnotes at end of table.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN 1966 AND 1971, INCLUSIVE, WHICH ARE SUBJECT TO RECAPTURE—Continued

License expiration date	Licensee	Project No.	State	County or Town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
June 30, 1970	Metropolitan Edison Co.	1888	Pennsylvania	Dauphin, Lancaster, York.	Susquehanna River.	19,600	2 dams, headrace, powerhouse	32½
Do	Western Massachusetts Electric Co.	1889	Vermont, Massachusetts, New Hampshire.	Windham, Vt.; Franklin, Mass.; Cheshire, N.H.	Connecticut River	55,800	2 dams, canals, 2 powerhouses, transmission line.	32½
Do	New England Power Co.	1892	Vermont, New Hampshire.	Orange, Windsor, Vt.; Cheshire, Grafton, Sullivan, N.H.	do	32,400	Dam, integral powerhouse, 4 transmission lines.	32½
Do	Public Service Co. of New Hampshire.	1893	New Hampshire	Hillsboro, Merrimack.	Merrimack River	16,000	Dam, powerhouse, transmission line	32½
Do	South Carolina Electric & Gas Co.	1894	South Carolina	Fairfield	Broad River	14,900	Dam and integral powerhouse	32½
Do	do	1895	do	Richland	do	10,600	Dam, canal, powerhouse	32½
Do	Pennsylvania Electric Co.	1899	Pennsylvania	Susquehanna	North Branch Susquehanna.	600	Dam and integral powerhouse	32½
Do	Concord Electric Co.	[3] 1903	New Hampshire	Merrimack	Merrimack River	2,000	Dam, canal, powerhouse, 3 transmission lines.	32½
Do	New England Power Co.	1904	Massachusetts, Vermont, New Hampshire.	Franklin, Worcester Mass.; Windham, Vt.; Cheshire, N.H.	Connecticut River.	24,400	Dam, integral powerhouse, 2 transmission lines.	32½
Do	Public Service Co. of New Hampshire.	1913	New Hampshire	Merrimack	Merrimack River	1,600	Dam and powerhouse	32½
Do	Wisconsin Public Service Corp.	1957	Wisconsin	Vilas	Wisconsin River	750	Dam and integral powerhouse	32½
Do	Whiting Plover Paper Co.	[3] 1957	do	Portage	do do	600	2 dams and part of factory building	32½
Do	Wisconsin Public Service Corp.	1968	do	Oneida	do	1,440	Dam and 2 integral powerhouses	32½
Do	do	1989	do	Lincoln	do	840	Dam, headrace, powerhouse	32½
Do	do	1999	do	Marathon	do	5,400	Dam, integral powerhouse, guard locks, 2 transmission lines.	32½
Do	International Paper Co.	2095	Pennsylvania	York	Susquehanna River.	2,500	Headrace, powerhouse, parts of 2 factory buildings.	32½
Do	Consolidated Water Power Co.	2110	Wisconsin	Portage	Wisconsin River	3,800	Dam, integral powerhouse, transmission line.	32½
Do	St. Regis Paper Co.	2161	do	Oneida	do	2,120	Dam, canal, powerhouse	32½
Do	Consolidated Water Power Co.	[3] 2192	do	Wood and Portage	do	3,300	Dam, integral powerhouse, integral grinder building.	32½
Mar. 2, 1971	Ford Motor Co.	13	New York	Albany, Saratoga, Rensselaer.	Hudson River	3,280	Powerhouse	50
Do	Southern California Edison Co.	67	California	Fresno	Tributaries of San Joaquin River.	138,500	2 storage reservoirs, diversion dams, conduits, 2 powerhouses, transmission lines.	50
Mar. 3, 1971	do	120	do	Fresno, Kern, Madera, Los Angeles, Tulare.	San Joaquin River.	110,000	Diversion dam, tunnel, penstock, powerhouse, transmission lines.	48¾
June 26, 1971	Alabama Power Co.	82	Alabama	Coosa and Chilton	Coosa River	72,500	Dam, reservoir, powerhouse	50
Sept. 16, 1971	Georgia Power Co.	1218	Georgia	Dougherty and Lee.	Flint River	5,400	2 dams, 2 reservoirs, powerhouse	38¾
Dec. 28, 1971	Pacific Gas and Electric Co.	78	California	Eldorado and Alpine.	South Fork American River.	5,477	Diversion dam, conduit, powerhouse, transmission line.	50
Dec. 31, 1971	Leonard Lundgren	1097	Oregon	Jefferson	Jack creek	90	Diversion dam, canal, penstock, powerhouse, transmission line.	20

[1] Section 14 of the Federal Power Act (16 U.S.C. 807) reserves the right to the United States to recapture the project works upon expiration of each license listed in this table at a price to be determined under that section.

[2] Application for surrender of license filed.

[3] This project produces both mechanical and electrical power. The mechanical power is represented in this figure by an equivalent number of kilowatts of electric power.

