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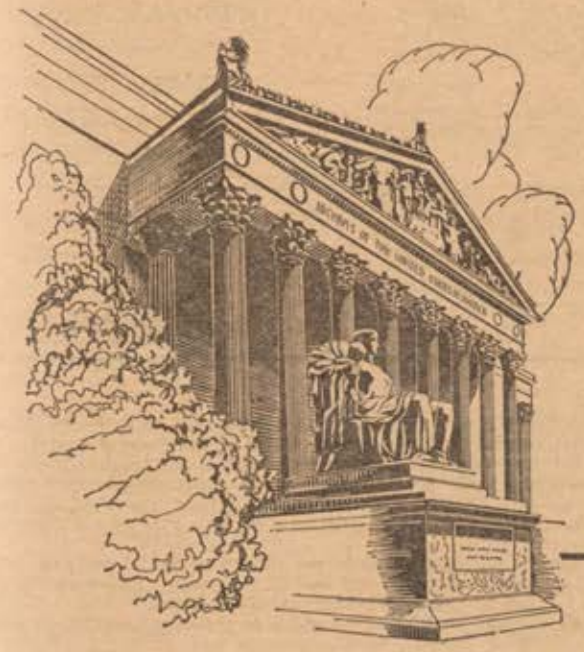

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The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 831—RETIREMENT

Exclusions From Retirement Coverage

Section 831.201 is amended to exclude from coverage under the Retirement Act certain temporary and intermittent employees of the District of Columbia government appointed on or after October 1, 1965, students and enrollees hired under the Economic Opportunity Act programs and projects, and certain summer trainee employees. Paragraphs (d), (e), and (f) are added to § 831.201 as set out below.

§ 831.201 **Exclusions from retirement coverage.**

* * * * *

(d) The following groups of employees of the government of the District of Columbia, appointed on or after October 1, 1965, are excluded from the Civil Service Retirement Act:

(1) Employees serving under appointments limited to one year or less, except temporary teachers of the District of Columbia public school system.

(2) Intermittent employees—non-full-time employees without a prearranged regular tour of duty.

(3) Employees whose salary, pay, or compensation on an annual basis is $12.00 per year or less.

(4) Patient or inmate employees in District Government hospitals, homes or penal institutions.

(5) Employees paid on a contract or fee basis.

(6) Employees paid on a piecework basis, except those whose work schedule provides for regular or full-time service.

(7) Employees serving under temporary appointments pending establishment of registers, or pending final determination of eligibility for permanent appointment.

(e) Paragraph (d) of this section does not deny retirement coverage when (1) employment in an excluded category follows employment subject to the Civil Service Retirement Act without a break in service or after a separation from service of three days or less, or (2) the employee is granted competitive status under legislation, Executive order, or the civil service rules and regulations, while he is serving in a position in the competitive service.

(f) Also excluded are any temporary employees, appointed for one year or less, by the government of the District of Columbia under any program or project established pursuant to the Economic Opportunity Act of 1964, and summer trainees employed by the government of the District of Columbia in furtherance of the President's Youth Opportunity Campaign.

(Sec. 16, 70 Stat. 758; 5 U.S.C. 2266)

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

[F.R. Doc. 65-10363; Filed, Sept. 28, 1965; 8:50 a.m.]

Title 7—AGRICULTURE

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

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages and Handler Reserve Obligation for 1965–66 Crop Year

Notice was published in the September 9, 1965, issue of the FEDERAL REGISTER (30 F.R. 11530) regarding a proposal to establish, for the 1965–66 crop year, salable and reserve percentages for California dried prunes of 80 and 20 percent, respectively, and, in connection therewith, the required composition of each handler's reserve obligation. The proposal was based on the recommendation of the Prune Administrative Committee and other available information, in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 30 F.R. 9797) regulating the handling of dried prunes produced in California. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

During the time prescribed therefor, a number of producers and handlers submitted written data, views, or arguments on the proposal. Some comment was to the effect that the 1965 production of California dried prunes, due to rain damage to the crop and other causes, would be less than the estimate of 180,000 tons used by the Committee as a basis for computing the proposed reserve percentage of 20 percent. Hence, it was argued the reserve percentage should be a percent such as 10 or even zero percent. Other comment was to the effect that, even though the 1965 production may be somewhat less than 180,000 tons, the reserve percentage should be established at 20 percent as proposed in the notice so as to achieve program objectives.

Since the Committee submitted its recommendation on salable and reserve percentages, the USDA Crop Reporting Board estimated the 1965 California dried prune production at 175,000 tons as of September 1, 1965, a reduction of 10,000 tons from its estimate as of August 1, 1965, and a reduction of 5,000 tons from the Committee's estimate. While the evidence is that the dried volume will be less, due to crop damage and a higher-than-anticipated dryaway ratio, than originally possible, the total production of California dried prunes will not be known until December or January when handler's receipts from producers and dehydrators can be tabulated. It is a question as to whether the Committee's estimate of 180,000 tons may have been too low initially before damage to the crop became so apparent. Even if there is a considerable reduction in the crop from that earlier estimated, the evidence is that more than enough prunes will be available to supply trade demand and carryover requirements.

With the 1965 production indicated as having a high percentage of damage, a reserve percentage of 20 percent will permit substandard prunes to be controlled so as to permit a supply of manufacturing prunes appropriate for the demand for such prunes. A significantly lower reserve percentage than 20 percent could cause the manufacturing outlet to be oversupplied.

With a reserve percentage of 20 percent, any deficit which may develop in the salable supply of particular grades or sizes of prunes, as well as tonnage, can be corrected by the release of reserve prunes to augment the salable supply. The objectives of the act are more likely to be achieved by the establishment of the reserve percentage as proposed rather than a much lower percentage. A percentage of 20 percent should prevent excessive market offerings following the harvesting season and consequent price weakness. If the salable supply turns out to be less than trade demand and carryover requirements, the reserve technique will permit the industry to feed reserve prunes into commercial trade channels at rates corresponding with the ability of markets to take the prunes at stable or reasonably advancing prices. This is in conformity with the concept of reserve control to permit orderly marketing of the crop as set forth in the recommended decision issued July 9, 1965 (30 F.R. 6784, 6785), adopted as the final decision (30 F.R. 8850) with certain modifications.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, the data, views, and arguments submitted pursuant to the notice, and other available information, it is found that to establish the salable and reserve percentages and the required composition of each handler's reserve obligation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the salable and reserve percentages for prunes and handler reserve obligation for the 1965–66 crop year shall be as follows:

§ 993.201 Salable and reserve percentages for prunes and handler reserve obligation for the 1965–66 crop year.

The salable and reserve percentages for the 1965–66 crop year shall be 80 percent and 20 percent, respectively. The reserve obligation of each handler shall be a weight of natural condition prunes, by varieties, equal to the sum of the results of applying the reserve percentage of 20 percent to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the weight obligation of § 993.49(c). Such obligation as to substandard prunes shall be a weight equivalent to one-half of the excess edible off-grade prunes in each lot (i.e., defective prunes in excess of the tolerances prescribed pursuant to § 993.49 for standard prunes after excluding the weight obligation of § 993.49(c)), but the obligation weight shall not exceed 20 percent of the weight of the lot; and as to standard prunes shall be a weight representing any balance necessary to meet a total obligation weight of 20 percent. Both the substandard prunes and the standard prunes shall be apportioned among the field pricing size categories consistent with the apportionment of the average size count of the lots received and shall not exceed in count the top of any such category. Such size categories by variety and grade shall be as follows:

Standard French prunes—34/50, 51/60, 61/70, 71/81, 82/101, 102/111, 112/121 and 122/up.

Substandard French prunes—70/larger, 71/101, and 102/up.

Standard Non-French prunes (except Robe de Sargent)—24/larger, 25/29, 30/33, 34/50, and 51/up.

Substandard Non-French prunes (except Robe de Sargent)—51/larger and 52/up.

Standard Robe de Sargent—34/50, 51/60, and 61/up.

Substandard Robe de Sargent—61/larger and 62/up.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); and (2) the current crop year began on August 1, 1965, and the percentages established herein will apply automatically to such prunes beginning with such date.

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

Dated: September 23, 1965.

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

[F.R. Doc. 65–10360; Filed, Sept. 28, 1965; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Announcement PS–CN–2, Amdt. 5]

PART 1427—COTTON

Subpart—1964–66 Cotton Equalization Program—Payment-in-Kind Regulations

INVENTORY DEFINITION

Paragraph (l) of § 1427.1952 of the 1964–66 Cotton Equalization Program—Payment-In-Kind Regulations (Announcement PS–CN–2), dated July 1, 1964 (29 F.R. 8465), as amended, provides that cotton is not a part of a cotton handler's "inventory" if it was acquired from Commodity Credit Corporation at a price reflecting an export allowance. It has been the intention of CCC that such cotton should be counted in the handler's inventory if the handler discharged the resulting export obligation. Accordingly, paragraph (l) is amended, in order to clearly express the intent of CCC, to read as follows:

§ 1427.1952 Definitions.

* * * * *

(l) *Inventory.* "Inventory" means the quantity of eligible upland cotton in the United States to which a cotton handler has title at a particular time, except (1) any cotton which is required to be exported under the export market acreage program (29 F.R. 7865), as amended, (2) any cotton acquired from CCC under any program which provides that such cotton shall not be eligible for payment under this subpart, (3) any cotton acquired by the handler from CCC if the sales price reflects an export allowance, except to the extent that the resulting obligation to export has been satisfied as to such cotton, and (4) any cotton acquired from CCC under any sales program which provides that the domestic consumption or exportation of such cotton shall not satisfy any domestic consumption or export obligation under this subpart. If cotton is pledged by a cotton handler as security for a loan, title shall for the purposes of this definition be deemed to be in the cotton handler: *Provided*, That a cotton handler's inventory shall not be deemed to include any cotton pledged to CCC as security for a price support loan.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended, sec. 101, 78 Stat. 173; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1348, 1853)

Signed at Washington, D.C. on September 23, 1965.

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

[F.R. Doc. 65–10311; Filed, Sept. 28, 1965; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service—Meat Inspection, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 310—POST-MORTEM INSPECTION

Kidneys

Pursuant to the authority contained in the Meat Inspection Act, as amended (21 U.S.C. 71–91), the United States Department of Agriculture hereby amends Part 310 of the Federal Meat Inspection Regulations (9 CFR Part 310) by the addition of a new § 310.20 to read as follows:

§ 310.20 Inspection of kidneys.

An employee of the establishment shall open the kidney capsule and expose the kidneys of all cattle, sheep, swine, and goats at the time of slaughter for the purpose of examination by a Division employee.

(34 Stat. 1264, 21 U.S.C. 89; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended)

The Meat Inspection Division has reason to believe that a considerable number of the kidneys of cattle, sheep, swine, and goats slaughtered under Federal meat inspection contains lesions which could influence the disposition of the kidneys themselves and in some instances, the disposition of the carcasses at the time of post-mortem inspection.

Post-mortem inspection of kidneys would further insure that meat prepared for human consumption under Federal inspection is derived only from animals found to be free from diseases which might render the meat unwholesome. The post-mortem inspection of kidneys will facilitate exports, by bringing the American meat industry into compliance with the regulations of several foreign countries which already require the exposure and examination of the kidneys at time of slaughter.

The amendment was submitted informally to representatives of most of the affected operators of Federally inspected establishments under the act and their comments have been considered. It does not appear that publication of notice and other public rule-making procedures with respect to the amendment would make additional information as to the views of the regulated industry available to this Department. The amendment will further protect consumer interests and consumers will not be prejudiced by omission of such procedures.

Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are unnecessary.

Effective date. The foregoing amendment shall become effective 30 days following publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of September 1965.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-10361; Filed, Sept. 28, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6910; Amdt. 39-139]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Airplanes

There have been malfunctions of the pitch trim system on Lockheed Model 1329 airplanes which could result in runaway trim while in flight. 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 inspection, and replacement where necessary, of the stabilizer trim contractors.

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:

LOCKHEED. Applies to Model 1329 airplanes, Serial Numbers 5001 through 5063.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent uncontrolled pitch trim actuation, accomplish the inspection and repair as described in Lockheed Alert Service Bulletin No. 329-218, "Horizontal Stabilizer Trim System—Inspection of A-723L, A-723LA, A-723LD, and A-723N Stabilizer Trim Contractors," or perform an equivalent FAA-approved inspection and repair.

This amendment becomes effective September 29, 1965.

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

Issued in Washington, D.C., on September 15, 1965.

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

[F.R. Doc. 65-10325; Filed, Sept. 28, 1965; 8:48 a.m.]

[Airspace Docket No. 65-CE-69]

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

Alteration of Control Zone and Transition Area; Correction

On August 26, 1965, there was published in the FEDERAL REGISTER (30 F.R. 11030) an amendment to Part 71 of the Federal Aviation Regulations which altered the controlled airspace in the vicinity of Miles City, Mont. In describing the Miles City control zone, a typographical error was made. Therein, reference was made to the "Miles City VORTAC 266° radial", when it should have read "226° radial".

Since this action merely corrects a typographical error, this change is made in compliance with Section 4 of the Administrative Procedures Act.

In consideration of the foregoing, Airspace Docket No. 65-CE-69 (30 F.R. 11030) is amended, effective immediately, as follows: In the designation of the Miles City, Mont., control zone "the Miles City VORTAC 266° radial" is deleted, and "the Miles City VORTAC 226° radial" is substituted therefor.

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

Issued in Kansas City, Mo., on September 17, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-10326; Filed, Sept. 28, 1965; 8:48 a.m.]

[Airspace Docket No. 65-CE-82]

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

Designation of Control Zone and Transition Area

On July 24, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 9276) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Iron Mountain, Mich., 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., March 3, 1966, as hereinafter set forth.

1. In 71.171 (29 F.R. 17581) the following control zone is added:

IRON MOUNTAIN, MICH.

Within a 5-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°49'00" N, longitude 88°07'00" W.); within 2 miles each side of the Iron Mountain VOR 141° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; within 2 miles each side of the Iron Mountain VOR 193° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the Iron Mountain VOR 307° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the 181° bearing from Ford Airport, extending from the 5-mile radius zone to 8 miles S of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

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

IRON MOUNTAIN, MICH.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ford Airport, Iron Mountain, Mich. (latitude 45°49'00" N., longitude 88°07'00" W.); within 5 miles NE and 8 miles SW of the Iron Mountain VOR 141° radial, extending from the VOR to 12 miles SE of the VOR; within 5 miles W and 8 miles E of the Iron Mountain VOR 193° radial, extending from the VOR to 12 miles S of the VOR; within 5 miles NE and 8 miles SW of the Iron Mountain VOR 307° radial, extending from the VOR to 12 miles NW of the VOR; and within 5 miles W and 8 miles E of the 181° bearing from Ford Airport, extending from the airport to 12 miles S of the airport.

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

Issued in Kansas City, Mo., on September 21, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-10327; Filed, Sept. 28, 1965; 8:48 a.m.]

[Airspace Docket No. 65-CE-86]

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

Designation of Control Zone and Transition Area

On July 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9321) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Ironwood, Mich., 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., March 3, 1966, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following control zone is added:

IRONWOOD, MICH.

Within a 5-mile radius of Gogebic County Airport, Ironwood, Mich. (latitude 46°31'30" N., longitude 90°08'00" W.); within 2 miles each side of the Ironwood VOR 077° radial, extending from the 5-mile radius zone to 8 miles east of the VOR; and within 2 miles each side of the Ironwood VOR 257° radial, extending from the 5-mile radius zone to 12 miles west of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

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

IRONWOOD, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gogebic County Airport, Ironwood, Mich. (latitude 46°31'30" N., longitude 90°08'00" W.); within 5 miles north and 8 miles south of the Ironwood VOR 257° radial, extending from the 8-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Ironwood VOR 077° radial, extending from the 8-mile radius area to 12 miles east of the VOR.

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

Issued in Kansas City, Mo., on September 21, 1965.

DONALD S. KING,
Acting Director,
Central Region.

[F.R. Doc. 65-10328; Filed, Sept. 28, 1965; 8:48 a.m.]

[Airspace Docket No. 64-WE-50]

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

Alteration of Control Zone and Transition Area, Realignment of Federal Airways; Correction

On September 11, 1965, there was published in the FEDERAL REGISTER (30 F.R. 11672) amendments to Part 71 of the Federal Aviation Regulations, which, in part, altered VOR Federal airway 198. During publication the radial from the San Simon, Ariz., VOR used in describing the Animas Intersection was transposed from 118° to 120°. Accordingly, action is taken herein to reflect the correct radial extending from the San Simon, Ariz., VOR.

Since this amendment is editorial in nature and imposes no additional burden on any person, the effective date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, Airspace Docket No. 64-WE-50 (30 F.R. 11672) is hereby modified as follows:

In numbered paragraph 3, subparagraph B, "From San Simon, Ariz., 12 AGL via INT. of San Simon 120° and Columbus, N. Mex., 277° radials; 12 AGL Columbus;" is deleted and "From San Simon, Ariz., 12 AGL via INT. San Simon 118° and Columbus, N. Mex., 277° radials; 12 AGL Columbus;" is substituted therefor.

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

Issued in Los Angeles, Calif., on September 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-10329; Filed, Sept. 28, 1965; 8:48 a.m.]

[Airspace Docket No. 65-WE-12]

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

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

On July 29, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9491) stating that the Federal Aviation Agency proposed to alter the controlled airspace in Colorado Springs, Colo., 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 December 9, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17591), the Colorado Springs control zone is amended to read:

COLORADO SPRINGS, COLO.

Within a 6-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.); within a 1-mile radius of Pikes Peak Airport, Fountain, Colo. (latitude 38°43'40" N., longitude 104°42'05" W.), within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile radius zone to the VORTAC and within 2 miles each side of the Peterson VOR 087° radial, extending from the 6-mile radius zone to 9 miles east of the VOR.

2. In § 71.165 (29 F.R. 17561), the Colorado Springs, Colo., control area extension is revoked.

3. In § 71.181, the following transition area is added:

COLORADO SPRINGS, COLO.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 38°30'00" N., on the west by longitude 104°52'00" W., on the north by latitude 39°05'00" N., on the east by a line 4 n.m. west of and parallel to the Hugo, Colo., VOR 011° and 185° radials, on the southeast by the southeast boundary of V-108S and longitude 104°00'00" W., and that airspace northwest of Colorado Springs bounded on the north by latitude 39°05'00" N., on the east by longitude 104°52'00" W. and on the southwest by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial.

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

Issued in Los Angeles, Calif., on September 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-10330; Filed, Sept. 28, 1965; 8:48 a.m.]

[Airspace Docket No. 65-WE-29]

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

Alteration of Control Zone and Transition Area

On July 29, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9492) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Riverton, Wyo., 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 § 71.171 (29 F.R. 17628), the Riverton, Wyo., control zone is amended to read:

Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, and within 2 miles each side of the Riverton VOR 119° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, from 0500 to 2100 hours, local time, daily.

In § 71.181 (29 F.R. 17694), the Riverton, Wyo., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), and within 5 miles north and 8 miles south of the Riverton VOR 291° radial, extending from the VOR to 12 miles west of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, and that airspace within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR.

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

Issued in Los Angeles, Calif., on September 22, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-10331; Filed, Sept. 28, 1965; 8:48 a.m.]

[Airspace Docket No. 65-CE-71]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Positive Control Area and Revocation of Jet Advisory Areas

On July 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 9221) stating that the Federal Aviation Agency (FAA) pro-

posed to extend the designation of positive control area to include the remaining portion of the state of Michigan not presently covered by positive control area, and to revoke the jet advisory areas which would lie within the proposed extension of positive control area.

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

The substance of the proposed amendments has been published; therefore, for the reasons stated in the notice, the following actions are taken:

Section 71.193 (30 F.R. 1836) is amended by deleting: "latitude 45°50'-00" N., longitude 89°45'00" W.; thence to latitude 44°50'00" N., longitude 88°00'-00" W.; thence to latitude 44°09'00" N., longitude 85°18'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°52'00" N., longitude 82°11'20" W.;" and substituting "Latitude 47°40'40" N., longitude 86°46'00" W.; thence along the United States/Canadian border to latitude 46°-06'40" N., longitude 83°47'00" W.; thence to latitude 46°04'00" N., longitude 83°48'15" W.; thence to latitude 45°55'-30" N., longitude 83°30'20" W.;" therefor.

Section 75.200 (30 F.R. 2440) is amended as follows:

1. Jet Route No. 101 jet advisory area is revoked.

2. Jet Route No. 548 jet advisory area is revoked.

These amendments shall become effective 0001 e.s.t., November 11, 1965.

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

Issued in Washington, D.C., on September 22, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-10332; Filed, Sept. 28, 1965; 8:49 a.m.]

[Airspace Docket No. 63-WE-128]

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation of Jet Routes

On February 28, 1964 a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2792) stating that the Federal Aviation Agency proposed to revoke Jet Route No. 96. On June 22, 1965 a supplemental notice was published in the FEDERAL REGISTER (30 F.R. 8008) stating that since Jet Route No. 505 overlies and is identical with Jet Route No. 96, the proposal was amended to revoke both jet routes.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The Air Transport Association originally objected to these revocations based on a need for air carriers to fly directly to Kimberley, British Columbia. The Canadian Department of Transport has indicated that the controlled airspace associated with these routes will be retained above Flight Level 230. In view of this assurance, Air Transport Association has withdrawn its objections and all comments received were favorable to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 11, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776) Jet Routes Nos. 96 and 505 are revoked.

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

Issued in Washington, D.C. on September 23, 1965.

JAMES L. LAMPL,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-10333; Filed, Sept. 28, 1965; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 39-225]

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

Delaying Amendments; Form for Corporate Trustees

The Securities and Exchange Commission has adopted a new Rule 7a-9 (17 CFR 260.7a-9) and amended Form T-1 (listed and described as 17 CFR 269.1) under the Trust Indenture Act of 1939. Notice of the proposed rule and the proposed amendments to the form was published June 10, 1965, in Trust Indenture Act Release No. 222 (30 F.R. 8009; June 22, 1965).

The new Rule 7a-9 provides for the filing with an application for the qualification of an indenture under the Act, or as an amendment to such an application which has not become effective, an amendment which will operate to delay the effectiveness of the application until the 20th day after a further amendment superseding the delaying amendment is filed, or until the Commission accelerates the effective date upon request of the obligor. Applications for qualification of an indenture are required to be filed in those cases where an indenture is required to be qualified under the Act but the securities to be issued under the indenture are not required to be registered under the Securities Act of 1933. The purpose of the new rule is to make it unnecessary to file successive delaying amendments to such applications.

Form T-1 is prescribed for statements of eligibility and qualification of corporations designated to act as trustee under indentures required to be qualified under the Trust Indenture Act. The purpose of the amendments to the form is to clarify and simplify the form in certain respects. The principal amendments were described in some detail in Trust Indenture Act Release No. 222.

Item 5 of the amended form calls for information with respect to interlocking directorates and similar relationships between the trustee or its directors and executive officers, on one hand, and the obligor or underwriters for the obligor, on the other. One of the proposed amendments set forth in the above-mentioned release was the addition of a new instruction to Item 5 which would provide that the term "executive officer," as defined in section 303(6) of the Act should include a chairman of the board of directors who performs the duties of an executive officer, whether or not he is designated as such. Objection was raised to this proposed instruction on the ground that the instruction was at variance with the definition set forth in the Act and that adoption of the instruction might cast doubt upon the eligibility and qualification of trustees under indentures which have been previously qualified.

The purpose of the instruction was to incorporate in the form the Commission's interpretation that the chairman of the board of directors may be an executive officer in those situations where the facts indicate that he is performing duties and functions of an executive officer in addition to those normally performed by a chairman of the board of directors. The Commission has determined not to adopt the proposed instruction, but to continue to regard the chairman of the board of directors as an executive officer in those situations where he is performing the duties and functions of an executive officer in addition to those which he performs as chairman of the board of directors.

A few additional changes of a relatively minor nature have been made in the form as a result of the comments received and the Commission's further consideration of the proposed amendments.

Commission action. The Securities and Exchange Commission, acting pursuant to the Trust Indenture Act of 1939, particularly sections 307, 308, 309, 310, and 319 thereof, hereby amends §§ 260.7a-9 and 269.1 of Title 17 of the Code of Federal Regulations as follows:

§ 260.7a-9 Delaying amendments.

(a) An amendment in the following form filed with an application for qualification, or as an amendment to such an application which has not become effective, shall be deemed to be filed on such date or dates as may be necessary to delay the effective date of such application for the period specified in such amendment:

The obligor hereby amends this application for qualification on such date or dates as may be necessary to delay its effectiveness until (i) the 20th day after the filing of a further amendment which specifically states that it shall supersede this amendment, or (ii) such date as the Commission, acting pursuant to section 307(c) of the Act, may determine upon the written request of the obligor.

(b) An amendment pursuant to paragraph (a) of this section which is filed with an application for qualification shall be set forth on the facing page thereof. Any such amendment filed after the filing of the application may be made by letter or telegram and may be signed by the agent for service. Any amendment filed to supersede an amendment filed pursuant to paragraph (a) of this section may also be made by letter or telegram. Every such telegraphic amendment shall be confirmed in writing within a reasonable time by filing a signed copy of the amendment. Such confirmation shall not be deemed an amendment.

§ 269.1 Form T–1.

Form T–1 shall be used for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM T–1

FOR STATEMENTS OF ELIGIBILITY AND QUALIFICATION UNDER THE TRUST INDENTURE ACT OF 1939 OF CORPORATIONS DESIGNATED TO ACT AS TRUSTEES

General Instructions

A. *Rule as to the Use of Form T–1.*

Form T–1 shall be used for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

B. *Application of General Rules and Regulations.*

The General Rules and Regulations under the Trust Indenture Act of 1939 are applicable to statements of eligibility and qualification on this form. Attention is particularly directed to Rules 0–1 (17 CFR 260.0–1) and 0–2 (17 CFR 260.0–2) as to the meaning of terms used in the rules and regulations. Attention is also directed to Rule 5a–3 (17 CFR 260.5a–3) regarding the filing of statements of eligibility and qualification and to Rule 7a–16 (17 CFR 260.7a–16) regarding the inclusion of items, the differentiation between items and answers, and the omission of instructions.

C. *Calculation of Percentages of Securities.*

The percentages of securities required by this form are to be calculated in accordance with the provisions of Rule 10b–1 (17 CFR 260.10b–1).

D. *Scope of Items and Instructions.*

The items and instructions require information only as to the trustee, unless the context clearly shows otherwise.

E. *When an Obligation Is Deemed To Be in Default.*

An obligation shall be deemed to be in default when a default in payment of principal shall have continued for 30 days or more and shall not have been cured.

F. *Items Relating to Underwriters.*

Wherever any item of the form requires information with respect to an underwriter for the obligor the information is to be given as to every person who, within 3 years prior to the date of filing the statement of eligibility and qualification, acted as an underwriter of any security of the obligor outstanding on the date of filing the statement and as to every proposed principal underwriter of the securities proposed to be offered. The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is an underwriter.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM T–1

STATEMENT OF ELIGIBILITY AND QUALIFICATION UNDER THE TRUST INDENTURE ACT OF 1939 OF A CORPORATION DESIGNATED TO ACT AS TRUSTEE

(Exact name of trustee as specified in its charter)

(State of incorporation if not a national bank)

(I.R.S. employer identification No.)

(Address of principal executive offices)

(ZIP Code)

(Exact name of obligor as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. employer identification No.)

(Address of principal executive offices)

(ZIP Code)

(Title of the indenture securities)

Item 1. General information.

Furnish the following information as to the trustee—

(a) Name and address of each examining or supervising authority to which it is subject.

(b) Whether it is authorized to exercise corporate trust powers.

Item 2. Affiliations with obligor and underwriters.

If the obligor or any underwriter for the obligor is an affiliate of the trustee, describe each such affiliation.

Instructions. 1. The term "affiliate" is defined in Rule 0–2 (17 CFR 260.0–2) of the General Rules and Regulations under the Act. Attention is also directed to Rule 7a–26 (17 CFR 260.7a–26).

2. Include the name of each such affiliate and the names of all intermediary affiliates, if any. Indicate the respective percentage of voting securities or other bases of control giving rise to the affiliation.

Item 3. Voting securities of the trustee.

Furnish the following information as to each class of voting securities of the trustee:

As of ---------- (insert date within 31 days).

Col. A	Col. B
Title of class	*Amount outstanding*

Instruction. The term "voting security" is defined in section 303(16) of the Act.

Item 4. Trusteeships under other indentures.

If the trustee is a trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the obligor are outstanding, furnish the following information:

(a) Title of the securities outstanding under each such other indenture.

(b) A brief statement of the facts relied upon as a basis for the claim that no conflicting interest within the meaning of section 310(b)(1) of the Act arises as a result of the trusteeship under any such other indenture, including a statement as to how the indenture securities will rank as compared with the securities issued under such other indenture.

Item 5. Interlocking directorates and similar relationships with the obligor or underwriters.

If the trustee or any of the directors or executive officers of the trustee is a director, officer, partner, employee, appointee, or representative of the obligor or of any underwriter for the obligor, identify each such person having any such connection and state the nature of each such connection.

Instructions. 1. Notwithstanding General Instruction F, the term "underwriter" as used in this item does not refer to any person who is not currently engaged in the business of underwriting.

2. The terms "employee", "appointee", and "representative", as used in this item, do not include connections in the capacity of transfer agent, registrar, custodian, paying agent, fiscal agent, escrow agent, or depositary, or in any other similar capacity or connections in the capacity of trustee, whether under an indenture or otherwise.

Item 6. Voting securities of the trustee owned by the obligor or its officials.

Furnish the following information as to the voting securities of the trustee owned beneficially by the obligor and each director, partner, and executive officer of the obligor.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of owner	*Title of class*
Col. C	**Col. D**
Amount owned beneficially	*Percentage of voting securities represented by amount given in Col. C*

Instructions. 1. Names of persons who do not own beneficially any of the securities specified may be omitted.

2. No information need be given in any case where the amount of voting securities of the trustee, owned beneficially by the obligor and its directors, partners, and executive officers, taken as a group, does not exceed 1 percent of the outstanding voting securities of the trustee.

Item 7. Voting securities of the trustee owned by underwriters or their officials.

Furnish the following information as to the voting securities of the trustee owned beneficially by each underwriter for the obligor and each director, partner, and executive officer of each such underwriter.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of owner	*Title of class*
Col. C	**Col. D**
Amount owned beneficially	*Percentage of voting securities represented by amount given in Col. C*

Instructions. Instruction 1 to Item 6 shall be applicable to this item.

2. The name of each director, partner, or executive officer required to be given in Column A shall be set forth under the name of the underwriter of which he is a director, partner, or executive officer.

3. No information need be given in any case where the amount of voting securities of the trustee owned beneficially by an underwriter and its directors, partners, and execu-

tive officer, taken as a group, does not exceed 1 percent of the outstanding voting securities of the trustee.

Item 8. Securities of the obligor owned or held by the trustee.

Furnish the following information as to securities of the obligor owned beneficially or held as collateral security for obligations in default by the trustee:

As of ---------- (insert date within 31 days).

Col. A	Col. B
Title of class	*Whether the securities are voting or nonvoting securities*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instructions. 1. As used in this item, the term "securities" includes only such securities as are generally known as corporate securities, but shall not include any note or other evidence of indebtedness issued to evidence an obligation to repay monies lent to a person by one or more banks, trust companies, or banking firms, or any certificate of interest or participation in any such note or evidence of indebtedness.

2. For the purposes of this item the trustee shall not be deemed the owner or holder of (a) any security which it holds as collateral security (as trustee or otherwise) for an obligation which is not in default, or (b) any security which it holds as collateral security under the indenture to be qualified, irrespective of any default thereunder, or (c) any security which it holds as agent for collection, or as custodian, escrow agent, or depositary, or in any similar representative capacity.

3. No information need be furnished under this item as to holdings by the trustee of securities already issued under the indenture to be qualified or securities issued under any other indenture under which the trustee is also trustee.

4. No information need be given with respect to any class of securities where the amount of securities of the class which the trustee owns beneficially or holds as collateral security for obligations in default does not exceed 1 percent of the outstanding securities of the class.

Item 9. Securities of underwriters owned or held by the trustee.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of an underwriter for the obligor, furnish the following information as to each class of securities of such underwriter any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default by trustee	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 8 shall be applicable to this item.

Item 10. Ownership or holdings by the trustee of voting securities of certain affiliates or security holders of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default voting securities of a person who, to the knowledge of the trustee (1) owns 10 percent or more of the voting securities of the obligor or (2) is an affiliate, other than a subsidiary, of the obligor, furnish the following information as to the voting securities of such person.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default by trustee	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 8 shall be applicable to this item.

Item 11. Ownership or holdings by the trustee of any securities of a person owning 50 percent or more of the voting securities of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of a person who, to the knowledge of the trustee, owns 50 percent or more of the voting securities of the obligor, furnish the following information as to each class of securities of such person any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default by trustee	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 8 shall be applicable to this item.

Item 12. List of exhibits.

List below all exhibits filed as a part of this statement of eligibility and qualification.

SIGNATURE

Pursuant to the requirements of the Trust Indenture Act of 1939 the trustee, ----------, a corporation organized and existing under the laws of ----------, has duly caused this statement of eligibility and qualification to be signed on its behalf by the undersigned, thereunto duly authorized, all in the city of ----------, and State of ----------, on the ------ day of ------, 19---.

(Trustee)

By ----------
(Name and title)

Instruction as to signature. The name of each person signing the statement of eligibility and qualification shall be typed or printed beneath the signature.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 7a-29 (17 CFR 260.7a-29) permitting incorporation of exhibits by reference, the following exhibits are to be filed as a part of the statement of eligibility and qualification of the trustee. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for under Item 12.

1. A copy of the articles of association of the trustee as now in effect.

2. A copy of the certificate of authority of the trustee to commence business, if not contained in the articles of association.

3. A copy of the authorization of the trustee to exercise corporate trust powers, if such authorization is not contained in the documents specified in paragraph (1) or (2) above.

4. A copy of the existing bylaws of the trustee, or instruments corresponding thereto.

5. A copy of each indenture referred to in Item 4.

6. The consents of the trustee required by section 321(b) of the Act.

7. A copy of the latest report of condition of the trustee published pursuant to law or the requirements of its supervising or examining authority.