LICENSES FOR PROJECTS WHICH WILL EXPIRE BETWEEN 1966 AND 1971, INCLUSIVE, WHICH ARE NOT SUBJECT TO RECAPTURE [1]

License expiration date	Licensee	Project No.	State	County or Town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Dec. 31, 1966	Kadiak Fisheries Co.	1909	Alaska	On Kodiak Island	Unnamed creek	11	Wooden flume, penstock, pipeline, powerhouse, powerlines.	25
Mar. 6, 1967	E. W. Little	1823	California	Eldorado	Whaler Creek	62	Diversion dam, ditch, penstock, powerhouse.	25
June 2, 1967	Ernest E. Trego	1945	Colorado	Hinsdale	Big Squaw Creek	8	Diversion dam, conduit, powerhouse, powerline.	10
Sept. 9, 1967	Peter E. Miller	1963	Washington	Chelan	Purple Creek	3	Diversion dam, pipeline, powerhouse, transmission line.	10
Oct. 26, 1968	Kadiak Fisheries Co.	1432	Alaska	On Kodiak Island	Unnamed creek	75	2 reservoirs, pipeline, 2 ditches, powerhouse.	10
Jan. 10, 1969	E. C. Kennedy	1443	Oregon	Marion	Breitenbush River.	10	Timber dam, flume, powerhouse	10
Sept. 8, 1969	Harry S. Buckner	2008	Washington	Chelan	Boulder Creek	10	Intake works, ditch, pipeline, house, transmission line.	10
Feb. 28, 1970	Moose Creek Ranch, Inc.	2353	Idaho	Idaho	North Fork Moose Creek.	24	Diversion dam, wood flume, powerhouse, transmission line.	10
May 1, 1970	San Juan Fishing & Packing Co.	1299	Alaska	On Kodiak Island	1 mile, ½ mile, and unnamed creeks.	50	Diversion dam, flume, 3 pipelines, generating unit.	10
May 19, 1970	Larry Lucas	1549	Oregon	Curry	Smith Creek	3	Diversion dam, flume, ditch, penstock, powerhouse, transmission line.	10
June 30, 1971	Kennecott Copper Corp.	1949	Alaska	On Latouche Island	Grouse Creek	30	Dam, 2 reservoirs, pipeline, powerplant.	25

[1] Section 14 of the Federal Power Act (16 U.S.C. 807), reserving the right to the United States to recapture the project works upon expiration of the license, at a price to be determined under that section, has been waived in each license listed in this table pursuant to section 10(i) of the act (16 U.S.C. 803(i)).

Recommendations and supporting information from interested Federal agencies, the licensee's plans and the plans of others for future development of the project, and other data concerning the effects of recapture must be filed with the Commission within 1 year from the date of publication of this notice. Applications for new or annual licenses must be filed with the Federal Power Commission, Washington, D.C., 20426 at least 1 year before the license expires.

J. H. GUTRIDE,
Secretary.

[F.R. Doc. 65-9790; Filed, Sept. 15, 1965; 8:45 a.m.]

[Docket No. CP64-107]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

SEPTEMBER 9, 1965.

Take notice that on August 30, 1965, Texas Gas Transmission Corp. (Petitioner), 3800 Frederica Street, Owensboro, Ky., filed in Docket No. CP64-107 a petition, as supplemented on September 2, 1965, to amend the order of the Commission issued in said docket on May 26, 1964, which order authorized the construction and operation of certain facilities and the sale of volumes of gas to certain customers.

By the instant filing, Petitioner seeks to make additional deliveries of amounts in excess of the present authorizations, as indicated in the following tabulation:

Customer	Contract demand Mcf at 15.025 p.s.i.a.		
	Authorized for 1965-66 heating season	Requested increase	Total requested for 1965-66 heating season
Jackson Utility Division, City of Jackson, Tenn.	21,811	971	22,782
Town of Covington, Tenn.	4,225	225	4,450
Town of Halls, Tenn.	1,270	150	1,420
Bells Public Utility District	800	175	975
Town of Olive Branch, Miss.	800	85	885
Town of Henning, Tenn.	370	50	420
City of Martin, Tenn.	2,225	635	2,860
City of South Fulton, Tenn.	1,225	200	1,425
Southern Indiana Gas & Electric Co.	60,000	2,000	62,000
Hoosier Gas Corp.	21,300	2,000	23,300
Boonville Natural Gas Corp.	3,455	220	3,675
City of Scottsville, Ky.	2,500	150	2,650
City of Morganfield, Ky.	1,760	750	2,510
City of Sturgis, Ky.	1,020	45	1,065
Chandler Natural Gas Corp.	875	165	1,040
Western Kentucky Gas Co (Zone 4)	7,700	190	7,890
City of Carrollton, Ky.	3,075	225	3,300
The Cincinnati Gas & Electric Co.	1,600	480	2,080
Total increase		8,716	

No new facilities are proposed as a result of the increase in volumes of gas to be sold to these customers. Petitioner states that facilities constructed to serve the customers listed below as requesting decreases in their contract demand will partly be utilized for such increase in service.

The customers who have requested a decrease in their contract demand effective as of November 1, 1965, are listed below:

Customer	Contract demand Mcf at 15.025 p.s.i.a.	
	Authorized	Requested
Louisville Gas & Electric Co.	160,000	155,000
Arkansas Louisiana Gas Co.	38,590	37,692
Western Kentucky Gas Co. (Zone 3)	63,000	59,215
Indiana Gas and Water Co., Inc.	83,055	80,000
City of Elizabethtown, Ky.	6,270	5,925
Gibson County Utility District	8,250	7,900

The aggregate difference between the contract demands previously authorized to be effective November 1, 1965, for the six customers and the contract demands requested by them to be effective on such date is 13,433 Mcf. These customers have advised Petitioner that because of the installation of peak-shaving equipment, the improvement of underground storage facilities, and other changed circumstances, such previous contract demand estimates will not be required for the ensuing heating season.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 7, 1965.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-9804; Filed, Sept. 15, 1965; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

DENVER U.S. BANCORPORATION, INC.

Order for Hearing

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colo., pursuant to section 3 of the Bank Holding Company Act of 1956 (Docket No. BHC-73).

On July 22, 1965, there was published in the FEDERAL REGISTER (30 F.R. 9189) a notice of receipt by the Board of Governors of an application, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Denver U.S. Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of Applicant's acquisition of 50 percent or more of the voting shares of the Mercantile Bank & Trust Co., Boulder, Colo.