(Secs. 307, 308, 309, 310 and 319; 53 Stat. 1156, 1157 and 1173; 15 U.S.C. 77ggg, 77hhh, 77iii, 77jjj and 77sss)

Effective date. The foregoing action shall become effective October 20, 1965: *Provided, however,* That any person desiring to follow the procedure provided by Rule 7a-9 (17 CFR 260.7a-9) or to use the amended Form T-1 (17 CFR 269.1) prior to such date may do so.

By the Commission, September 20, 1965.

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

[F.R. Doc. 65-10292; Filed, Sept. 28, 1965; 8:45 a.m.]

[Release 39-226]

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

Form for Individual Trustees

The Securities and Exchange Commission has adopted certain amendments to Form T-2 (listed and described as 17 CFR 269.2) under the Trust Indenture Act of 1939. Notice of the proposed amendments was published June 10, 1965, in Trust Indenture Act Release No. 223 (30 F.R. 8012; June 22, 1965).

Form T-2 is prescribed for statements of eligibility and qualification of individuals designated to act as trustee under indentures to be qualified under the above-mentioned Act. The purpose of the amendments is to clarify and simplify the form in certain respects. The principal amendments were described in some detail in Trust Indenture Act Release No. 223.

A few additional changes of a relatively minor nature have been made in the form as a result of the comments received and the Commission's further consideration of the proposed amendments.

Commission action. The Securities and Exchange Commission, acting pur-

suant to the Trust Indenture Act of 1939, particularly sections 307, 308, 309, 310, and 319 thereof, hereby amends Form T-2 (listed and described as 17 CFR 269.2) to read as set forth below. The foregoing action shall become effective October 20, 1965: *Provided, however,* That any person desiring to use the amended form prior to such date may do so.

By the Commission, September 20, 1965.

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

§ 269.2 Form T-2.

Form T-2 shall be used for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM T-2

FOR STATEMENTS OF ELIGIBILITY AND QUALIFICATION UNDER THE TRUST INDENTURE ACT OF 1939 OF INDIVIDUALS DESIGNATED TO ACT AS TRUSTEES

General Instructions

A. *Rule as to Use of Form T-2.*

Form T-2 shall be used for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

B. *Application of General Rules and Regulations.*

The General Rules and Regulations under the Trust Indenture Act of 1939 are applicable to statements of eligibility and qualification on this form. Attention is particularly directed to Rules 0-1 and 0-2 (17 CFR 260.0-1 and 260.0-2) as to the meaning of terms used in the rules and regulations. Attention is also directed to Rule 5a-3 (17 CFR 260.5a-3) regarding the filing of statements of eligibility and qualification and to Rule 7a-16 (17 CFR 260.7a-16) regarding the inclusion of items, the differentiation between items and answers, and the omission of instructions.

C. *Calculation of Percentages of Securities.*

The percentages of securities required by this form are to be calculated in accordance with the provisions of Rule 10b-1 (17 CFR 260.10b-1).

D. *Scope of Items and Instructions.*

The items and instructions require information only as to the trustee, unless the context clearly shows otherwise.

E. *When an Obligation is Deemed to be in Default.*

An obligation shall be deemed to be in default when a default in payment of principal shall have continued for 30 days or more and shall not have been cured.

F. *Items Relating to Underwriters.*

Wherever any item of the form requires information with respect to an underwriter for the obligor the information is to be given as to every person who, within three years prior to the date of filing the statement of eligibility and qualification, acted as an underwriter of any security of the obligor outstanding on the date of filing the statement and as to every proposed principal underwriter of the securities proposed to be offered. The term "principal underwriter," means an underwriter in privity of contract with the issuer of the securities as to which he is an underwriter.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM T-2

STATEMENT OF ELIGIBILITY AND QUALIFICATION UNDER THE TRUST INDENTURE ACT OF 1939 OF AN INDIVIDUAL DESIGNATED TO ACT AS TRUSTEE

(Name of trustee)

(Social security No.)

(Business address: street, city, State, and ZIP Code)

(Exact name of obligor as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. employer identification No.)

(Address of principal executive offices)

(ZIP Code)

(Title of the indenture securities)

Item 1. Affiliations with obligor and underwriters.

If the obligor or any underwriter for the obligor is an affiliate of the trustee, describe each such affiliation.

Instructions. 1. The term "affiliate" is defined in Rule 0-2 (17 CFR 260.0-2) of the General Rules and Regulations under the Act. It should be noted that a corporation or other business entity may be an affiliate of an individual within the meaning of the definition. Attention is also directed to Rule 7a-26 (17 CFR 260.7a-26).

2. Include the name of each such affiliate and the names of all intermediary affiliates, if any. Indicate the respective percentage of voting securities or other bases of control giving rise to the affiliation.

Item 2. Trusteeships under other indentures.

If the trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the obligor are outstanding, file a copy of each such indenture as an exhibit and furnish the following information:

(a) Title of the securities outstanding under each such other indenture.

(b) A brief statement of the facts relied upon by the trustee as a basis for the claim that no conflicting interest within the meaning of section 310(b)(1) of the Act arises as *Item 2. Trusteeships under other inden-* a result of the trusteeship under such other indenture, including a statement as to how the indenture securities will rank as compared with the securities issued under such other indenture.

Instruction. Attention is directed to Rule 7a-29 (17 CFR 260.7a-29) permitting incorporation of exhibits by reference.

Item 3. Certain relationships between the trustee and the obligor or an underwriter.

If the trustee is a director, officer, partner, employee, appointee, or representative of the obligor or of any underwriter for the obligor, state the nature of each such connection.

Instructions. 1. Notwithstanding General Instruction F, the term "underwriter" as used in this item does not refer to any person who is not currently engaged in the business of underwriting.

2. The terms "employee," "appointee," and "representative," as used in this item, do not include connections in the capacity of transfer agent, registrar, custodian, paying agent, fiscal agent, escrow agent, or depositary or in other similar capacity or connections in the capacity of trustee, whether under an indenture or otherwise.

Item 4. Securities of the obligor owned or held by the trustee.

Furnish the following information as to securities of the obligor owned beneficially by the trustee or held by the trustee as collateral security for obligations in default.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Title of class	*Whether the securities are voting or nonvoting securities*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instructions. 1. As used in this item, the term "securities" includes only such securities as are generally known as corporate securities, but shall not include any note or other evidence of indebtedness issued to evidence an obligation to repay monies lent to a person by one or more banks, trust companies, or banking firms, or any certificate of interest or participation in any such note or evidence of indebtedness.

2. For the purposes of this item the trustee shall not be deemed the owner or holder of (a) any security which it holds as collateral security (as trustee or otherwise) for an obligation which is not in default, or (b) any security which it holds as collateral security under the indenture to be qualified, irrespective of any default thereunder, or (c) any security which it holds as agent for collection, or as custodian, escrow agent, or depositary, or in any similar representative capacity.

3. No information need be furnished under this item as to holdings by the trustee of securities already issued under the indenture to be qualified or securities issued under any other indenture under which the trustee is also trustee.

4. No information need be given with respect to any class of securities where the amount of securities of the class which the trustee owns beneficially or holds as collateral security for obligations in default does not exceed 1 percent of the outstanding securities of the class.

Item 5. Securities of underwriters owned or held by the trustee.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of an underwriter for the obligor, furnish the following information as to each class of securities of such underwriter any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default	*Percentage of voting securities represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 4 shall be applicable to this item.

Item 6. Holdings by the trustee of voting securities of certain affiliates or principal holders of voting securities of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default voting securities of a person who, to the

knowledge of the trustee (1) owns 10 percent or more of the voting securities of the obligor or (2) is an affiliate, other than a subsidiary, of the obligor, furnish the following information as to the voting securities of such person.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	Col. D
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 4 shall be applicable to this item.

Item 7. Holdings by the trustee of any securities of a person owning 50 percent or more of the voting securities of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of a person who, to the knowledge of the trustee, owns 50 percent or more of the voting securities of the obligor, furnish the following information as to each class of securities of such person any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	Col. D
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 4 shall be applicable to this item.

Item 8. List of exhibits.

List below all exhibits filed as a part of this statement of eligibility and qualification.

SIGNATURE

Pursuant to the requirements of the Trust Indenture Act of 1939, I, ----------, have signed this statement of eligibility and qualification in the city of ---------- and State of ----------, on the ------ day of ------, 19--.

(Signature of trustee)

(Secs. 307, 308, 309, 310, and 319; 53 Stat. 1156, 1157, and 1173; 15 U.S.C. 77ggg, 77hhh, 77iii, 77jjj, and 77sss)

[F.R. Doc. 65-10293; Filed, Sept. 28, 1965; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Camanche Dam and Reservoir, Mokelumne River, Calif.

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), § 208.81 is hereby prescribed to govern the use and operation of Camanche Dam and Reservoir on Mokelumne River, Calif., for flood control purposes.

§ 208.81 Camanche Dam and Reservoir, Mokelumne River, Calif.

The East Bay Municipal Utility District, Oakland, Calif., shall operate or otherwise effect the operation of Camanche Dam and Reservoir in the interest of flood control as follows:

(a) Storage space in Camanche Reservoir of 200,000 acre-feet, below elevation 235.5 feet (crest of uncontrolled spillway), shall be kept available for flood control purposes on a seasonal basis in accordance with the Flood Control Diagram currently in force for that reservoir. The Flood Control Diagram in force as of the promulgation of this section is that dated August 23, 1965, File No. 5-26-127, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C. Revisions of the diagram may be developed from time to time as necessary by the Corps of Engineers and the East Bay Municipal Utility District. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the East Bay Municipal Utility District and from that date until replaced shall be the Flood Control Diagram for purposes of this section. Copies of the Flood Control Diagram currently in force shall be kept on file in and may be obtained from the Office of the District Engineer, Corps of Engineers, Sacramento, Calif., and the East Bay Municipal Utility District.

(b) Releases from Camanche Reservoir shall be restricted insofar as possible to quantities which will not cause flows in Mokelumne River below Camanche Dam to exceed the controlling flow rate, as specified on the Flood Control Diagram. Any water temporarily stored in the flood control space shall be released as rapidly as can be safely accomplished without causing downstream flows to exceed those criteria.

(c) Nothing in the regulations of this section shall be construed to require dangerously rapid changes in magnitudes of releases or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(d) The East Bay Municipal Utility District shall maintain a continuous record of Camanche Reservoir stage, inflow, and releases; and shall make such current determinations of required flood control space and required release at Camanche Reservoir, and obtain such basic hydrologic data as are required to accomplish the flood control objectives prescribed in this section.

(e) The East Bay Municipal Utility District shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request and also of those operating data at upstream reservoirs and other basic operating criteria which affect the schedule of operation.

(f) The flood control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of flood emergency. Requests for and action on such modification may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of same day to the office of the East Bay Municipal Utility District.

(Regs., Aug. 23, 1965, ENGCW-EY; sec. 7, 58 Stat. 890; 33 U.S.C. 709)

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

[F.R. Doc. 65-10303; Filed, Sept. 28, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 95—EXEMPTION OF CERTAIN PERSONNEL FROM THE OPERATION OF SECTIONS 281, 283, 284, 434 AND 1914 OF TITLE 18, UNITED STATES CODE

SUBCHAPTER F—TRANSPORTATION

PART 184—MOVEMENT OF PERSONNEL VIA COMMERCIAL CONTRACT AND CHARTER AIR TRANSPORTATION

Discontinuance

1. Codification of Part 95, "Exemption of Certain Personnel from the Operation of Sections 281, 283, 284, 434 and 1914 of Title 18, United State Code and Section 190 of the Revised Statutes," is discontinued under Subchapter B.

2. Codification of Part 184, "Movement of Personnel Via Commercial Contract and Charter Air Transportation," is discontinued under Subchapter 7.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-10301; Filed, Sept. 28, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2200]

PART 3320—ACTS CONCERNING LIMITED AREAS

Subpart 3326—Leases for Minerals in Lands Withdrawn for Reclamation Purposes Within Lake Mead Recreation Area

MINERAL LEASING

The Act of October 8, 1964, established the Lake Mead Recreation Area. Thus,

the legal status of this area was changed from a Reclamation Withdrawal to a National Recreation Area under the administration of the National Park Service. These amendments will conform the existing regulations governing mineral leasing for this area to the Act of October 8, 1964. Since these regulations follow the pattern of regulations established for similar areas, and make no substantive changes in existing regulations, notice and public procedure thereon have been deemed unnecessary and the amendments become effective on the date of publication in the FEDERAL REGISTER.

1. Section 3326.0–3 is amended to read as follows:

§ 3326.0–3 Authority to lease; description of area.

(a) The Act of October 8, 1964 (78 Stat. 1039; 16 U.S.C. 460n) provides for mineral leasing within the Lake Mead Recreation Area, subject to such limitations, conditions, or regulations as the Secretary may prescribe, and to such extent as will not be inconsistent with either the recreational use or the primary use of that portion of the area heretofore withdrawn for reclamation purposes.

(b) The area subject to the regulations in this part is that area of land and water which is shown on a certain map identified as "boundary map, RA–LM–7060–B, revised July 17, 1963," which is on file and which is available for public inspection in the office of the Director of the National Park Service and in the headquarters office of the superintendent of the Lake Mead National Recreation Area. The area subject to these regulations may be revised by the Secretary as authorized in the act.

2. Section 3326.1 is amended to read as follows:

§ 3326.1 Other regulations applicable.

Except as otherwise specifically provided in Subpart 3326, the regulations contained in Parts 3100 and 3150 of this title and in 30 CFR Part 211 shall govern the leasing of mineral deposits which are presently subject to location under the general mining laws. However, mineral deposits of coal, oil, gas, phosphate, potassium, and sodium shall be governed by regulations issued under the Acts of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181), as amended, and February 27, 1927 (44 Stat. 1057; 30 U.S.C. 281), as amended, to which group 3100 is specifically applicable.

§ 3326.8 [Revoked]

3. Section 3326.8 is repealed.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 22, 1965.

[F.R. Doc. 65–10304; Filed, Sept. 28, 1965; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 7]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Effective as of midnight, October 7, 1965, G.m.t., Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure,* § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, November 7, 1965, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: September 23, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65–10398; Filed, Sept. 28, 1965; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15579]

PART 87—AVIATION SERVICES

Licensing of Radionavigation Land Test Stations

In the appendix to the report and order in the above-entitled matter released July 9, 1965, FCC 65–596, § 87.95(a) of Part 87—Aviation Services, is amended in accordance with paragraph number 7 of the report and order, to read as follows:

§ 87.95 Posting station licenses and transmitter identification cards or plates.

(a) The current authorization for each station at a fixed location shall be prominently displayed at the principal control point of the transmitter or transmitters: *Provided, however,* That with respect to radionavigation land test stations, the procedures set forth in paragraph (c) of this section may be followed.

* * * * *

Released: September 24, 1965.

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

[F.R. Doc. 65–10343; Filed, Sept. 28, 1965; 8:49 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

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted, except on areas designated by signs as closed, from November 1, 1965, to December 5, 1965, inclusive, except Sundays. This open area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, 6 miles south of Calais, Maine, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass., 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) A Federal permit is required to enter the public hunting area. Such permits may be obtained by applying in person at the refuge headquarters Monday through Friday from 7:30 a.m. to 4:00 p.m. during the 15 days prior to the hunt and thereafter on the days and during the hours when hunting is permitted.

(2) Only rifles firing center fire cartridges, or shotguns with loads of rifled slugs, single ball, or buckshot not smaller than single 0 may be used.

(3) Every deer killed on the refuge must be checked out at refuge headquarters before hunters leave the refuge. 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 December 5, 1965.

WESLEY R. JONES,
Refuge Manager, Calais, Maine.

SEPTEMBER 12, 1965.

[F.R. Doc. 65–10307; Filed, Sept. 28, 1965; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Certification and Publication of Eligibility Lists

1. Section 801.207 is amended to read as set out below. The change is in the

third sentence. Its purpose is to permit making the list of eligible voters available for public inspection at a place other than the place where the persons listed filed their applications when circumstances so require (for example, when the latter place is open for filing applications only on one day a week).

§ 801.207 Certification and publication of eligibility lists.

An examiner shall certify and transmit an eligibility list at least once a month to the office of the appropriate election official, with a copy to the Attorney General and the attorney general of the State. The list shall contain the name of each eligible voter listed since the last list was certified and transmitted. The list shall be made available for public inspection beginning on the last business day of the month and in any event not later than the 45th day before an election, during normal business hours, for one period of 10 consecutive days, at the place where the persons listed filed their applications as set out in Appendix A to this part, except that the list may be made available for public inspection in the same political subdivision at a place other than the place where the persons listed filed their applications when advance notice of this change is posted at the place where the persons listed filed their applications.

2. Appendix A to Part 801 is amended under the heading "Dates, Times, and Places for Filing" as set out below. In the introductory paragraph the second sentence has been changed to permit the changing of the days and hours that any office will be open for business by posting advance notice of this change. Under "Mississippi," five places for filing in new counties have been added. The complete list of counties and places for filing, with the new additions, is set forth for ease of reference.

APPENDIX A

* * * * *

DATES, TIMES, AND PLACES FOR FILING

Offices at which applications may be filed will be open in each State in the county or parish and at the place set forth in this appendix beginning on the date specified and continuing thereafter. Each office will be open Monday through Saturday (except on a legal holiday) between the hours of 8:30 a.m. and 4:30 p.m., except that the Commission may change the hours and days on which any office will be open for filing applications by posting advance notice of the change at the place set forth in this appendix.

ALABAMA

County; Place for filing; Beginning date

Dallas; Selma—Federal Building; August 10, 1965.

Hale; Greensboro—Post Office Building; August 10, 1965.

Lowndes; Fort Deposit—Post Office Building; August 10, 1965.

Marengo; Demopolis—Post Office Building; August 10, 1965.

Perry; Marion—Post Office Building, Room 3; August 20, 1965.

Wilcox; Camden—Federal Building, Room 202–204; August 20, 1965.

LOUISIANA

Parish; Place for filing; Beginning date

East Carroll; Lake Providence—Post Office Building; August 10, 1965.

East Feliciana; Clinton—Kline Building, St. Helena Street; August 10, 1965.

Ouachita; Monroe—Post Office Building, Room 301; August 20, 1965.

Plaquemines; Buras—Post Office Building; August 10, 1965.

MISSISSIPPI

County; Place for filing; Beginning date

Benton; Ashland—Post Office Building; October 1, 1965.

Bolivar; Cleveland—Post Office Building; October 1, 1965.

Clay; West Point—Post Office Building; October 1, 1965.

Coahoma; Clarksdale—Post Office Building; October 1, 1965.

Humphreys; Belzoni—Post Office Building; October 1, 1965.

Jefferson Davis; (1) Prentiss—Magnolia Courts, intersection of U.S. Highway 84 and State Highway 42, Units 21 through 24; August 25, 1965, through August 26, 1965; (2) Prentiss—Post Office Building; August 27, 1965.

Jones; Laurel—Federal Building, Room B–8; August 20, 1965.

Leflore; Greenwood—Post Office Building; August 10, 1965.

Madison; Canton—285 Peace Street; August 10, 1965.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110)

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

[F.R. Doc. 65–10450; Filed, Sept. 28, 1965; 11:39 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Foreign Expropriation Capital Loss Carryovers

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 (68A 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 381, 832, 1212, and 1222 of the Internal Revenue Code of 1954 to section 7 of the Act of September 2, 1964 (Public Law 88-571, 78 Stat. 860), such regulations are amended as follows:

PARAGRAPH 1. Section 1.381(c)(3)-1 is amended by adding a subparagraph (3) to paragraph (a) as follows:

§ 1.381(c)(3)-1 Capital loss carryovers.

(a) *Carryover requirement.* * * *

(3) This section contains rules applicable to capital loss carryovers determined without reference to the amendment of section 1212(a) made by section 7 of the Act of September 2, 1964 (Public Law 88-571, 78 Stat. 860) in respect of foreign expropriation capital losses. If the distributor, transferor, or acquiring corporation sustains a net capital loss in a taxable year ending after December 31, 1958, any portion of which is attributable to a foreign expropriation capital loss, such portion shall be carried over to each of the ten succeeding taxable years consistently with the rules prescribed in this section and paragraph (a)(2) of § 1.1212-1.

PAR. 2. Section 1.832-2 is amended by revising paragraph (a) to read as follows:

§ 1.832-2 Deductions.

(a) The deductions allowable are specified in section 832(c) and by reason of the provisions of section 832(c) (10) and (12) include in addition certain deductions provided in sections 161, and 241 and following. The deductions, however, are subject to the limitation provided in section 265, relating to expenses and interest in respect of tax-exempt income. The net operating loss deduction is computed under section 172 and the regulations thereunder. For the purposes of section 172, relating to net operating loss deduction, "gross income" shall mean gross income as defined in section 832(b)(1) and the allowable deductions shall be those allowed by section 832(c) with the exceptions and limitations set forth in section 172(d). In addition to the deduction for capital losses provided in subchapter P (section 1201 and following), chapter 1 of the Code, insurance companies are allowed a deduction for losses for capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. A special rule is provided for the application of the capital loss carryover provisions of section 1212. The deduction is the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 822(c)(6) and the regulations thereunder. Insurance companies, other than mutual fire insurance companies described in § 1.831-1, are also allowed a deduction for dividends and similar distributions paid or declared to policyholders in their capacity as such. The deduction is otherwise the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 823(2) and the regulations thereunder.

* * * * *

PAR. 3. Section 1.832-5 is amended by revising paragraph (a) to read as follows:

§ 1.832-5 Deductions.

(a) The deductions allowable are specified in section 832(c) and by reason of the provisions of section 832(c) (10) and (12) include in addition certain deductions provided in sections 161, and 241 and following. The deductions, however, are subject to the limitation provided in section 265, relating to expenses and interest in respect of tax-exempt income. The net operating loss deduction is computed under section 172 and the regulations thereunder. For the purposes of section 172, relating to net operating loss deduction, "gross income" shall mean gross income as defined in section 832(b)(1) and the allowable deductions shall be those allowed by section 832(c) with the exceptions and limitations set forth in section 172(d). In addition to the deduction for capital losses provided in subchapter P (section 1201 and following), chapter 1 of the Code, insurance companies are allowed a deduction for losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. A special rule is provided for the application of the capital loss carryover provisions of section 1212. The deduction is the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 822(c)(6) and the regulations thereunder. Insurance companies, other than mutual fire insurance companies described in section 831(a)(3)(A) and the regulations thereunder, are also allowed a deduction for dividends and similar distributions paid or declared to policyholders in their capacity as such. Similar distributions include such payments as the so-called unabsorbed premium deposits returned to policyholders by factory mutual insurance companies. The deduction is otherwise the same as that allowed mutual insurance companies subject to the tax imposed by section 821; see section 822(f)(2) and the regulations thereunder.

* * * * *

PAR. 4. Section 1.1212 is amended by revising section 1212(a) and the historical note to read as follows:

§ 1.1212 Statutory provisions; capital loss carryover.

SEC. 1212. *Capital loss carryover*—(a) *Corporations*—(1) *In general.* If for any taxable year a corporation has a net capital loss, the amount thereof shall be a short-term capital loss—

(A) In each of the 5 succeeding taxable years, or

(B) To the extent such loss is attributable to a foreign expropriation capital loss, in each of the 10 succeeding taxable years,

to the extent such amount exceeds the total of any net capital gains (determined without regard to this paragraph) of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year.

(2) *Definitions and special rules*—(A) *Foreign expropriation capital loss defined.* For purposes of this subsection, the term "foreign expropriation capital loss" means, for any taxable year, the sum of the losses taken into account in computing the net capital loss for such year which are—

(i) Losses sustained directly by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, or

(ii) Losses (treated under section 165(g)(1) as losses from the sale or exchange of capital assets) from securities which become

worthless by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing.

(B) *Portion of loss attributable to foreign expropriation capital loss.* For purposes of paragraph (1), the portion of any net capital loss for any taxable year attributable to a foreign expropriation capital loss is the amount of the foreign expropriation capital loss for such year (but not in excess of the net capital loss for such year).

(C) *Priority of application.* For purposes of paragraph (1), if a portion of a net capital loss for any taxable year is attributable to a foreign expropriation capital loss, such portion shall be considered to be a separate net capital loss for such year to be applied after the other portion of such net capital loss.

* * * * *

[Sec. 1212 as amended by sec. 230(a), Rev. Act 1964 (78 Stat. 99); sec. 7(a), Act of Sept. 2, 1964 (Pub. Law 88-571, 78 Stat. 860)]

PAR. 5. Section 1.1212-1 is amended by revising paragraph (a) to read as follows:

§ 1.1212-1 Capital loss carryover.

(a) *Corporations; other taxpayers for taxable years beginning before January 1, 1964*—(1) *Regular net capital loss.* (i) A corporation sustaining a net capital loss, and a taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, shall carry over such loss to each of the five succeeding taxable years and treat it in each of such five succeeding taxable years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the taxable year in which the net capital loss was sustained and the taxable year to which carried. The carryover is thus applied in each succeeding taxable year to offset any net capital gain in such succeeding taxable year. The amount of the capital loss carryover may not be included in computing a new net capital loss of a taxable year which can be carried forward to the next five succeeding taxable years. For purposes of this subparagraph, a net capital gain shall be computed without regard to capital loss carryovers. Further, a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date. Thus, where the applicable law for a taxable year beginning before October 20, 1951, provided that only certain percentages of the gain or loss recognized upon the sale or exchange of a capital asset should be taken into account in computing net capital loss, such percentages are to be taken into account in computing net capital loss for any such taxable year under this subparagraph. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 for special rules on capital loss carryovers. For the rules applicable to the portion of a net capital loss of a corporation which is attributable to a foreign expropriation capital loss sustained in taxable years ending after December 31, 1958, see subparagraph (2) of this paragraph. For the rules applicable to a taxpayer other than a corporation in the treatment of that amount of a net capital loss which may be carried over under this subparagraph as a short-term capital loss to the first taxable year beginning after December 31, 1963, see paragraph (b) of this section.

(ii) The practical operation of the provisions of this subparagraph may be illustrated by the following example:

Example. (a) For the taxable years 1952 to 1956, inclusive, an individual with one exemption allowable under section 151 (or corresponding provision of prior law) is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and taxable income (net income for 1952 and 1953) as follows:

	1952	1953	1954	1955	1956
Carryover from prior years:					
From 1952		($50,000)	($29,500)	($29,500)	
From 1954				(19,500)	($13,000)
Net short-term loss (computed without regard to the carryovers)	($30,000)	(5,000)	(10,000)		
Net short-term gain (computed without regard to the carryovers)				40,000	
Net long-term loss	(20,500)		(10,000)	(5,000)	
Net long-term gain		25,000			15,000
Net income or taxable income, computed without regard to capital gains and losses, and, after 1953, without regard to the deduction provided by section 151	500	500	500	1,000	500
Net capital gain (computed without regard to the carryovers)		20,500		36,000	
Net capital loss	(50,000)		(19,500)		
Deduction allowable under section 1202					1,000
Taxable income (after deductions allowable under secs. 151 and 1202)					900

(b) *Net capital loss of 1952.* The net capital loss is $50,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains (in this case, none) from sales or exchanges of capital assets, and (2) net income (computed without regard to capital gains and losses) of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $20,500, as defined by section 117(a)(10)(B) of the Internal Revenue Code of 1939, and limited by section 117(c)(1) of the 1939 Code, against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1954 and 1955 since there was no net capital gain in 1954. In 1955 this $29,500 is allowed in full against net capital gain of $36,000, as defined by paragraph (d) of § 1.1222-1 and limited by subdivision (i) of this subparagraph.

(c) *Net capital loss of 1954.* The net capital loss is $19,500. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains (in this case, none) from sales or exchanges of capital assets and (2) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full as a short-term loss to 1955. The net capital gain in 1955, before deduction of any carryovers, is $36,000. (See sections 1222(9)(B) and 1212 of the Internal Revenue Code of 1954, as it existed prior to the enactment of the Revenue Act of 1964.) The $29,500 balance of the 1952 loss is first applied against the $36,000, leaving a balance of $6,500. Against this amount the $19,500 loss arising in 1954 is applied, leaving a loss of $13,000, which may be carried forward to 1956. Since this amount is treated as a short-term capital loss in 1956 under subdivision (i) of this subparagraph, the excess of the net long-term capital gain over the net short-term capital loss is $2,000 ($15,000 minus $13,000). Half of this excess is allowable as a deduction under section 1202. Thus, after also deducting the exemption allowed as a deduction under section 151 ($600), the taxpayer has a taxable income of $900 ($2,500 minus $1,600) for 1956.

(2) *Corporations sustaining foreign expropriation capital losses for taxable years ending after December 31, 1958*—(i) *In general.* A corporation sustaining a net capital loss for any taxable year ending after December 31, 1958, any portion of which is attributable to a foreign expropriation capital loss, shall carry over such portion of the loss to each of the ten succeeding taxable years and treat it in each of such succeeding taxable years as a short-term capital loss to the extent and consistent with the manner provided in subparagraph (1) of this paragraph. For such purposes, the portion of any net capital loss for any taxable year which is attributable to a foreign expropriation capital loss is the amount, not in excess of the net capital loss for such year, of the foreign expropriation capital loss for such year. The portion of a net capital loss for any taxable year which is attributable to a foreign expropriation capital loss shall be treated as a separate net capital loss for that year and shall be applied, after first applying the remaining portion of such net capital loss, to offset any net capital gain in a succeeding taxable year. In applying net capital losses of two or more taxable years to offset the net capital gain of a subsequent taxable year, such net capital losses shall be offset against such net capital gain in the order of the taxable years in which the losses were sustained, beginning with the loss for the earliest preceding taxable year, even though one or more of such net capital losses are attributable in whole or in part to a foreign expropriation capital loss.

(ii) *Foreign expropriation capital loss defined.* For purposes of this subparagraph the term "foreign expropriation capital loss" means, for any taxable year, the sum of the losses taken into account in computing the net capital loss for such year which are—

(a) Losses sustained directly by reason of the expropriation, intervention, seizure, or similar taking of property by

the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, or

(b) Losses (treated under section 165 (g)(1) as losses from the sale or exchange of capital assets) from securities which become worthless by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing.

(iii) *Illustrations.* The application of this subparagraph may be illustrated by the following examples:

Example 1. X, a domestic corporation which uses the calendar year as the taxable year, owns as a capital asset 75 percent of the outstanding stock of Y, a foreign corporation operating in a foreign country. In 1961, the foreign country seizes all of the assets of Y, rendering X's stock in Y worthless and thus causing X to sustain a $40,000 foreign expropriation capital loss for such year. In 1961, X has $30,000 of other losses from the sale or exchange of capital assets and $50,000 of gains from the sale or exchange of capital assets. X's net capital loss for 1961 is $20,000 ($70,000—$50,000). Since the foreign expropriation capital loss exceeds this amount, the entire $20,000 is a foreign expropriation capital loss for 1961.

Example 2. Z, a domestic corporation which uses the calendar year as the taxable year, has a net capital loss of $50,000 for 1961, $30,000 of which is attributable to a foreign expropriation capital loss. Pursuant to the provisions of this paragraph, $30,000 of such net capital loss shall be carried over as a short-term capital loss to each of the 10 taxable years succeeding 1961, and the remaining $20,000 of the net capital loss shall be carried over as a short-term capital loss to each of the 5 taxable years succeeding 1961. Z has a $35,000 net capital gain (determined without regard to any capital loss carryover) for 1962. In offsetting the $50,000 capital loss carryover from 1961 against the $35,000 net capital gain for 1962, the $30,000 portion of such carryover which is attributable to the foreign expropriation capital loss for 1961 is applied against the 1962 net capital gain after applying the $20,000 remaining portion of the carryover. Thus, there is a capital loss carryover of $15,000 to 1963, all of which is attributable to the foreign expropriation capital loss for 1961. Z has a net capital loss for 1963 of $10,000, no portion of which is attributable to a foreign expropriation capital loss. For 1964, Z has a net capital gain of $22,000 (determined without regard to the capital loss carryovers from 1961 and 1963). In offsetting the capital loss carryovers from 1961 and 1963 against Z's $22,000 net capital gain for 1964, the $15,000 carryover from 1961 is applied against the 1964 net capital gain before the $10,000 capital loss carryover from 1963 is applied against such gain. Thus, $3,000 of the 1963 net capital loss remains to be carried over to 1965.

PAR. 6. Section 1.1222–1 is amended by revising paragraphs (b)(1) and (d) to read as follows:

§ 1.1222–1 Other terms relating to capital gains and losses.

* * * * *

(b)(1) In the definition of "net short-term capital gain", as provided in section 1222(5), the amounts brought forward to the taxable year under section 1212 (other than section 1212(b)(1)(B)) are short-term capital losses for such taxable year.

* * * * *

(d) In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from sales or exchanges of capital assets, which losses include any amounts brought forward by such taxpayer pursuant to section 1212. In the case of a taxpayer other than a corporation for taxable years beginning before January 1, 1964, the term "net capital gain" means the excess of (1) the sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions provided by section 151, relating to personal exemptions, or any deductions in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over (2) the losses from sales or exchanges of capital assets, which losses include amounts brought forward by such taxpayer under section 1212. Thus, in the case of estates and trusts for taxable years beginning before January 1, 1964, taxable income for the purposes of this paragraph shall be computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions allowed by section 642(b) to estates and trusts in lieu of personal exemptions. The term "net capital gain" is not applicable in the case of a taxpayer other than a corporation for taxable years beginning after December 31, 1963. In the case of a taxpayer whose tax liability is computed under section 3 for taxable years beginning before January 1, 1964, the term "taxable income", for purposes of this paragraph, shall be read as "adjusted gross income". For application of the term "net capital gain", in computing the capital loss carryover under section 1212, see paragraphs (a)(1)(ii) and (a)(2)(iii) of § 1.1212–1.

* * * * *

[F.R. Doc. 65–10285; Filed, Sept. 28, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

SPORT FISHING

Willamette National Wildlife Refuge, Oreg.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 33.4 by the addition of the Willamette National Wildlife Refuge, Oreg., to the list of wildlife refuges open to public sport fishing as legislatively permitted.