It appears to the Board that it is appropriate in the public interest that a hearing be held with respect to this application. Accordingly,

It is hereby ordered, That, pursuant to § 222.7(a) of the Board's Regulation Y (12 CFR Part 222.7(a)), promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to this application be held, commencing October 19, 1965, at 10 a.m. in Room 2330, Second Floor, Federal Office Building (Tower Section), 1961 Stout Street, Denver, Colo., before a duly designated hearing examiner, said hearing to be conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263).

It is further ordered, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

(1) The financial history and condition of the bank holding company and the banks concerned;

(2) Their prospects;

(3) The character of their management;

(4) The convenience, needs, and welfare of the communities and the area concerned; and

(5) Whether the effect of the proposed acquisition would be to expand the size or extent of the bank holding company system beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

It is further ordered, That any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, on or before October 4, 1965, a written request containing a statement of the nature of the petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which petitioner wishes to give testimony or submit evidence, and the names and identity of the witnesses who propose to appear. Requests will be presented to the designated hearing examiner for his determination, and persons submitting them will be notified of his decision.

Dated at Washington, D.C., this 9th day of September 1965.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 65-9792; Filed, Sept. 15, 1965; 8:45 a.m.]

BT NEW YORK CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by BT New York Corp., New York, N.Y., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition by BT New York Corp. of all of the voting shares of each of the following banks located in the State of New York: Bankers Trust Co., New York; First Trust Company of Albany, Albany; The

First State Bank of Spring Valley, Spring Valley (to be the successor by conversion of The First National Bank of Spring Valley, Spring Valley); and The Fallkill Bank and Trust Co., Poughkeepsie (to be the successor by conversion of The Fallkill National Bank and Trust Co. of Poughkeepsie, Poughkeepsie).

In determining whether to approve this application, the Board is required by said act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 9th day of September 1965.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 65-9793; Filed, Sept. 15, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4303]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

SEPTEMBER 10, 1965.

Notice is hereby given that Jersey Central Power & Light Co. ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, N.J., 07960, an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Jersey Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the act, $20 million principal amount of First Mortgage Bonds, —percent Series due November 1, 1995. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Jersey Central (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture, dated as of March 1, 1946, between Jersey Central and First National City Bank, successor Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Twelfth Supplemental Indenture to be dated as of November 1, 1965.

The application states that the proceeds (other than premium, if any, and accrued interest) from the sale of the new bonds will be utilized by Jersey Central to reimburse its treasury for construction expenditures made prior and subsequent to January 1, 1965. Out of treasury funds as thus reimbursed, Jersey Central will prepay $20 million principal amount of its then outstanding short term bank loans. At June 30, 1965, such bank loans were outstanding in the amount of $14,700,000, and are expected to exceed $20 million on the date of issuance of the proposed new bonds. Jersey Central's construction program for 1965 is estimated at $56 million. The premium, if any, from the sale of the new bonds will be used for payment of expenses of the proposed transaction and for general corporate purposes.

Fees and expenses incident to the proposed transaction are estimated at $86,000, including counsel fees of $13,000 and accounting fees of $4,000. The fees and disbursements of counsel for the underwriters, to be paid by the successful bidder, will be supplied by amendment.

The application states that the issue and sale of the new bonds are subject to the jurisdiction of the Board of Public Utility Commissioners of New Jersey; that, although Jersey Central has qualified to do business in Pennsylvania, it is the position of the Pennsylvania Public Utility Commission that the Pennsylvania Public Utility Law is not applicable to the proposed transmission; that no other State commission has jurisdiction over the proposed transaction; and that, upon authorization of the proposed transaction by this Commission, no other Federal commission has jurisdiction in respect thereof.

Notice is further given that any interested person may, not later than October 7, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted forthwith as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-9803; Filed, Sept. 15, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30; San Diego]

SAN DIEGO REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Pacific Coastal Area, 30 F.R. 3340 as revised, 30 F.R. 8080; as amended 30 F.R. 8978:

The following authority is hereby redelegated to the specific positions as indicated herein:

A. [Reserved.]

B. *Eligibility determinations* (Delegated to the positions as indicated below). To determine the 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. [Reserved.]

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 and area 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 to 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 principal 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 lease or sublease, quit-claim, 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. [Reserved.]

E. [Reserved.]

F. [Reserved.]

G. [Reserved.]

H. *Regional Counsel.* To disburse approved loans.

I. *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 rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

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. September 3, 1965.

JOHN W. QUIMBY,
Regional Director,
San Diego, Calif.

[F.R. Doc. 65-9794; Filed, Sept. 15, 1965; 8:45 a.m.]

[Delegation of Authority 30; Denver, Colo., Region]

DENVER REGION

Delegation of Authority To Conduct Program Activities

I. Pursuant to the Authority delegated to the Regional Director by Delegation of Authority No. 30—Rocky Mountain Area, 30 F.R. 2741, as amended 30 F.R. 8080, 8246, 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 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 and Area 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 to 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 principal 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 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. *Working Supervisor or Chief, Loan Processing.* 1. Item I.C.3.

2. To decline business and disaster loans of any amount.

3. Items I.C. 6. through 10.

4. Item I.A. (Size Determinations for Financial Assistance only).

5. Item I.B. (Eligibility Determinations for Financial Assistance only).

E. *Working Supervisor or Chief, Loan Administration.* 1. To approve the amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Item I.C.12.—Only the authority for servicing, administration and collection, including subitems a and b.

3. Item I.A. (Size Determinations for Financial Assistance only).

4. Item I.B. (Eligibility Determinations for Financial Assistance only).

F. *Working Supervisor or Chief, Loan Liquidation.* Item I.C.12.—Only the authorization for liquidation, including collateral purchased, and subitems a and b.

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 Officer.* 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 rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

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 3, 1965.

LACY L. WILKINSON,
Regional Director,
Denver, Colo.

[F.R. Doc. 65-9795; Filed, Sept. 15, 1965; 8:45 a.m.]

TARIFF COMMISSION

WILTON AND VELVET CARPETS AND RUGS

Report to President

SEPTEMBER 13, 1965.

The Tariff Commission, in a report to the President on recent developments in the trade in Wilton and velvet carpets and rugs, observed today that the basic trends evident in the past several years have continued, most notably the shift in consumer demand toward tufted carpets and away from woven carpets, including Wiltons and velvets. There has been a further reduction in and consolidation of Wilton and velvet production capacity in the United States and a concurrent expansion of the facilities for producing tufted carpets. Much of the increased tufting capacity is accounted for by concerns that produce Wiltons and velvets.

Annual imports of Wiltons and velvets into the United States have declined markedly since 1961. Several of the firms that have been the chief importers of Wiltons and velvets now derive most of their carpet sales volume from domestically produced tufted floor coverings.

The Commission's report was submitted to the President in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides that—

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Under the escape-clause procedure of the Trade Agreements Extension Act of 1951, the President increased the rate of duty applicable to imported Wiltons and velvets from 21 percent to 40 percent ad valorem, effective June 18, 1962. The report submitted today is the third annual report involving Wiltons and velvets since the President's action.

Copies of the Commission's report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 65-9823; Filed, Sept. 15, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 13, 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. 40013—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 266), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 40014—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 265), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 40015—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 267), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 40016—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 268), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 40017—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 269), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C A-230.

FSA No. 40018—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 270), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 40019—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Associa-

tion, Inc., agent (No. 271), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 40020—*Joint Motor-Rail Rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 272), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 3 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-9828; Filed, Sept. 15, 1965; 8:47 a.m.]

[Notice No. 46]

FINANCE APPLICATIONS

SEPTEMBER 13, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23803—By application filed September 7, 1965, Central Wisconsin Motor Transport Co., Post Office Box 200, Wisconsin Rapids, Wis., seeks authority under section 214 of the Interstate Commerce Act to issue notes in the aggregate amount of $5,500,000. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-9829; Filed, Sept. 15, 1965; 8:47 a.m.]

[Pfahler's Order 190; 2d Rev. S.O. 562]

RAILROADS SERVING LOUISIANA AND MISSISSIPPI

Diversion and Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, railroads serving the States of Louisiana and Mississippi are unable to transport traffic routed over their lines because of flood conditions.

It is ordered, That:

(a) Rerouting of traffic: Railroads serving the States of Louisiana and Mississippi being unable to transport traffic in accordance with shippers routing because of flood conditions are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., September 10, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 10, 1965.

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

[F.R. Doc. 65-9830; Filed, Sept. 15, 1965; 8:48 a.m.]

[Notice 47]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 13, 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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as 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 531 (Sub-No. 196 TA), filed September 10, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex., 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vinegar*, in bulk, in tank vehicles, from Oakland, Calif., to Chicago, Ill., for 180 days. Supporting shippers: Standard Brands, Inc., Fleischmann Manufacturing Division (Vernon R. Kennerson, Manager, Vinegar Sales), 921 98th Avenue, Oakland 3, Calif. Send protests to: John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 531 (Sub-No. 197 TA), filed September 10, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex., 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mexican Tequila*, in bulk, in tank vehicles, from the Port of Entry between the United States and Mexico, at or near

San Ysidro, Calif., to Hartford, Conn., for 150 days. Supporting shippers: Heublein, Inc. (Henry J. Rogers, Director of Traffic), 330 New Park Avenue, Hartford, Conn., 06101. Send protests to: John C. Redus, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex., 77061.

No. MC 66562 (Sub-No. 2118 TA), filed September 9, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: Elmer F. Slovacek, Railway Express Agency, Inc., Suite 2800, 188 Randolph Tower, Chicago, Ill., 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B Explosives*, moving in express service, from Kansas City, Mo., on U.S. Highway 73 to intersection of U.S. Highway 159; U.S. Highways 159 and 73 to Falls City, Nebr., U.S. Highway 73 to intersection of U.S. Highway 75; thence U.S. Highways 73 and 75 to Omaha, Nebr., a distance of 221.6 miles and return over the same route, serving intermediate points of Leavenworth, Fort Leavenworth, Atchison, and Hiawatha, Kans., Falls City, Auburn, and Nebraska City, Nebr., for 150 days. Supporting shippers: There are 16 supporting shippers' statements, which may be examined at the offices of Interstate Commerce Commission, Washington, D.C. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 111201 (Sub-No. 3 TA), filed September 9, 1965. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, 110 South Martin Street, Post Office Box 544, East Point, Ga. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures*, on flat bed trailers, from Forest Park and Hapeville, Ga., to points in Alabama, Tennessee, North Carolina, South Carolina, Florida, Mississippi, Kentucky, and Virginia, and *returned or rejected* shipments, on return, for 180 days. Supporting shippers: Knox Glass, Inc., Knox, Pa.; and Owens-Illinois, Toledo, Ohio, 43601. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 112148 (Sub-No. 37 TA), filed September 9, 1965. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to Cape Girardeau, Hazelwood, Mexico, Poplar Bluff, St. Louis, Salem, Scott City, Sikeston, and West Plains, Mo., for 150 days. Supporting shippers: The Welch Grape Juice Co., Westerfield, N.Y. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 113094 (Sub-No. 14 TA), filed September 10, 1965. Applicant: R. A. GOULD, INC., Post Office Box 822, Moab, Utah, 84532. Applicant's representative: Owen O. Victor, Post Office Box 1171, Salt Lake City, Utah, 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, petroleum products, in bulk, and commodities requiring the use of special equipment, between Salt Lake City, Utah, and Montrose, Colo., as a new interline point with interchange of through sealed trailers moving between Salt Lake City, Utah, and Denver, Colo., in a similar manner and in lieu of the service now being performed via, Rico, Colo., in connection with the following routes between Salt Lake City, Utah, and Rico, Colo., (a) U.S. Highway 50, U.S. Highway 160, Colorado Highway 147, Colorado Highway 145-via Dolores, Colo., (b) U.S. Highway 50, U.S. Highway 160, Utah Highway 46, Colorado Highway 90, Colorado Highway 145-via Placerville, Colo., (c) U.S. Highway 50, U.S. Highway 550, Colorado Highway 62, Colorado Highway 145-via Montrose, Colo., for 150 days. Supporting shippers: Applicant's statement only. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah, 84111.