It has been determined that regulated public sport fishing may be permitted on the Willamette National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas: sport fishing.

* * * * *

OREGON

WILLAMETTE NATIONAL WILDLIFE REFUGE

STANLEY A. CAIN,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1965.

[F.R. Doc. 65–10308; Filed, Sept. 28, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1135, 1137]

[Docket Nos. AO–300–A9, AO–326–A7]

MILK IN COLORADO SPRINGS-PUEBLO AND EASTERN COLORADO MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colo., on February 24–26, 1965, pursuant to notice thereof issued on February 4, 1965 (30 F.R. 1802).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 30, 1965 (30 F.R. 8525; F.R. Doc. 65–7035), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 8525; F.R. Doc. 65–7035) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under subheading 1. *Combining the orders into a single order*, a new paragraph is added after the 18th paragraph.

2. Under subheading 2. *Milk to be priced and pooled*, the 10th, 12th, 18th, 19th, 20th, and 22d paragraphs are revised and a new paragraph is added after the 20th paragraph.

3. Under subheading 3. *Classification and allocation*, the 2d paragraph is deleted and 3 new paragraphs are substituted therefor; the 3d, 6th, 7th, and 11th paragraphs are revised; two new

paragraphs are added after the 3d paragraph; a new paragraph is added after the 15th paragraph; and a new paragraph is added after the 23d paragraph.

4. Under subheading 4. *Class I price and location adjustments*, a new paragraph is added after the 13th paragraph.

5. Under subheading 5. *Miscellaneous administrative and conforming changes*, the 10th paragraph is revised.

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

1. Combining the orders into a single order;

2. Milk to be priced and pooled;

3. Classification and allocation;

4. Class I price and location adjustments; and

5. Miscellaneous administrative and conforming changes.

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

1. *Combining the orders into a single order.* Order No. 135, regulating the handling of milk in the Colorado Springs-Pueblo marketing area, and Order No. 137, regulating the handling of milk in the Eastern Colorado marketing area, should be merged into a single regulation.

There no longer exists any basis for considering the two marketing areas as separate entities. Milk moves freely between the two markets both from the farm and in processed form. More milk is distributed in the Colorado Springs-Pueblo marketing area by Eastern Colorado handlers than is distributed there by locally regulated handlers.

Of seven distributing plants which were located in the marketing area and regulated by the Colorado Springs-Pueblo order at the date of the issuance of the Eastern Colorado order, only two are still pool plants under that order. In January 1962 a plant of the Carnation Co. located in Colorado Springs became subject to regulation under the Eastern Colorado order because of its greater distribution in that area. Subsequently, this plant was closed and part of its distribution was assumed by other Eastern Colorado handlers. In October 1962 Scotland Pride Dairy of Colorado Springs became a pool plant under the Eastern Colorado order because of its greater sales in that marketing area. It has been regulated under the Eastern Colorado order continuously since that time. During 1963 the Borden Co. closed its Colorado Springs plant and transferred the business to its Denver plant which is regulated under the Eastern Colorado order. In 1963, also, the Beatrice Foods Co. closed its plants at Pueblo and Colorado Springs and transferred the business to its plants at Denver and Greeley, both Eastern Colorado pool plants.

The closing of pool plants formerly regulated by Order No. 135 and the transfer of the distribution from these plants to Eastern Colorado pool plants has resulted in more sales being made in the Colorado Springs-Pueblo marketing area, at this time, by Eastern Colorado pool plants than are being made by Colorado Springs-Pueblo handlers. During 1961 pool plants regulated by the Eastern Colorado order accounted for 31,082,697 pounds of the Class I sales made in the Colorado Springs-Pueblo marketing area compared to 47,635,761 pounds of Class I sales in this same area by Colorado Springs-Pueblo pool plants.

During 1964, Eastern Colorado pool handlers distributed 51,771,926 pounds of Class I milk in the Colorado Springs-Pueblo marketing area as compared to 48,015,900 pounds of Class I distribution by Colorado Springs-Pueblo handlers. Thus, Class I sales made by Eastern Colorado pool plant handlers within the Colorado Springs-Pueblo marketing area have increased from 40 percent in 1961 to 52 percent in 1964 of the total sales made within such area by handlers regulated by the separate orders.

Some milk processed and packaged in a plant regulated under the Colorado Springs-Pueblo order is distributed in the Eastern Colorado marketing area.

In addition to the overlapping of route distribution in both marketing areas, many of the dairy farmers who are located either in the Colorado Springs-Pueblo marketing area or in close proximity to such marketing area are producers under both orders. Some of these dairy farmers are producers under the Colorado Springs-Pueblo order during much or most of the month and during the remainder of the month are producers under the Eastern Colorado order.

The Inter-Mountain Dairymen, a cooperative association, represents most of the producers supplying the Colorado Springs-Pueblo marketing area. It also operates two pool plants regulated by the Eastern Colorado order. One of these is a supply plant and the other a distributing plant. Since the milk may move directly from the farm to plants under either order, this association can influence the returns to its member producers by receiving at its Eastern Colorado pool plants, milk which is surplus to the needs of the Colorado Springs-Pueblo market. This milk then becomes producer milk under the Eastern Colorado order and shares in its marketwide pool.

Most of the handlers and Denver Milk Producers, the principal cooperative association in the Eastern Colorado marketing area, favored merging the two orders. The witness for Inter-Mountain Dairymen opposed the merger. His principal objection to merging the orders was that producers of the Colorado Springs-Pueblo order would not benefit since the merger would result in their receiving a lower blend price for their milk. As previously indicated, the blend prices to Colorado Springs-Pueblo producers have been more favorable in most instances than the blend prices to producers of the Eastern Colorado order.

The blend price advantage accruing to Colorado Springs-Pueblo producers undoubtedly has resulted, in part, from Inter-Mountain Dairymen's ability to pool under the Eastern Colorado order milk of its members which is surplus to the fluid requirements of the Colorado Springs-Pueblo marketing area. This cooperative association, as the operator of both a pool distributing plant and a pool supply plant which are regulated by the Eastern Colorado order, is in a position to receive the reserve milk supplies of Colorado Springs-Pueblo handlers at the Eastern Colorado pool plants which it operates. The Colorado Springs-Pueblo reserve milk supply which is delivered to the Denver pool plants as producer milk is pooled under the Eastern Colorado order. As a result the uniform price is lowered, since the percentage of Class I utilization of producer milk under the Eastern Colorado order is reduced by the amount of the receipts from Colorado Springs-Pueblo producers. At the same time, shifting the reserve milk of Colorado Springs-Pueblo handlers to the other order enhances the Class I utilization of the producer milk remaining in the Colorado Springs order.

This is borne out by a comparison of the uniform prices paid to producers under the separate orders. From the inception of the Eastern Colorado order in November 1961 through January 1965, producers of the Colorado Springs-Pueblo order received a higher uniform price than Eastern Colorado producers, except for 5 months during 1963 and 2 months during 1964. The differences in the simple average blend prices of the two orders were 15, 6, and 14 cents in 1962, 1963, and 1964, respectively. May 1964 was the month in which the greatest disparity, 40 cents per hundredweight, occurred between the uniform prices of the two orders. These variations between the uniform prices of the two orders have been a cause for dissatisfaction among producers.

Since the producers of the two orders are supplying handlers distributing milk in a common sales area, the two marketing areas should be combined under a single regulation. A single marketwide pool will return to all producers uniform prices reflecting the use of milk within the common sales area.

For the reasons set forth above it is concluded that the two orders should be combined into a single order with a marketwide pool. The recommended order adopts many of the provisions of the Eastern Colorado order, No. 137. The combined marketing area embraces all but three of the counties in the eastern half of the State. Therefore it is appropriate that the amended order No. 137 continue to be designated as the "Eastern Colorado marketing area".

Many provisions of the Eastern Colorado and Colorado Springs-Pueblo orders are either identical or essentially the same. For convenience, therefore, in preparing this decision, the provisions of the Eastern Colorado order are generally adopted. Particular findings are limited to those matters on which there were differences in views expressed at the hearing or where there is a substantial difference between the terms of the two orders.

The marketing area set forth herein is identical with that contained in the separate orders. It includes all the territory within the Colorado counties of Adams, Arapahoe, Boulder, Cheyenne, Clear Creek, Crowley, Custer, Denver, Douglas, Elbert, El Paso, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Las

Animas, Larimer, Lincoln, Logan, Morgan, Otero, Park, Phillips, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma; and the Kansas counties of Cheyenne, Logan, Sherman, and Wallace.

These counties form a distinct marketing area that is served primarily by the plants which are regulated. No proposals were submitted to expand the area. There is no evidence to support dropping from the combined marketing area any portion of the separate areas now regulated.

The handling of milk in the counties included in the marketing area is in the current of, or burdens, obstructs or affects, interstate commerce. Milk received from producers located in States outside of Colorado is received at pool plants within the marketing area, is commingled with Colorado-produced milk and distributed on routes in Colorado, Nebraska, and Kansas. Plants located outside the marketing area and within the States of Kansas and Nebraska distribute fluid milk products on routes in the combined marketing area.

To accomplish the merger effectively and most equitably, the assets in the custody of the market administrator in the administrative, marketing service, and producer-settlement funds under the two orders should be combined when the merger of the two orders is effective. Any liabilities of such funds under the individual orders should be paid from the new funds so created and obligations due to the funds under the separate orders should be paid to the combined funds under the merged order. To distribute such funds under one order to producers and handlers under that order would unduly burden the producers and handlers now regulated by the other order. To distribute the funds under both orders and again accumulate the necessary reserve would entail unnecessary administrative detail at considerable cost with no advantage to either handlers or producers. When the merger is effective, Order No. 135 should be revoked.

Inter-Mountain Dairymen, Inc., filed exceptions to the merging of the two orders. These exceptions are overruled for the reasons set forth above.

2. *Milk to be priced and pooled.* The sanitary requirements relative to the production, processing, and sale of fluid milk are substantially the same throughout the expanded marketing area. Fluid milk products sold under a Grade A label must be approved by health authorities who are governed by health ordinances and practices patterned after those prescribed by the U.S. Public Health Service Ordinance and Code.

The extensive overlapping of distribution routes of plants located in the two marketing areas demonstrates the comparability of sanitary standards in the two areas. In addition, milk produced primarily for one market may move directly from the farm to plants in the other market. Grade A milk processed under the supervision of health authorities in Kansas and Nebraska is also distributed in the marketing area.

In view of the obvious similarity of the health regulations and the free movement of milk, any dairy farmer whose milk is produced in compliance with the Grade A requirement of any duly constituted health authority should be eligible to share in the marketwide pool if his milk is received at a plant having sufficient association with the market to qualify as a pool plant.

The provision of the Colorado Springs-Pueblo order as it relates to the definition of a pool distributing plant should be continued in the merged order. It varies from the Eastern Colorado order in that it defines such a plant as one approved for "processing or packaging" fluid milk products. The Eastern Colorado order requires that both functions be performed. Witnesses raised the question as to whether the provisions of the Eastern Colorado order would regulate a plant, the sole distribution from which was in cans or other bulk units to dining halls and similar outlets. Under the Colorado Springs-Pueblo order it is clear such a plant would fall within the definition of distributing plant and thus be subject to regulation.

The performance standards for a pool distributing plant, however, should be changed to provide that such a plant dispose of, as fluid milk products on routes in the marketing area, not less than 10 percent of its receipts of Grade A milk (except receipts from other pool distributing plants), or an average of 12,000 pounds per day, whichever amount is less. At the present time both orders require disposition within the marketing area of 20 percent of the plant's total Class I route disposition.

There is no new plant which would be brought under regulation immediately as a result of this change. There is, however, an unregulated plant located at Concordia, Kans., which has some distribution in the eastern part of the marketing area. The exact volume of milk handled by this plant is uncertain, but it is known to be relatively large and most of the milk handled, reportedly, is disposed of as Class I milk. The present 20-percent requirement would permit such a plant to acquire an unduly large volume of sales in the market without becoming subject to full regulation.

Any plant which disposes of 10 percent of its total receipts on routes in the marketing area has established an association with the market sufficient to warrant its being included in the marketwide pool under the order. Likewise, a plant which distributes an average of 12,000 pounds per day of fluid milk products in the marketing area is an important factor in the market and should be fully regulated regardless of the percentage represented by the 12,000 pounds. Since total Class I sales in the marketing area will approximate 40 million pounds per month, 12,000 pounds per day is equivalent to approximately one percent of the total Class I milk in the market.

The 12,000 pounds per day limitation provides assurance that a large volume distributing plant located outside of the marketing area will not disrupt the orderly marketing of milk in a portion of the marketing area. It further limits the degree to which such a plant can distribute fluid milk products in the marketing area before becoming regulated as a pool plant. Sales within the marketing area by presently partially regulated plants are not great enough, at the present time, to regulate any of these plants as pool plants. None meets either the 10 percent or the 12,000 pound volume requirement adopted herein.

The amended order should contain the provision of the Colorado Springs-Pueblo order which exempts, from all except the reporting provisions of the order, any plant disposing of an average of less than 300 pounds per day of fluid milk products on routes in the marketing area. Plants having sales of less than 300 pounds per day in the marketing area have not been found to be a disruptive force in the market. Such plants, however, should be required to file reports with the market administrator for the purpose of verifying their continued exempt status.

The provisions of the Eastern Colorado order defining a supply pool plant should be continued in the combined order. These provisions require a supply pool plant to move 50 percent or more of its dairy farm supply of Grade A milk to distributing pool plants and provide automatic pooling status during March through August for any plant which qualified as a pool supply plant in each of the preceding months of September through February. The order should also provide that a supply plant which has qualified as a pool supply plant under either the Colorado Springs-Pueblo order or the present Eastern Colorado order during each of such months of September 1965 through February 1966 preceding the effective date of this amended order and has qualified in each of such remaining months under this amended order should continue to be a pool plant under this amended order through August 1966 unless nonpool status is requested.

The proponent cooperative association proposed the elimination of the portion of the pool plant definition which permits the exclusion, under certain circumstances, of that part of a plant used for manufacturing. It was contended that the present provision, which excludes a portion of a plant which is physically separated from the remainder of the plant, is operated separately and does not have approval of health authorities, serves no purpose since there is now no plant to which it is applicable.

The recommended decision would have continued in effect the provision of the pool plant definition of the present Eastern Colorado order which excludes, under certain circumstances, that part of a plant used exclusively for manufacturing. The Colorado Springs-Pueblo order does not contain such a provision. After further review of the record evidence in light of the exceptions filed on this point, this provision of the pool plant definition should be eliminated. The entire plant facility should be considered part of the pool plant.

The order should be amended to permit milk to be diverted for Class III use from Eastern Colorado pool plants to plants fully regulated under other orders without losing its identity as producer

milk in the Eastern Colorado market. There are many producers whose farms are located a considerable distance from any pool plant. When this milk is not required for Class I use, it now may be diverted to nonpool plants. Many of the Utah producers are located close to plants with manufacturing facilities which are pool plants under the Great Basin order. Under present order provisions their milk may not be diverted to these plants. As a consequence, in order to maintain producer milk status, it sometimes has been necessary to haul this milk to pool plants in Denver and its environs.

Manufacturing facilities in eastern Colorado are very limited. A condensery at Johnstown and a cheese plant in Denver are virtually the only outlets for reserve milk. Hence, it is often necessary after receiving the Utah milk in Denver, to haul it back to Utah to be manufactured in Great Basin pool plants. Handling milk in this manner is inefficient and costly. The order should be amended to permit such milk to be pooled in the Eastern Colorado market even though diverted directly from the farm to manufacturing facilities which are regulated under another order. Such movements, however, should be subject to the limitations described below.

The proposal as made would apply only to diversions to Great Basin plants. It is in Utah that this situation has most frequently occurred. However, there are other distant producers located in or adjacent to other marketing areas where the same conditions could prevail. Accordingly, diversions for Class III use should be permitted to a pool plant under any order which has a reciprocal provision whereby such milk is excluded from pooling in the market of actual receipt.

Also, the original proposals would have limited such diversion privilege to cooperative associations since at the present time all the Utah producers are members of cooperative associations. There are nonmember producers on the market, however. At times it might be to the advantage of the market to permit proprietary handlers to divert the milk of nonmember producers to pool plants under an other order for manufacturing uses. Therefore, the provisions should permit such diversions by any handler on the market, proprietary or cooperative.

The order should also be amended to permit milk diverted by handlers under other orders to Eastern Colorado pool plants for manufacturing to be pooled under the originating order. At the present time Grade A milk received at a pool plant directly from the farm where produced is considered producer milk and pooled, even though it is the weekend surplus of another market. With the merger of the Colorado Springs-Pueblo order and the Eastern Colorado order, the need for this provision will not be great. Its adoption, however, will act as a safeguard to protect the market from the surplus of nearby markets which might be diverted to Eastern Colorado plants.

Since it is possible for the same farmer to be a producer under two orders during the month, provision should be made to preclude pooling the same milk under two orders. As a general rule, when order provisions permit, the milk should be priced and pooled in the market with which it is primarily associated. However, when the reserve supply of one market is diverted to plants in another market for manufacturing use, such milk should be pooled in the market from which diverted, even though the greater volume of the milk of the producers involved may be received in the market to which the milk is diverted. Therefore, if milk is diverted to other order plants for Class III use, it will be pooled as producer milk in the Eastern Colorado market even though more of the producer's milk was delivered to the other order plant than to pool plants.