No. MC 127557 TA, filed September 9, 1965. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga., 30310. Applicant's representative: Virgil H. Smith, Suite 236, Title Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, ale, beer, beer tonic, porter and stout*, in kegs and in bottles, or cans, in packages, from Peoria, Ill., South Bend, Ind., Norfolk, Va., Newark, N.J., St. Louis, Mo., Milwaukee, Wis., to points in Georgia, and *returned shipments of empty bottles, kegs, and containers*, on return, for 180 days. Supporting shippers: Morris Beer Distributing Co., 110 West Street, Albany, Ga.; Southern Sales Co., W & T Depot Building, Dublin, Ga.; Classic City Beverages, Inc., Post Office Box 549, Athens, Ga.; A. B. Beverage Co., Inc., 1103 Talcot Street Extension, Augusta, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-9872; Filed, Sept. 15, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Trade Route 28]

U.S. PACIFIC COAST/SOUTHWEST ASIA

Notice of Conclusions and Determinations Regarding Essentiality and U.S. Flag Service Requirements

Notice is hereby given that on September 3, 1965, the Acting Maritime Administrator acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 28 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER.

1. Trade Route No. 28 as described below is affirmed as an essential foreign trade route of the United States:

Trade Route No. 28—U.S. Pacific Coast/Southwest Asia

Between U.S. Pacific ports (California, Washington, and Oregon) and ports in Southwest Asia from Suez to Burma, inclusive, and in Africa on the Red Sea and Gulf of Aden.

2. U.S. flag sailing requirements for liner service on Trade Route No. 28 are approximately one sailing per month with freight ships providing service predominantly to the India, Pakistan, and Ceylon area of the route with some additional U.S. flag sailings serving the route in conjunction with other services.

3. Existing C-3 type freight ships are suitable for interim operation on Trade Route No. 28 pending their replacement with freight ships of superior speed and greater cargo carrying capacity.

Dated: September 8, 1965.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-9826; Filed, Sept. 15, 1965; 8:47 a.m.]

Office of the Secretary

[Dept. Order 5]

ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR OF ECONOMIC DEVELOPMENT

Delegation of Authority

The following order was issued by the Secretary of Commerce effective September 1, 1965.

SECTION 1. *Purpose.* The purpose of this order is to designate the title of the Assistant Secretary of Commerce and Director of Economic Development and to prescribe the scope of his authority, functions, duties, and responsibilities.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Title VI of the Public Works and Economic Development Act of 1965 (P.L. 89-136), is hereby

designated as the Assistant Secretary of Commerce and Director of Economic Development (hereinafter called the "Assistant Secretary"). The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of Authority.* .01 The Assistant Secretary shall serve as the principal adviser to the Secretary of Commerce on matters concerning the economic development of States, regions, areas, districts, centers, and communities in the United States. He shall also serve as adviser to other Departmental officials with respect to such matters.

.02 The Assistant Secretary shall exercise policy direction and general supervision of the Economic Development Administration and, when they are established, the Office of Regional Economic Development and the Office of Appalachian Assistance.

.03 Pursuant to the authority vested in the Secretary of Commerce by the Public Works and Economic Development Act of 1965 (P.L. 89-136) and otherwise by law, and subject to such policies and directives as the Secretary of Commerce shall prescribe, the Assistant Secretary is hereby delegated the authority to perform the functions vested in the Secretary of Commerce by Title V, including coordinating the Federal cochairman, and sections 301(e) and 603 of this Act and such other functions as the Secretary may prescribe under this Act.

.04 Pursuant to the authority vested in the Secretary of Commerce by the Appalachian Regional Development Act of 1965 (P.L. 89-4) and otherwise by law, and, subject to such policies and directives as the Secretary of Commerce shall prescribe, the Assistant Secretary shall:

a. Exercise the authority of the Secretary of Commerce under section 201 of the Appalachian Regional Development Act of 1965 (P.L. 89-4), to approve in whole or in part, or to require modifications or revisions of, the recommendations of the Appalachian Regional Commission with respect to general corridor locations and termini of development highways, designation of local access roads to be constructed, priorities for construction of local access roads and of major segments of the development highways, and other criteria for the program as authorized by section 201 of this Act, including approval of any general formulas for the allocation of total mileage of overall financial authorizations among the Appalachian States;

b. Determine whether and the extent to which the provisions of Title 23, United States Code, and regulations issued pursuant thereto, are not inconsistent with the activities authorized by section 201 of this Act;

c. Establish any requirements, make any determinations, and issue any additional regulations otherwise necessary to carry out the provisions of section 201 of this Act;

d. Approve allocation of funds and regulations necessary to carry out the functions or responsibilities assigned to the Department by this Act prior to issuance by the Office of Appalachian Assistance pursuant to section 214 of this Act; and

e. Approve regulations issued by the Office of Appalachian Assistance and any general arrangements entered into by the Office of Appalachian Assistance with the Appalachian Regional Commission or with other public or private organizations for the making of grants or the provision of funds, pursuant to section 302 of this Act.