As noted above, a portion of the Eastern Colorado supply is located much closer to other order plants than to pool plants. In the period of greatest production it may be much more convenient to dispose of the greater percentage of such production to other order plants for manufacture into dairy products. Similarly, should milk of producers of another order which is surplus to its needs be diverted from an other order plant to an Eastern Colorado pool plant for manufacturing use, the milk should continue to be pooled in the market from which diverted even though, during the month the majority of such producers' milk was received at the pool plant. To be considered as a diversion, it is provided that the diverting handler and the operator of the plant at which the milk is physically received must both report to their respective market administrators that such milk was diverted for Class III use.

If the provisions of a neighboring order do not exclude from pooling milk which might be diverted from the Eastern Colorado market, then milk so diverted will be excluded from pooling in Eastern Colorado and will be pooled in the market where physically received. In order to avoid duplication of pooling it is provided that milk diverted to another order plant will lose its status as pool milk under the Eastern Colorado order immediately upon becoming subject to pooling under the other order as producer milk defined therein.

Denver Milk Producers filed exceptions to the provision which permits diversion to a pool plant under any other order. It is their position that, since the Great Basin market is the only one to which milk is likely to be diverted at the present time, the provision should be restricted to diversions to that market. As noted above producers are scattered over a wide area. A situation could develop where it would be to the advantage of the market to divert milk of distant producers to pool plants under orders other than the Great Basin. Accordingly, this exception is denied.

The limitations on the amount of milk which may be diverted under the present Eastern Colorado and Colorado Springs-Pueblo orders are different. The Eastern Colorado order provides that milk of a producer must be received at pool plants for 3 days during the month. Diversions of producer milk may not exceed 30 percent of the total producer milk received at the plant during the months of March, April, May, June, July, and December and 20 percent in other months. The Colorado Springs-Pueblo order provides that milk of a producer must be received at pool plants for 5 days during the month. Diversions of producer milk may not exceed 50 percent of the total producer milk received at the plant in April, May, June, and July and 25 percent in other months. Under both orders the percentage limitations on diversions by cooperative associations apply to receipts of member milk at all pool plants. Also, the diversion provisions of the present Eastern Colorado order allow two or more cooperatives to have their diversions computed on the basis of their combined deliveries if such request is made to the market administrator.

Denver Milk Producers supported continuation of the diversion provisions of the present Eastern Colorado order as appropriate for the combined order. The only objection to such proposal was raised by the cooperative association supplying Colorado Springs-Pueblo handlers. It objected to allowing two or more cooperatives to have diversions computed on the basis of the combined deliveries of such cooperatives. Its objection to this provision was based on the fear that these provisions would permit more milk to become associated with this market. The percentage of milk which may be diverted under the Eastern Colorado order is much less than may be diverted under the Colorado Springs-Pueblo order; therefore, the adoption of such percentage provisions does not increase the possibility of associating additional milk with the market. Rather, the lower percentage of diversions permitted under the Eastern Colorado order could prove to be a deterrent. Neither does the fact that two cooperatives may have their deliveries combined in calculating the percentage of allowable diversions encourage additional milk to become associated with the market. It does provide, however, a means by which one cooperative may divert an amount of milk equal to the separate diversions allowable to two or more cooperatives. This will permit the milk of producer-members of the cooperative located nearest to manufacturing outlets to be diverted in preference to that of other producers who are members of another cooperative association but whose farms are located closer to the central market. This will permit more efficient disposal of the market's surplus by eliminating unnecessary handling. This provision has proved advantageous in the Eastern Colorado market and it should be continued in the expanded marketing area.

One witness suggested the need to clarify the diversion provisions as they apply to a cooperative association in its capacity as the operator of a pool distributing plant. He feared that such a cooperative might be in a position to divert member milk in excess of the percentages otherwise permitted. The order language is clear that a cooperative association diverting its member milk in its capacity as a cooperative association supplying milk to distributing plants may not divert milk of its members in its capacity as the operator of a pool dis-

tributing plant. Thus, no further amendment in this respect is necessary.

Presently, all producer milk disposed of both within the marketing area and outside such area is fully regulated and priced under the separate orders. It is necessary that this arrangement be continued under the expanded Eastern Colorado order. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

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

Limited quantities (as provided) of Class I milk may be sold within the regulated marketing area from plants not under any Federal order. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants having less association than required for market pooling would not jeopardize marketing conditions within the regulated marketing area. Official notice is taken of the June 19, 1964, decision (29 F.R. 9213) supporting amendments to several orders, including the Eastern Colorado and Colorado Springs-Pueblo orders.

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

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales of milk not fully regulated (pooled) from adversely affecting operation of the order and the fully regulated milk.

3. *Classification and allocation.* A proposal to classify certain soft uncured cheeses as Class II products was abandoned by proponents at the hearing. In the absence of any testimony in support of reclassifying such cheeses, the Class III classification should be retained in the merged order.

The recommended decision provided that sour cream which is not disposed of under a Grade A label should be classified as Class II. After review of the exceptions, however, it has been concluded that such products should be classified as Class III.

Handlers originally proposed a Class III classification for such use. Most of those who testified, however, indicated that they would not oppose a Class II classification if all sour cream were classified in Class II regardless of whether it carried a Grade A label. Others urged that all sour cream regardless of its labeling be classified as Class III.

Several handlers excepted to the Class I classification of sour cream disposed of under a Grade A label and the Class II classification of sour cream disposed of without a Grade A label.

Sour cream from both pool and nonpool plants is distributed in the marketing area. Some bears a Grade A label and some does not. Most health departments in the area require that sour cream be made from Grade A milk. Few, if any, require that the finished product be labeled Grade A. The proponents of reclassification claimed that sour cream sales were declining, particularly in the wholesale trade to bakeries and restaurants. Their principal competition comes from non-Grade A products. Since these outlets are not required to use Grade A sour cream, sour cream when disposed of to such outlets without a Grade A label should be classified as Class III.

The present order provides that sour cream to which cheese, or any food substance other than a milk product, has been added in an amount equal to three percent or more by weight of the finished product shall be classified as Class III. Administratively it is desirable to classify in the same class all sour cream which does not carry a Grade A label regardless of whether it contains other ingredients. There is no basis for reclassifying as Class II those products which contain added ingredients. To achieve uniformity of classification all sour cream which does not bear a Grade A label should be classified as Class III.

Since the butterfat differential is the same for both Class II and Class III milk, the net difference in price per hundred pounds of sour cream would amount to only 15 cents. Based on the recent utilization in the market the difference between Class II and Class III utilization would amount to less than three hundred dollars per month in the total returns for producer milk. This would affect the uniform price less than one mill per hundredweight.

Competition from non-Grade A products has not developed to any great extent at the retail level. Most sour cream disposed of at retail carries a Grade A label. Since the product is required to be produced from Grade A milk and merchandised to consumers on the basis of its Grade A quality, producers should be paid on the same basis as for other fluid milk products disposed of under a Grade A label.

The definition of other source milk should be amended to exclude Class II products received from other pool plants. Under present order provisions such a receipt would be allocated to Class III use in the transferee plant. Its disposition from the transferee plant, however, would be a Class II disposition. Thus the transferee handler would be assessed the difference between the Class II and Class III prices on milk which had already been classified and priced as Class II in the transferor plant. This situation will be avoided by excluding from the definition of other source milk, Class II products received from other pool plants.

Handlers should be permitted to classify as Class III milk actual shrinkage up to 0.5 percent on milk diverted to a nonpool plant. The order recognizes that some loss occurs between the farm and the pool plant of receipt when milk is moved in bulk tanks. A Class III classification of milk in shrinkage up to 0.5 percent is permitted to compensate for the difference between the weight of the milk in the tank at the farm and the weight of the milk when received at a pool plant. When the milk is moved directly from the farm to a nonpool plant, however, both orders now deny the diverting handler, proprietary or cooperative, credit for shrinkage on the loss incurred between farm and nonpool plant.

When milk moved from the farm to the plant in cans, it was weighed at the plant of receipt. The plant operator was obligated for the pounds of milk he received in his plant. Any loss between the farm and the plant scale was borne by the producer. The only shrinkage allowance was for loss incurred in the processing operation. When bulk tanks came into use and the milk was measured on the farm, it became apparent that some loss occurred between farm and plant. As a result the 2 percent shrinkage allowance generally permitted was divided between the receiving and processing operations. While no shrinkage is incurred in the processing operation by the handler who diverts milk to a manufacturing plant, the farm to plant shrinkage is the same as on movements to pool plants. Accordingly, the handler should be permitted a shrinkage allowance of up to 0.5 percent on milk diverted in bulk tanks to be classified as Class III milk.

Butterfat which is contained in fluid milk products, cottage cheese, and sour cream which are dumped should be classified as a Class III use. Presently only the skim milk in fluid milk products dumped receives a Class III utilization. However, handlers who dispose of these products as animal feed receive a Class III classification on both the butterfat and the skim milk contained therein. It is no more economically feasible to re-

move the butterfat from fluid milk products, such as homogenized milk, flavored milk and milk drinks, prior to dumping than it is prior to sales of such products as animal feed.

Both orders now require that the market administrator be notified in advance in order that verification of the dumping of skim milk may be made. It is concluded that the butterfat in dumped fluid milk products should be classified as Class III milk subject to the same prior notice and verification as is now required for skim milk.

Several handlers proposed that fluid milk products disposed of "in bulk form" to commercial food processing establishments for use in food products prepared for consumption off the premises should be redefined to mean fluid milk products in containers of 2 gallons or more. Presently, the market administrator's interpretation of "in bulk form" means containers of 10 gallons or more. The reason given for wanting the decrease in container size was because female employees of the food processing establishments were not able to lift or handle the 10-gallon containers.

One of the objections raised to decreasing the container size to 2 gallons or more is that dispenser units for both home and commercial use are normally two and one-half gallons or more in size. The order should specify that such deliveries be in containers of 2 gallons or more, other than home dispenser or commercial milk dispenser units used to serve milk for fluid consumption. It should also be specified that any delivery of a fluid milk product to an establishment which disposes of fluid milk products or which uses fluid milk products in any other type of food prepared for consumption on the premises should be a Class I disposition regardless of the size of the container.

The inventory provisions should be changed to classify as Class III only that portion of the ending inventory which is in bulk storage in the plant. All fluid milk products on hand in packaged form in the plant should be classified as Class I.

Handlers have had difficulty in reconciling their accounting with that of the market administrator. The market administrator has classified as inventory (Class III) only those products which were on hand in the plant itself. Products on trucks on or off the premises and products in distribution outlets or in transit have been considered as disposed of and therefore have been classified as Class I. Most handlers consider products on loaded trucks as still in inventory. The treatment of products in distribution points or in transit appears to differ with the individual handlers.

The original proposal of handlers was to consider fluid milk products on trucks stored on or adjacent to the plant premises as being in inventory and classified as Class III. This proposal was modified to suggest that all inventory in packaged form be classified as Class I. This would result in all packaged fluid milk products on hand, either in the plant, on loaded trucks, or in distribution points, being classified uniformly as Class I regardless of whether they were considered as being in inventory or as being already disposed of.

No one opposed the adoption of the modified proposal. In the long run it will affect neither handlers' costs nor producers' returns. In the first month in which it is effective it will increase handlers' cost by the difference between the Class I and Class III prices on the volume of packaged milk classified as inventory. This difference will be recovered in subsequent months since there will be no reclassification charge on inventories of packaged fluid milk products allocated to Class I in subsequent months.

One exceptor to the recommended decision reiterated his request that fluid milk products on loaded trucks on the premises of the pool plant or at distribution points within the city where the pool plant is located be treated as ending inventory. As previously stated, the treatment of products in distribution points or in transit appears to differ with the individual handlers. Since packaged fluid milk products on hand, either in the plant, on loaded trucks or in distribution points, will be classified uniformly as Class I regardless of whether such products are considered as being in inventory or as being disposed of, any redefinition of ending inventory would not affect the monthly obligation of the pool plant handler. Therefore, the exception is denied.

To insure that all handlers pay the current month's Class I price for producer milk disposed of during the month, it is provided that if the Class I price increases, the handler will be charged the difference between the Class I price for the current month and the Class I price for the preceding month on the quantity of ending inventory assigned to Class I in the preceding month. Likewise, if the Class I price decreases, the handler will receive a corresponding credit.

To accommodate this change the allocation section should provide that inventory of packaged fluid milk products on hand at the beginning of the month be subtracted from Class I utilization before making the other assignments therein provided. Inventory of fluid milk products in bulk form would continue to be handled as under the present orders.

Some changes are necessary in the provisions relating to transfers between pool plants. At the present time if other source milk is received at a pool plant which transfers milk to another pool plant, the transfer is classified as though it had been a direct receipt of other source at the transferee plant. Application of this provision results in numerous reclassifications and minor audit adjustments between handlers. In most cases these adjustments in no way affect the total classification or value of the producer milk in the pool. Neither do they affect the classification of the other source milk.

The provision was intended to prevent a handler operating a pool plant with a low utilization from receiving a high Class I classification on receipts of other order milk or milk from unregulated supply plants, by having such milk received first at a high utilization plant and then transferred to the low utilization plant. In application, however, the provision has resulted in numerous adjustments which affect the pool not at all, but involve a great deal of bookkeeping and revision of records. In order to prevent meaningless adjustments, but effectuate the purpose for which the provision was designed, the order should provide that, if the transferor plant has received other source milk, the transferred milk shall be classified at both plants so as to assign the greatest possible Class I utilization to producer milk. The subsequent application of the allocation provisions will result in the same total classification of other source milk and producer milk as is provided by the present order.

The order should be amended also to provide that receipts from a cooperative association which is a handler be considered a receipt of producer milk for purposes of allocation. This would apply both to receipts from a pool plant operated by the cooperative and to milk which it causes to be delivered from producers' farms in bulk tanks in its capacity as the handler for such milk.

The recommended decision provided that receipts from a pool supply plant operated by a cooperative association would be considered as a receipt of producer milk for purposes of allocation. Upon further consideration it is concluded that receipts from a pool distributing plant operated by a cooperative association should likewise be accorded the same treatment. In most instances transfers by a cooperative association to the pool plant of another handler from its distributing plant are indistinguishable from transfers from its pool supply plant. Accordingly, such transfers by a cooperative association from either its pool supply plant or distributing pool plant should be considered as a receipt of producer milk for purposes of allocation.

Under both orders at the present time, receipts from a cooperative's pool plant are classified by agreement just as are any other interplant transfers. In the absence of agreement such milk is classified as Class I. Receipts from the farms in bulk tanks may be classified by agreement, but, in the absence of such agreement, are classified pro rata.

Assigning different classifications to the two types of receipt from a cooperative association involves extra accounting procedures which affect neither the handler's total obligation or the ultimate classification of milk in the pool. It can cause additional inconvenience at times since the handler who purchases all or substantially all of his milk from a cooperative association may not know whether a particular load came directly from producers' farms or through a pool plant. If the handler fails to receive such information prior to the filing of his report, audit adjustments may be involved which affect the individual pool obligations of the handler and the cooperative association but have no effect on the classification or value of the pool. Allocating such milk over the handler's utilization as producer milk will eliminate these problems.

The order should also specify that handlers shall pay a cooperative association which is a handler at the uniform price for milk received from it regardless of whether the milk came directly from producers' farms or was first received at a pool plant operated by the cooperative association. Any audit adjustments arising in connection with such milk would be made through the handler rather than through the cooperative association. At the present time when an audit adjustment is made, the market administrator must bill the cooperative which, in turn, must bill the handler for the money due the producer-settlement fund. If a refund is due a handler, such refund must now be made to the cooperative association, which in turn, passes it on to the handler. This is a cumbersome procedure and, in case of default by a handler, it might be necessary to institute action against the cooperative association as well as the handler. Requiring payment at the uniform price instead of class prices will remove this difficulty.

For purposes of allocating other source milk which might be received at a pool plant operated by a cooperative association, milk which is transferred from such pool plant to the pool plant of another handler shall be classified at the average marketwide utilization of producer milk.

The amended order should retain the provision, currently in both orders, whereby it is at the option of the cooperative association whether it becomes the handler for its member milk delivered from the farm in tank trucks owned and operated by the association.

4. *Class I price and location adjustments.* The Class I price should be maintained at its present level. Both orders currently provide a Class I differential of $2.10 over the basic formula which is the Minnesota-Wisconsin price series. This price is subject to adjustment as supply and demand vary from specified norms.

The Class I prices under both orders were reviewed and continued at their present levels as a result of hearings held in Denver on December 1, 1964, and in Colorado Springs on December 2, 1964. Although the notice of this hearing contained a proposal by certain handlers to reduce the Class I differential to $2.00, this proposal was abandoned and no testimony was presented in support of any change in the present level.

However, both of the major cooperative associations and most of the handlers in the combined marketing area supported a proposal that a limit be placed on the movement of the supply-demand adjustment. They recommended that its effect be limited to an adjustment of not more than 20 cents in either direction. Presently, neither of the separate orders has a limit on the amount of the increase or decrease in the Class I price which could result from the action of the supply-demand adjustor.

The cooperative associations and handlers stated that it was necessary to limit the supply-demand adjustor to preserve price alignment between this order and surrounding Federal order markets. One of the cooperative associations felt that a limit on the supply-demand adjustor would be an aid to handlers in preparing bids on long-term contracts.

A limit should be placed on the action of the supply-demand. It should be sufficiently wide, however, to permit the supply-demand adjustor to function up to a point where it will have sufficient effect to bring about a substantial response in the supply-demand relationship. This is particularly true in view of the gradual changes which can be expected from the present adjustor which is much less sensitive than those generally in use. A limit of 50 cents is appropriate in this market. Any persistent adjustment approaching this level would indicate a need for consideration of changing the Class I differential through the hearing process.

The pattern of location adjustments in the Eastern Colorado order should be maintained at both the handler and producer levels. Colorado Springs and Pueblo should be added as basing points from which location differentials are computed. This will maintain the present pricing patterns of the separate orders throughout the combined marketing areas.

Some handlers urged the elimination of location differentials within 180 miles of Denver or, in the alternative, at any point in the several counties adjacent to Interstate Highway 25. This highway runs from north to south through the entire market just east of the mountains. Denver, Colorado Springs, and Pueblo are all located on this highway. Their principal concern, however, is the elimination of the 10-cent location differential at Greeley, Colo., which is approximately 53 miles from Denver.

At Greeley there is a relatively large distributing plant. Milk from this plant is distributed over most of the marketing area either directly from Greeley or through distribution points at Colorado Springs and Pueblo. Throughout this area this plant competes with plants located in Denver and Colorado Springs.

The entire question of location differentials was reviewed at a hearing as recently as January 1964. A final decision on that hearing was issued in June of 1964.

The facts relating to the production and movement of milk are essentially the same today as they were at the time of the prior hearing. The primary purpose of the location adjustment is to encourage the movement of milk to the primary market—in this case—Denver and, to a lesser extent, Colorado Springs.

Approximately 40 percent of the producer milk for the enlarged marketing area is produced in Larimer and Weld Counties in the vicinity of Greeley and Fort Collins. Most of these producers are so located that the cost of hauling their milk to Denver is 10 cents more than the cost of hauling to Greeley in the case of daily deliveries, and 12 cents more in the case of every other day deliveries. Actual costs for farm to plant haul were not given for the Fort Collins area, but a witness estimated that it would cost producers in that vicinity 8 or 9 cents more to have their milk hauled to Denver.

If the location differentials were removed, producers would be unwilling to ship their milk to Denver since they would receive a net return at Denver plants approximately 10 cents less on the average than at plants in Greeley or Fort Collins. Denver handlers would undoubtedly be forced to pay a 10-cent premium to get the milk delivered to Denver. The rate of the location differential for the 50–75 mile zone is virtually identical to the extra cost incurred in moving milk to Denver from the Greeley-Fort Collins area. No showing was made that the present schedule is inappropriate at other points where milk is received from producers. Accordingly, the present schedule of location differentials should be retained.

The Colorado Springs-Pueblo order provides for a 10-cent location differential for milk received at a pool plant located in Otero County. The only pool plant in Otero County is located in Rocky Ford. Rocky Ford is 53 miles from Pueblo. Therefore, under the adopted rate of location differentials with Pueblo added as a basing point, the location differential at Rocky Ford under the amended order will be the same as it is now under the Colorado Springs-Pueblo order.

Some handlers filed exceptions to the continuance of the present schedule of location differentials. In support of their position they note that a cooperative association with members shipping to plants at both Greeley and Denver pays its producer members on the basis of the Denver price. However, it deducts the cost of hauling milk to Denver in both instances. This is merely a bookkeeping procedure and the net returns to both groups of producers would be the same if the cooperative association paid the Greeley producers at the uniform price applicable at Greeley and deducted from their price only the cost of hauling the milk to Greeley. The cooperative is in a position to follow its present procedure without penalizing either group of producers only because there is a location differential at Greeley which is approximately equal to the difference in the cost of hauling the milk from the farm to Greeley and Denver.

As noted above, no material change has taken place in the market structure or in the procurement practices of handlers which would warrant a change in the location differential at this time.

5. *Miscellaneous administrative and conforming changes.* The definition of "Department" should be identical with that contained in the Colorado Springs-Pueblo order. This definition of Department includes any other Federal agency which might be authorized to perform the price reporting functions specified in the order.

A handler proposed that milk be priced at the farm rather than at the plant of receipt. From his testimony it is evident that he sought to establish the point at which title to the milk passed from the producer to the handler rather than to effect any change in the present method of pricing. Milk may be picked up at the farm by the handler or may be hauled to the plant by the producer. It may also

be transported by a public hauler under contract to either the handler or the producer. In the case of producers who are members of a cooperative association the milk in most instances is hauled in trucks owned by or under contract to the cooperative association. Under such diverse circumstances it would be difficult to define the point at which title passes to the handler.

Since the evidence does not establish a need for making such a determination the proposal is denied.

The "handler" definition of the Eastern Colorado order with slight modification is appropriate for the combined order. The provision "any person in his capacity as the operator of a pool plant" should be revised to read "any person in his capacity as the operator of one or more pool plants". This revision is a conforming change necessitated by changes made in the language of the allocation section.

The handler definition should be further revised to provide that bulk tank milk for which the cooperative is the handler shall be deemed to have been received by such cooperative association at the location of the pool plant to which such milk was delivered. Neither of the present orders specifies the point at which bulk tank milk for which the cooperative association is the handler, shall be considered to have been received by the cooperative association for pricing purposes. Both orders have been so interpreted. Since it is necessary to determine the point of receipt for applying location differentials (not for determining the point at which title passes) the amended order should state that the milk is to be priced at the location of the plant of physical receipt, regardless of whether the cooperative association or the plant operator is the handler for such milk.

A proposal to further amend the handler definition to mean "any person or business unit in his capacity as the operator of one or more pool or nonpool plants located in the marketing area" should not be adopted. The proponent of such proposal indicated that the intent of this proposal, and of one relative to reporting, was for the purpose of obtaining reports from nonpool plants which are affiliated with a pool plant. One of the primary concerns of the proponent was whether transfers between a pool plant and an affiliated nonpool plant could be properly classified in the absence of a complete report and audit of the affiliated nonpool plant.

The proposed modifications of the handler definition and of the reporting section are unnecessary. Any nonpool plant with route distribution in the marketing area at the present time must file reports with the market administrator and permit the market administrator to verify such reports. The operator of such plant is a handler operating a partially regulated distributing plant. There is no reason why reports should be required of a nonpool plant which does not process or package fluid milk products and has no route distribution within the marketing area since the operator of such a plant would not be obligated to make payments to the producer-settlement fund of this order. In addition, the order requires that all transfers to a nonpool plant which is neither an other order plant nor a producer-handler plant shall be Class I unless books and records of the nonpool plant are made available for purposes of verification. This provides assurance that if the transfers to nonpool plants are subsequently moved to another plant for fluid use they will receive a Class I classification.

A proposal to combine one or more distributing plants or supply plants for the purpose of filing a single report is denied. The primary objective in combining one or more pool plants appeared to be for the purpose of allocating milk receipts on the basis of the total receipts of the combined operation of such plants. The order herein set forth provides that pool plant operators shall submit a report for each of their pool plants in order that classification and shrinkage may be computed separately for each plant. Such procedure will insure that shrinkages occurring in one pool plant may not be offset by overages in another pool plant of the same handler.

The allocation provisions of the separate orders now provide for individual plant accounting. However, if one of the pool plants of a handler has received bulk fluid milk products from an unregulated supply plant or an other order plant, which are to be assigned pro rata utilization, such assignment is based on the overall utilization of all the pool plants of the handler. This is accomplished by "borrowing" utilization from one plant for assignment in another.

This procedure is simplified in the amended order by providing that after computing the classification of milk at each of a handler's pool plants, the market administrator shall combine the totals before allocating the receipts of a handler operating two or more pool plants.

The fluid milk product definition should be revised to exclude sterilized products in hermetically sealed containers. Both orders now exclude from the fluid milk product definition any milk product which is either sterilized or in hermetically sealed containers. Certain types of paper or plastic milk cartons might be considered hermetically sealed containers. Nonsterile fluid milk products contained in such a carton have been, and should continue to be, considered as fluid milk products. Thus, the fluid milk product definition should be clarified by limiting the exclusion to products (which otherwise would be fluid milk products) which are sterile and in hermetically sealed containers.

This will preclude handlers from attempting to gain a Class III utilization for fresh fluid milk products disposed of in cartons allegedly with a hermetic seal.

The report filed by the operator for each of his plants and by a cooperative association as a handler pursuant to § 1137.9(c) should include the quantities of skim and butterfat contained in milk of producers diverted pursuant to § 1137.10. Although the separate orders are not specific as to when a report on diversions is to be submitted, it certainly is implied that diversions must be reported at the time the handler submits his report of receipts and utilization. To facilitate efficient and orderly administration of the order provisions, it is concluded that a report of the diversions should be included in handler's reports due by the 7th day of the month. This report should also contain the names of the producers whose milk is diverted. This will permit a quick verification of whether milk moved to an other order plant retains its producer milk status or falls under the pooling provisions of the other order.

The interest charge on accounts overdue the producer-settlement fund of the combined order should not be changed from that provided in the Eastern Colorado order. A proponent asked that interest charges on such accounts begin on the 18th day of the month in which the payments were due in order to encourage prompt payment by handlers.

Presently, the Eastern Colorado order provides that interest shall be charged on overdue accounts beginning on the 1st day of the following month. The Colorado Springs-Pueblo order does not assess interest charges. Since payments to the producer-settlement fund are due on the 14th day of the month in the merged order, a handler would have only 3 days grace in which to make payment without penalty if interest charges were to be made effective on the 18th day of the month. It is essential that payments to the producer-settlement fund be made promptly in order that the market administrator may make payments due handlers from such fund. However, no evidence was presented that handlers were habitually late in making payments to the producer-settlement fund. If late payments to the producer-settlement fund become a frequent occurrence, then it may become necessary to amend the order to provide for the application of interest earlier than the 1st day of the next month following the due date of payment.

Payments into the producer-settlement fund, the marketing service fund, and administrative expense fund should be made by the 14th day of the month. The Eastern Colorado order provides for payments into these funds by the 13th of the month. The Colorado Springs-Pueblo order provides for payment into the producer-settlement fund by the 14th day of the month and payments into the other two accounts by the 16th day of the month. One handler asked that payments into these funds not become due until the 15th of the month. Testimony was offered that some handlers do not receive their billing until the 13th day of the month which is the due date for mailing of payment for such obligation. Since the market administrator has until the 12th day of the month to publicly announce the uniform price, it is quite possible that handlers in some months would not receive their billing until the 13th or 14th of the month if the 12th were to fall on a holiday or on a weekend.

Making the 14th day of the month the due date for payment into all three

funds of the merged order will permit handlers regulated by the present Eastern Colorado order an extra day in which to make such payments. A due date of the 14th for payments into the marketing service and administrative expense fund advances the date of these obligations for handlers previously regulated by the Colorado Springs-Pueblo order by 2 days. There was no evidence that these handlers would be unable to comply with the dates set forth in the amended order. Therefore, the 14th should be established as the due date for the producer-settlement fund, the marketing service, and administrative expense funds in order to provide a uniform date for the payment of all three funds and to provide as late a date as practicable for payment by handlers into the producer-settlement fund.

The maximum marketing service assessment in the merged order should be 6 cents per hundredweight on milk of producers who are not members of a qualified cooperative association. The Colorado Springs-Pueblo order presently provides for a 6-cent assessment while the Eastern Colorado order provides for a 5-cent assessment on such producer milk. The assessment charge specified in the order for marketing service provided by the market administrator is the maximum which may be charged. Within such limit the Secretary may determine the effective rate needed to defray the expense incurred in performing marketing services.

The number of producers in the combined marketing area who are not members of a cooperative association is decreasing. In addition, these same producers are widely dispersed throughout the combined marketing area. The small number receiving marketing services furnished by the market administrator and their wide dispersion throughout the marketing area has resulted in an increased cost per individual receiving marketing services. A deficit was incurred in the Colorado Springs-Pueblo marketing service fund for 1964, whereas a small balance remained in a like fund of the Eastern Colorado order during this same period. The combined expense of providing marketing services for the two orders during 1964 approximated the combined income provided by such funds. Thus, it is apparent that a 5-cent maximum rate for both orders might not be sufficient to finance the marketing service program. It is concluded that a maximum rate of 6 cents per hundredweight should be established in the merged order to provide sufficient funds to verify the weights and tests of milk for producers who are not members of a cooperative association and to furnish other marketing services for such producers. If this amount provides more than the amount necessary to pay for such services, it may be reduced at any time without amendment of the order.

The administrative expense assessment should be fixed at a maximum of 4 cents per hundredweight. This is the rate which is provided in the present Eastern Colorado order. The Colorado Springs-Pueblo order has a maximum assessment rate of 5 cents per hundredweight.

Two handlers supported a maximum assessment of 3 cents per hundredweight. They indicated a belief that a 3-cent rate would be sufficient, if the auditing procedures of the market administrator were less intensive. Other proponent handlers offered no testimony at the hearing to lower the assessment rate to 3 cents but supported such lower assessment in their brief. It is not practical to lower the quality of the auditing program merely to obtain a savings in administrative cost.

The administrative expense assessment rate, like the marketing service rate, is the maximum amount which may be charged. After a sufficient reserve is accumulated, a rate of assessment is established by the market administrator to meet the expense of administering the order. Handlers under the Colorado Springs-Pueblo order were assessed 3 cents per hundredweight during 1964 to pay expenses of administering the order even though the maximum rate is 5 cents. Handlers under the Eastern Colorado order (which has been in existence a lesser period of time) were assessed the maximum rate of 4 cents during the same period. The reason for a higher assessment rate during the first few years an order is in existence is that part of the assessment is used each month to increase a reserve capital fund for operational expenses. Once the necessary reserve has been established the assessment rate to handlers is held at whatever level is needed to meet operating expenses. Since the order provisions only establish a maximum which will be adjusted downward when conditions permit, it is concluded that a 4-cent per hundredweight maximum rate should be established in the merged order.

Proposals contained in the notice of hearing which have not been discussed heretofore and which would have provided for a "nonfluid milk product" definition and an increased assignment of Class III use to shrinkage of certain other source milk were not supported at the hearing. No further discussion of these proposals is warranted since no basis exists for making findings or conclusions on this record.

The order has been drafted to incorporate the conforming and clarifying changes necessary to effectuate the findings and the conclusions made herein. Except for those amendments specifically discussed above, these changes will not affect the scope of the order or its application to any handler subject thereto.

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

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

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

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

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

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order, as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(1) Producer milk (including that classified pursuant to § 1137.43(b), but excluding, in the case of a cooperative association which is a handler pursuant to § 1137.9(d), milk which was received at the pool plant of another handler) and such handler's own production;

(2) Other source milk allocated to Class I pursuant to § 1137.46(a)(4) and (8) and the corresponding steps of § 1137.46(b); and

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

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

tions are hereby overruled for the reasons previously stated in this decision.

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

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

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Colorado marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of July 1965 is hereby determined to be the representative period for the conduct of such referendum. H. Alan Luke is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on September 23, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Regulating the Handling of Milk in the Eastern Colorado Marketing Area

DEFINITIONS

AUTHORITY: The provisions of this Part 1137 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1137.0 Findings and determinations.

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

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, four cents per hundredweight or such amount not to exceed four cents per hundredweight as the Secretary may prescribe, with respect to:

(1) Producer milk (including that classified pursuant to § 1137.43(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1137.9(d), milk which was received at the pool plant of another handler) and such handler's own production;

(2) Other source milk allocated to Class I pursuant to § 1137.46(a) (4) and (8) and the corresponding steps of §1137.46(b); and

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

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

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

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1965, and published in the FEDERAL REGISTER on July 3, 1965 (30 F.R. 8525; F.R. Doc. 65-7035), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. Section 1137.7 is revised.

2. In § 1137.10, the introductory text preceding paragraph (a) and paragraphs (a) and (b) are revised.

3. In § 1137.12, paragraph (b) is revised.

4. In § 1137.13, paragraph (b) is revised.

5. Sections 1137.14, 1137.30 and 1137.31 are revised.

6. In § 1137.41, paragraph (b) and subparagraphs (2), (3), (4), (5) and (7) of paragraph (c) are revised; a subparagraph (9) is added to § 1137.41(c).

7. Sections 1137.43, 1137.44, 1137.45, 1137.46, 1137.52, 1137.70, 1137.80, 1137.81 and 1137.84 are revised.

8. In § 1137.88, paragraph (a) is revised.

DEFINITIONS

§ 1137.1 Act.

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

§ 1137.2 Department.

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

§ 1137.3 Secretary.

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

§ 1137.4 Person.

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

§ 1137.5 Cooperative association.

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

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

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1137.6 Eastern Colorado marketing area.

"Eastern Colorado marketing area" hereinafter called the "marketing area" means all the territory within the perimetric boundaries of the counties listed below, including all territory (municipal, State, or Federal) installations, institutions and other establishments:

COLORADO COUNTIES

Adams.	Kit Carson.
Arapahoe.	Las Animas.
Boulder.	Larimer.
Cheyenne.	Lincoln.
Clear Creek.	Logan.
Crowley.	Morgan.
Custer.	Otero.
Denver.	Park.
Douglas.	Phillips.
Elbert.	Pueblo.
El Paso.	Sedgwick.
Gilpin.	Teller.
Huerfano.	Washington.
Jefferson.	Weld.
Kiowa.	Yuma.