.05 The Assistant Secretary may redelegate any authority conferred on him by this order to any officer reporting to him, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Duties and responsibilities.* .01 The Assistant Secretary shall provide policy direction and general supervision over, and coordinate the development of, any new programs, activities, or organizations dealing with regional or other aspects of economic development as may be assigned to the Department.

.02 The Assistant Secretary shall appraise the need for new Commerce activities to stimulate economic development, alleviate poverty, and promote economic opportunity, and shall arrange for appropriate study of legislative and programmatic requirements to meet such needs including the financial, manpower and organizational resources required to bring such needed activities into existence.

.03 With respect to the Public Works and Economic Development Act of 1965, the Assistant Secretary shall:

a. Establish the group to study the effect of Government procurement, scientific, technical, and other related policies upon regional economic development as required by section 301(e) with the understanding that the report of such study group will be forwarded to the Congress by the Secretary;

b. Designate "economic development regions" within the United States according to the provisions of section 501;

c. Determine whether the State of Hawaii or the State of Alaska meets the requirements for an economic development region and establish commissions for either of them if it is so determined, as authorized by section 502(f);

d. Invite and encourage the States wholly or partially within "economic development regions" to establish multistate regional commissions, according to the provisions of section 502;

e. Establish liaison with each regional commission, coordinate the activities of the Federal cochairman, receive the recommendations made by the commissions, and take all other necessary and appropriate actions to carry out the provisions of sections 503 and 601(a);

f. Encourage each regional commission, in developing recommendations and priorities for programs and projects for future regional economic development, to follow procedures that will insure consideration of all the factors listed in section 504;

g. Arrange for the provision of technical assistance to the regional commissions which would be useful in carrying out their functions under the Act, as provided by section 505(a);

h. Determine the amount and authorize payment of the administrative expenses of each regional commission according to the provisions of section 505(b); and

i. Approve, prior to issuance by the Administrator, the rules, regulations, and procedures required by the Act or otherwise deemed necessary for carrying out the functions, powers, duties, and authorities delegated to the Administrator for Economic Development except those internal orders not required to be issued to the public.

.04 With respect to the Appalachian Regional Development Act, the Assistant Secretary shall provide for adequate coordination of activities of the Department of Commerce under this Act, both internally and in dealings with the Federal Development Committee for Appalachia, the Appalachian Regional Commission, and the other Federal agencies conducting programs of assistance to the Appalachian region. In so doing, he shall:

a. Represent the Secretary on the Federal Development Committee for Appalachia, to which he may designate one or more alternate members to act in his stead, and otherwise act to carry out the requirements of Executive Order 11209 of March 25, 1965;

b. Act to formally resolve any policy or program problems which may arise between the Commission, its Federal Cochairman, the Committee, or other Federal agencies, and organizational units of the Department; and

c. Perform such other functions as in his judgment are necessary to carry out the Department's responsibilities under the Act or the Executive Order.

Effective date, September 1, 1965.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 65-9838; Filed, Sept. 15, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16107, 16108; FCC 65M-1162]

ALABAMA MICROWAVE, INC.

Order After Prehearing Conference

In re applications of: Alabama Microwave, Inc., Docket No. 16107, File No. 5404-C1-P-64; for a construction permit to establish additional facilities at licensed Station KJJ57, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Capshaw Mountain, Ala.; Docket No. 16108, File No. 5405-C1-P-64; for a construction permit to establish a new radio station in the Domestic Public Point-to-Point Microwave Radio Service near Rogersville, Ala.

The Hearing Examiner having under consideration the prehearing conference in the above-entitled proceeding held today;

It is ordered, This 9th day of September 1965, that the hearing is hereby re-

scheduled and will convene at 10 a.m., on Monday, November 1, 1965, at the Commission's offices, Washington, D.C.; and

It is ordered further, That respondent North Alabama will exchange its exhibits among all parties, with one copy of each to the Hearing Examiner, by October 15, 1965 and that rebuttal exhibits, if any, as agreed upon during the prehearing conference, will be exchanged by the other parties by October 29; and that the agreements and undertakings of the parties as approved by the Hearing Examiner during the prehearing conference, as well as the Examiner's rulings, are hereby incorporated by reference to the transcript of the prehearing conference with the same force and effect as if they were set forth verbatim herein.

Released: September 10, 1965.

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

[F.R. Doc. 65-9819; Filed, Sept. 15, 1965; 8:47 a.m.]

[Docket Nos. 15861, 15862; FCC 65m-1165]

CHARLOTTESVILLE BROADCASTING CORP. (WINA) AND WBXM BROADCASTING CO., INC.

Memorandum Opinion and Order Scheduling Prehearing Conference

In re applications of Charlottesville Broadcasting Corp. (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-15768; WBXM Broadcasting Co., Inc., Springfield, Va., Docket No. 15862, File No. BP-15808; for construction permits.

1. The Hearing Examiner has under consideration a letter of September 1, 1965 from counsel for WBXM Broadcasting Co., Inc., asking that the time for exchanging WBXM's exhibits be continued indefinitely. The letter will be treated as a motion. None of the other parties (all of whom were served with copies of the letter) has objected. Under the novel circumstances of this proceeding the request will be granted. The exhibits were due September 1, 1965.

2. The Hearing Examiner is of the opinion that a further prehearing conference should be held as soon as possible primarily, but not exclusively, to decide what and when further procedural steps should be taken before September 29, 1965 (the date now set for hearing) and also to determine whether that hearing date is realistic in the light of the Review Board's Memorandum Opinion and Order released September 1, 1965 (FCC 65R-325; 72813) and other matters going to the very essence of the hearing and which are also before the Board.

Accordingly, it is ordered, This 9th day of September 1965, that the letter request (motion) of counsel for WBXM Broadcasting Co., Inc., that the date for submission of WBXM's exhibits be, and it is, postponed indefinitely, and

It is further ordered, On the Hearing Examiner's own motion, that a further prehearing conference in this matter will be held commencing at 9 a.m., September 15, 1965, in the Commission's offices in Washington, D.C.

Released: September 10, 1965.

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

[F.R. Doc. 65-9820; Filed, Sept. 15, 1965; 8:47 a.m.]

[Docket No. 14650; FCC 65M-1180]

DOMESTIC TELEGRAPH SERVICE

Order Regarding Procedural Dates

The Examiner having under consideration the agreements reached on the record in this proceeding on September 10, 1965;

It is hereby ordered, This 13th day of September 1965, that the American Telephone and Telegraph Co. shall serve upon all participants herein and file with the Commission, on or before September 17, 1965, an appropriate proposed exhibit setting forth the tentative results of the 7-way cost study in a form, and with data and information as to each of the segments of service covered in the 7-way study, and the totality thereof, similar in style and content to that which was set forth on pages 2, 3, and 4 of AT&T Exhibit 3-A (revised) received in evidence in the Private Line Case (Docket No. 11645); and

It is further ordered, That the American Telephone and Telegraph Co. shall, on or before December 1, 1965, serve upon all the participants herein, and file with the Commission, its proposed exhibits and written testimony comprising its affirmative evidence relative to the final results established by the aforesaid 7-way cost study; and

It is further ordered, That a hearing conference shall be held herein at 10 a.m., on December 16, 1965, at the Commission's offices in Washington, D.C., for the purpose of scheduling hearing sessions for the receipt in evidence of the aforesaid exhibits and testimony and the undertaking of cross-examination thereon; and for the resolution of such other procedural matters as then may require attention.

Released: September 13, 1965.

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

[F.R. Doc. 65-9850; Filed, Sept. 15, 1965; 8:49 a.m.]

[Docket Nos. 15998-16000; FCC 65M-1168]

EMERALD BROADCASTING CORP. (KPIR) ET AL.

Order Continuing Hearing

In re applications of Emerald Broadcasting Corp. (KPIR), Eugene, Oreg., Docket No. 15998, File No. BP-15590; Pendleton Broadcasting Co. (KUMA), Pendleton, Oreg., Docket No. 15999, File No. BP-16220; Hi-Desert Broadcasting Corp. (KDHI), Twenty-Nine Palms, Calif., Docket No. 16000, File No. BP-16503; for construction permits.

A further prehearing conference in the above-entitled proceeding having been held on September 9, 1965,

It is ordered, This 9th day of September 1965, that the transcript of said conference, incorporated herein by reference with the same force and effect as if set forth at length, shall control as to any question bearing on the established rules; and

It is further ordered, That, accordingly, the following procedural dates are controlling:

September 14, 1965, date for commencement of hearing is continued to 10 a.m., September 29, 1965, and is to be solely for the admissibility of evidence;

September 14, 1965, date for notification of witnesses, if any, desired for cross-examination is continued to October 6, 1965; and

Further hearing is to be held beginning at 10 a.m., October 18, 1965.

Released: September 10, 1965.

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

[F.R. Doc. 65-9851; Filed, Sept. 15, 1965; 8:49 a.m.]

[Docket Nos. 15795, 16119; FCC 65M-1171]

UNITED BROADCASTING CO., INC. (WOOK) AND BOWIE BROADCASTING CORP.

Order Following Prehearing Conference

In re applications of: United Broadcasting Co., Inc., (WOOK), Washington, D.C., Docket No. 15795, File No. BR-1104; for renewal of license; Bowie Broadcasting Corp., Bowie, Md., Docket No. 16119, File No. BP-16397; for construction permit.

The hearing in this proceeding will get under way on October 20, 1965, and not on October 18 as currently specified. Irreversible arrangements earlier undertaken require that the hearing be recessed the first part of November. This first hearing stage will, therefore, be given over only to accommodating the trial of issues 1 through 4 which are directed against applicant United Broadcasting. That applicant is required by the close of business on October 13 to exchange with all other parties such written material as it will rely upon in discharging its burdens under issues 1 through 4. Along with the written material the applicant must also name the witnesses which it expects to produce for oral testimony in connection with the introduction of its written evidence. And, the date by which notification must be given United Broadcasting to produce witnesses for cross-examination is now fixed for October 18.

So ordered, This 10th day of September 1965.

Released: September 13, 1965.

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

[F.R. Doc. 65-9852; Filed, Sept. 15, 1965; 8:49 a.m.]

[Docket No. 16124; FCC 65M-1169]

WEST CENTRAL OHIO BROADCASTERS, INC.

Order Continuing Hearing

In re application of West Central Ohio Broadcasters, Inc., Xenia, Ohio, Docket No. 16124, File No. BP-15468; for construction permit.

It is ordered, This 10th day of September 1965, that the hearing in the above-entitled proceeding, which heretofore was scheduled for September 24, 1965, is continued to September 27, 1965, and will be held in the offices of the Commission, Washington, D.C., commencing at 10 a.m.

Released: September 10, 1965.

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

[F.R. Doc. 65-9853; Filed, Sept. 15, 1965; 8:50 a.m.]

MEXICAN BROADCAST STATIONS

Change in Assignment

SEPTEMBER 7, 1965.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 4721-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICAN CHANGE LIST

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XETRA (change in coordinates and nighttime directional antenna system).	Tijuana, Baja California.	*690 kilocycles* 50 kw	DA-2	U	I-B	

FCC NOTE: By letter dated August 10, 1965, the Inter-American Radio Office of the Pan American Union states that a telegram has been received from Mexico advising that the Mexican Administration desires to notify the above assignment which is to be included in the next Mexican Change List.

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

[F.R. Doc. 65-9848; Filed, Sept. 15, 1965; 8:50 a.m.]

MEXICAN BROADCAST STATIONS

Change in Assignment

SEPTEMBER 8, 1965.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 4721-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICAN CHANGE LIST

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEHU (increase in power).	Martinez de la Torre, Veracruz.	*1300 kilocycles* 5kwD/0.1kwN	DA-D	U	III-D IV-N	

FCC NOTE: By letter dated August 11, 1965, the Inter-American Radio Office of the Pan American Union states that a telegram has been received from Mexico advising that the Mexican Administration desires to notify the above assignment which is to be included in the next Mexican Change List.

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

[F.R. Doc. 65-9849; Filed, Sept. 15, 1965; 8:50 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—SEPTEMBER

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

3 CFR

Page

PROCLAMATIONS:
3670 ... 11827
3671 ... 11829
EXECUTIVE ORDERS:
July 2, 1910 (modified by PLO 3803 ... 11352
(revoked in part by PLO 3812) ... 11517
5799 (revoked by PLO 3808) ... 11354
11157 (amended by EO 11242) ... 11205
11242 ... 11205
11243 ... 17709

5 CFR

213 ... 11208, 11314, 11371, 11501, 11669
511 ... 11751
534 ... 11751
550 ... 11669
731 ... 11846
752 ... 11846
754 ... 11846
772 ... 11846
831 ... 11209

6 CFR

50 ... 11847

7 CFR

52 ... 11595
53 ... 11680
362 ... 11272
401 ... 11711, 11712
701 ... 11371
728 ... 11831
729 ... 11345
850 ... 11680
905 ... 11682, 11683
906 ... 11684, 11685
908 ... 11345, 11685
910 ... 11346, 11373, 11685
915 ... 11751
919 ... 11346
927 ... 11713
944 ... 11713, 11751
946 ... 11596
981 ... 11596
984 ... 11346
987 ... 11315
1421 ... 11207, 11272, 11315, 11686
1464 ... 11501
PROPOSED RULES:
52 ... 11691, 11723
729 ... 11694
730 ... 11282
925 ... 11530
926 ... 11728
932 ... 11611
991 ... 11282
993 ... 11530
1004 ... 11214
1005 ... 11627
1030 ... 11694
1031 ... 11642, 11694
1032 ... 11694, 11761
1038 ... 11694
1039 ... 11694
1050 ... 11761
1051 ... 11694
1062 ... 11694
1063 ... 11694
1067 ... 11694
1070 ... 11694

7 CFR—Continued

Page

PROPOSED RULES—Continued
1078 ... 11694
1079 ... 11694

9 CFR

101 ... 11848
103 ... 11848
PROPOSED RULES:
201 ... 11728

10 CFR

PROPOSED RULES:
140 ... 11873

12 CFR

525 ... 11714
545 ... 11714, 11715

13 CFR

PROPOSED RULES:
121 ... 11734

14 CFR

21 ... 11373, 11376, 11849
39 ... 11272, 11313, 11347, 11348, 11669, 11670, 11752, 11849.
71 ... 11209, 11313, 11314, 11348, 11380, 11381, 11501, 11597, 11598, 11670–11672, 11716, 11849.
73 ... 11314, 11348, 11502, 11850
75 ... 11314
95 ... 11310
97 ... 11273, 11305
159 ... 11348
207 ... 11381
387 ... 11717
PROPOSED RULES:
21 ... 11773
37 ... 11695, 11773
39 ... 11227, 11283, 11732
43 ... 11773
65 ... 11773
67 ... 11732
71 ... 11283, 11328, 11329, 11392–11396, 11644, 11874, 11875.
73 ... 11283, 11695
105 ... 11733
121 ... 11530
231 ... 11227
241 ... 11729
243 ... 11729
298 ... 11695
399 ... 11391, 11729

15 CFR

30 ... 11502
PROPOSED RULES:
Subtitle A ... 11390

16 CFR

13 ... 11850
PROPOSED RULES:
303 ... 11696

17 CFR

240 ... 11673, 11851
249 ... 11673

18 CFR

PROPOSED RULES:
154 ... 11228

19 CFR

Page

8 ... 11851
9 ... 11851
10 ... 11317, 11851
17 ... 11853
20 ... 11853
PROPOSED RULES:
10 ... 11760
54 ... 11723

21 CFR

2 ... 11279
46 ... 11349
121 ... 11208, 11753
146 ... 11598
148x ... 11754

24 CFR

203 ... 11318, 11503
207 ... 11279
220 ... 11279
221 ... 11279
809 ... 11503

25 CFR

120 ... 11676

26 CFR

1 ... 11854
170 ... 11599
296 ... 11602
PROPOSED RULES:
1 ... 11862

29 CFR

800 ... 11504

30 CFR

41 ... 11349

32 CFR

160 ... 11677
165 ... 11677
257 ... 11677
536 ... 11855
537 ... 11387
729 ... 11718
1455 ... 11753
1459 ... 11351
1808 ... 11718

32A CFR

OEP (Ch. I):
DMO 8505.1 ... 11516

33 CFR

203 ... 11318
204 ... 11209, 11318
207 ... 11209

36 CFR

7 ... 11388

38 CFR

2 ... 11318
3 ... 11388, 11754, 11855
17 ... 11676
21 ... 11319

39 CFR

13 ... 11752
16 ... 11752
17 ... 11719
24 ... 11752