KANSAS COUNTIES

Cheyenne.	Sherman.
Logan.	Wallace.

§ 1137.7 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a producer-handler or the plant of a handler exempt pursuant to § 1137.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed or packaged and from which (1) an amount equal to 50 percent or more of the total receipts of Grade A milk (except receipts from distributing pool plants) is disposed of as fluid milk products on routes, and (2) 10 percent or more of such receipts, or 12,000 pounds per day, whichever is less, are disposed of on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant" from which during the month 50 percent of its dairy farm supply of Grade A milk is moved to distributing pool plant(s). Any supply plant which has qualified as a pool plant in each of the months of September through February (under either this part or under Part 1135 of this chapter, regulating the handling of milk in Colorado Springs-Pueblo marketing area) shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

§ 1137.8 Nonpool plant.

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

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

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

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

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which Grade A fluid milk products are moved during the month to a pool plant qualified pursuant to § 1137.7.

§ 1137.9 Handler.

"Handler" means:

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

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association;

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

(e) A producer-handler, or any person who operates an other order plant described in § 1137.61.

§ 1137.10 Producer.

"Producer" means any person (other than a producer-handler as defined in any Federal order including this part) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is received at a pool plant or diverted to a nonpool plant within the limits set forth in paragraphs (a) and (b) of this section. The term shall not include such person with respect to milk diverted to a pool plant from an other order plant if the operator of both the transferor plant and the transferee plant have requested Class III classification in the reports of receipts and utilization filed with their respective market administrators:

(a) A cooperative association may divert for its account the milk of any member-producer from whom at least three deliveries of milk are received during the month at a distributing pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of its member producer milk received at distributing pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associ-

ations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section, from whom at least three deliveries of milk are received during the month at his distributing pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of the milk received at such distributing pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to paragraph (a) of this section. Diversions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk.

(c) For the purposes of the requirements of § 1137.7, milk diverted for the account of the operator of a distributing pool plant, except an operator which is also a cooperative association diverting milk in the same month pursuant to paragraph (a) of this section, shall be included in the receipts of the pool plant from which diverted.

(d) For purposes of location adjustments pursuant to §§ 1137.52 and 1137.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

§ 1137.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a milk processing plant which distributes fluid milk products on routes in the marketing area and who receives no fluid milk products during the month from dairy farmers or any other source except by transfer from a pool plant. Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

§ 1137.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer. This definition shall not include milk diverted to an other order plant if such milk is fully subject to the pricing and pooling provisions of the other order.

(a) With respect to receipts at a pool plant for which the handler operating such plant is to be responsible pursuant to § 1137.70;

(1) Received directly from such producer; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 1137.10;

(b) With respect to the additional receipts of a cooperative association:

(1) For which the cooperative association is the handler pursuant to § 1137.9(c), subject to the limitations and conditions provided in § 1137.10; and

(2) For which the cooperative association is the handler pursuant to § 1137.9(d).

§ 1137.13 Other source milk.

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

(a) Receipts during the month in the form of fluid milk products from any source except (1) producer milk; (2) fluid milk products received from other pool plants; and (3) receipts from a cooperative association pursuant to § 1137.9(d); and

(b) Products (except Class II products, received from pool plants) other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for pursuant to § 1137.33.

§ 1137.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), sweet cream, sour cream and sour cream mixtures disposed of under a Grade A label, half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, frozen cream, plastic cream, eggnog, sterilized products packaged in hermetically sealed containers).

§ 1137.15 Route.

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

Market Administrator

§ 1137.20 Designation.

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

§ 1137.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 1137.22 Duties.

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

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

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

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

(d) Pay out of the funds received by § 1137.88, the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1137.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

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

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1137.30 and 1137.31; or (2) payments pursuant to §§ 1137.80 through 1137.88;

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

(1) On or before the sixth day of each month, the Class I price and Class I butterfat differential for the month, computed pursuant to §§ 1137.51(a) and 1137.53(a), respectively;

(2) On or before the sixth day of each month, the Class II and Class III prices

and the Class II and Class III butterfat differentials for the preceding month computed pursuant to §§ 1137.51 (b) and (c) and 1137.53 (b) and (c), respectively; and

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to §1137.71, and the butterfat differential computed pursuant to § 1137.82, for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

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

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1137.46(a)(9) and the corresponding step of § 1137.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1137.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

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

REPORTS, RECORDS AND FACILITIES

§ 1137.30 Reports of receipts and utilization.

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

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

(1) The receipts of milk and the pounds of butterfat contained therein:

(i) From producers, including that diverted pursuant to § 1137.10(b); and

(ii) From cooperative association handlers pursuant to § 1137.9(d);

(2) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other pool plants;

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

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

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

(6) In the case of diversions to nonpool plants, the following additional information;

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmers so diverted;

(iii) The pounds of skim milk and butterfat from each dairy farmer contained in the milk so diverted;

(iv) The number of days milk of the dairy farmer was received at a pool plant of the diverting order; and

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

(b) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1137.9 (c) or (d) as follows:

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

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) in the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmers so diverted;

(iii) The pounds of skim milk and butterfat from each dairy farmer contained in the milk so diverted;

(iv) The number of days milk of the dairy farmer was received at a pool plant of the diverting order; and

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1137.31 Payroll reports.

On or before the 23d day of each month the following handlers shall report as follows to the market administrator:

(a) Each handler who operates a pool plant(s) shall submit to the market administrator his payroll for receipts of milk at each of his pool plants during the preceding month which shall show:

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

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer, identifying separately those producers for which a cooperative association is authorized to collect payments pursuant to § 1137.80(b);

(3) The amount of payment to each producer, to each cooperative association on behalf of its producer members and to each cooperative association handler; and

(4) The nature and amount of any deductions or charges involved in such payments.

(b) Each handler who operates a partially regulated distributing plant and elects to make payments pursuant to § 1137.62(a) shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers; and

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1137.9 (c) and (d) the name and the number of days of delivery, with the address of any producers not previously reported, the total pounds of milk and the average butterfat content thereof which was received from each producer.

§ 1137.32 Other reports.

Each producer-handler, each handler required to report pursuant to § 1137.61 and each handler making payments pursuant to § 1137.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1137.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

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

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

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

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

§ 1137.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the

handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1137.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1137.30 shall be classified by the market administrator pursuant to the provisions of §§ 1137.41 through 1137.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1137.41 Classes of utilization.

Subject to the conditions set forth in §§ 1137.42 through 1137.46, the classes of utilization shall be as follows:

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

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

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraph (c) (2), (3) and (5) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; or

(3) Not specifically accounted for as Class II or Class III.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese except as classified pursuant to paragraph (c) (2) and (3) of this section.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

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

(2) In fluid milk products or cottage cheese disposed of in bulk form for livestock feed;

(3) In fluid milk products or cottage cheese which are dumped after prior notification to and opportunity for verification by the market administrator;

(4) Contained in any fortified fluid milk product in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Disposed of in fluid milk products in 2-gallon containers or larger (other than those designed for use as fluid milk dispensers or in fluid milk dispensing machines) to any commercial food processing establishment, which does not dispose of fluid milk products for fluid consumption, or which does not use fluid milk products in any other type of food prepared for consumption on the premises;

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

(7) In shrinkage at each pool plant allocated pursuant to § 1137.42(b)(1), not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1137.12(a); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1137.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be two percent; plus

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

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

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

(vi) 1.5 percent of disposition in bulk tank lots to other milk plants either by transfers or diversions;

(8) In shrinkage allocated pursuant to § 1137.42(b)(2); and

(9) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1137.9 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and tests are used as the basis of receipt at the plant to which delivered.

§ 1137.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

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

(b) If the pool plant has receipts of other source milk, shrinkage shall be prorated between:

(1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1137.41(c)(7); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of that specified in § 1137.41(c)(7).

§ 1137.43 Responsibility of handlers and reclassification of milk.

(a) Except as provided in paragraphs (b) and (c) of this section, all skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1137.41 through 1137.46, 1137.50 through 1137.54, and 1137.70 through 1137.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1137.9(d) and milk delivered in bulk to a pool plant from a pool plant operated by a cooperative association shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligations pursuant to § 1137.70;

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1137.9(d), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1137.9(d) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I; and

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

§ 1137.44 Transfers.

Skim milk and butterfat disposed of in the form of a fluid milk product (or a Class II product moved between pool plants) by a handler, including a handler pursuant to § 1137.9(c), either by transfers or diversions, shall be classified as follows:

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant except as provided in § 1137.43(b), subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1137.46(a)(9) and the corresponding step of § 1137.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1137.46(a)(4) and the corresponding step of § 1137.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1137.46(a) (8) or (9) and the corresponding steps of § 1137.46(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants.

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

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case

the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph, except that cream so transferred may be classified as Class III if the handler claims classification of such cream in Class III in his report pursuant to § 1137.30, the handler tags the container of such cream as for manufacturing purposes, and the handler gives the market administrator sufficient notice to allow him to verify the shipment:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1137.30 for the month within which such transaction occurred;

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

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

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

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

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

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk; and

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

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

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

(2) If transferred or diverted in bulk form, classification shall be in Class I if allocated as a fluid milk product under the other order to Class I, in Class II if allocated to Class II under an order which provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

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

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

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

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1137.41.

§ 1137.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1137.30 and shall compute the skim milk and butterfat in each class at all pool plants of such handler and the pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1137.9 (c) and (d) and was not received at a pool plant. Producer milk for which a cooperative association is the responsible handler pursuant to § 1137.9 (c) or (d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1137.46 and computation of obligation pursuant to § 1137.70.

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, from a pool plant operated by a cooperative association and from cooperative association handlers pursuant to § 1137.9(d) at a pool plant(s) for each handler as follows:

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

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1137.41(c)(7);

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

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

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

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

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

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

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

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(5) Subtract, in sequence beginning with Class III in the order specified below, from the pounds of skim milk remaining in Class III and Class II;

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

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

(*a*) Multiply the pounds of skim milk remaining in Class I by 1.25; and

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

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

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of bulk fluid milk products (and, for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5) (i) or (ii) of this paragraph (For purposes of this subtraction at a pool plant(s) operated by a cooperative association, skim milk in fluid milk products transferred to the pool plant of another handler shall be added to the remaining pounds of skim milk in each class prorata to the market average utilization announced pursuant to § 1137.22(l));

(9) Subtract, beginning with Class III, from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(iii) of this paragraph pursuant to the following procedure:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III and Class II milk combined;

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1137.22(l); or

(b) The pounds of skim milk remaining in each class at the pool plant(s) of the handler (For purposes of such computation at a pool plant(s) of a cooperative association, the pounds remaining shall include any remainder of the quantity added pursuant to subparagraph (8) of this paragraph);

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers according to the classification assigned pursuant to § 1137.44(a); and

(11) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, from pool plants operated by cooperative associations, and from cooperative associations pursuant to § 1137.9(d), subtract such excess from the remaining pounds of skim milk in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1137.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1137.51 Class prices.

Subject to the provisions of §§ 1137.52 and 1137.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula for the preceding month plus $2.10, plus or minus a supply-demand adjustment calculated for each month as follows:

(1) For each month calculate a utilization ratio as follows:

(i) Calculate a utilization ratio for the 12-month period ending with the second preceding month by dividing the total receipts of producer milk by the total gross volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this part and under Part 1134 of this chapter regulating the handling of milk in the Western Colorado marketing area, and multiply by 100;

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than a comparable utilization percentage calculated using the 12-month period ending with the fourth preceding month; and

(iii) The resultant figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 136, subtract from, or for each percentage by which it is less than 130, add to, the Class I price, 2 cents: *Provided*, That any additions or subtractions shall be limited to 50 cents per hundredweight.

(b) *Class II milk.* The Class II price shall be the basic formula price for the month plus 15 cents; and

(c) *Class III milk.* The Class III price shall be the basic formula price for the month.

§ 1137.52 Location adjustment to handlers.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1137.9(d) at a pool plant, or diverted to a nonpool plant, located more than 50 miles by shortest highway distance as measured by the market administrator, from the plant to the nearest County Courthouse located in Denver, Colo.; Pueblo, Colo.; or Colorado Springs, Colo., and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1137.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 75 miles from such courthouse, and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1137.9(d), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1137.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1137.51 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1137.50 for the preceding month by 1.30 and divide the result by 10;

(b) *Class II milk.* Multiply the butter price specified in § 1137.50 by 1.20 and divide the result by 10; and

(c) *Class III milk.* Multiply the butter price specified in § 1137.50 by 1.20 and divide the result by 10.

§ 1137.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1137.60 Producer-handler.

Sections 1137.40 through 1137.46, 1137.50 through 1137.54, 1137.70 through 1137.72, and 1137.80 through 1137.88, shall not apply to a producer-handler.

§ 1137.61 Exempt plants.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk was disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1137.7(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(c) Any distributing plant from which less than an average of 300 pounds of Class I milk per day is disposed of on routes in the marketing area during the month.

§ 1137.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1137.30 and 1137.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to §1137.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1137.70(e) and a credit in the amount specified in § 1137.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1137.30 and 1137.31(d) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1137.7(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

Determination of Uniform Price

§ 1137.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler and of each coopertive association handler pursuant to § 1137.9 (c) and (d) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1137.46(c), by the applicable class prices (adjusted pursuant to §§ 1137.52 and 1137.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1137.46(a)(11) and the corresponding step of § 1137.46(b), by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1137.46(a)(6) and the corresponding step of § 1137.46(b), for the current month;

(2) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1137.46(a)(6) and the corresponding step of § 1137.46(b), for the current month, or the hundredweight of skim milk and butterfat remaining in Class III milk after the calculation pursuant to § 1137.46(a)(9) and the corresponding step of § 1137.46(b), for the preceding month, less the hundredweight used in the computation pursuant to subparagraph (1) of this paragraph, whichever is less; and

(3) Multiply the difference between the appropriate Class I price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1137.46(a)(3) and the corresponding step of § 1137.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable to the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1137.46(a)(4) and the corresponding step of § 1137.46(b); and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1137.46(a)(8) and the corresponding step of § 1137.46(b).

§ 1137.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1137.70 for all handlers who filed the reports prescribed by § 1137.30 for the month and who made the payments pursuant to §§ 1137.80 and 1137.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1137.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the

butterfat differential computed pursuant to § 1137.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1137.70(e); and

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location adjustment is applicable.

§ 1137.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 1137.71 and the producer location and butterfat differentials computed pursuant to §§ 1137.81 and 1137.82; and

(c) The amount to be paid by such handler pursuant to §§ 1137.84, 1137.86, 1137.87, and 1137.88 and the amount due such handler pursuant to § 1137.85.

Payments

§ 1137.80 Payment to producers.

Except as provided in paragraphs (b) and (c) of this section, each handler except a cooperative association shall make payment as specified in paragraph (a) of this section to each producer from whom milk is received:

(a)(1) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received during the first 15 days of the month at the Class III price for the preceding month;

(2) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1137.71, subject to the butterfat differential computed pursuant to § 1137.82 and location adjustment computed pursuant to § 1137.81, plus or minus adjustments for errors made in previous payments to such producers and less:

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

(ii) Marketing service deductions pursuant to § 1137.87; and

(iii) Proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1137.85 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraph (a) of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(c) For milk received from a pool plant operated by a cooperative association or by bulk tank delivery pursuant to § 1137.9(d), each handler shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) A final settlement equal to the value of such milk at the uniform price, adjusted by the applicable differentials pursuant to §§ 1137.81 and 1137.82, less payment made pursuant to subparagraph (1) of this paragraph.

(d) In making the payments to producers pursuant to paragraphs (a)(2) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

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

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 1137.81 Location differentials to producers and on nonpool milk.

(a) The uniform price to be paid for milk received at a pool plant from producers, in bulk from pool plants operated by cooperative associations, and from cooperative association handlers pursuant to § 1137.9(d) may be reduced by the amount of the location differential applicable at the location of the pool plant at which such milk was first physically received from producers, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of such nonpool plant, each at the rates set forth in § 1137.52; and

(b) For purposes of computations pursuant to §§ 1137.84 and 1137.85 the uniform price shall be adjusted at the rates set forth in § 1137.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1137.82 Butterfat differential to producers.

The applicable uniform price to be paid producers pursuant to § 1137.80 shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 1137.53, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 1137.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1137.62, 1137.84, and 1137.86 and out of which he shall make all payments pursuant to §§ 1137.85 and 1137.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1137.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The net pool obligation computed pursuant to § 1137.70 for such handler; and

(2) In the case of a cooperative association which is a handler the minimum amounts due from other handlers pursuant to § 1137.80(c).

(b) The sum of:

(1) The value of milk received by such handler from producers at the uniform price adjusted by applicable differentials pursuant to §§ 1137.81 and 1137.82;

(2) The amount to be paid to cooperative associations pursuant to § 1137.80 (c); and

(3) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1137.70(e).

§ 1137.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount (for each pool plant, if applicable), if any, by which the amount computed pursuant to § 1137.84(b) exceeds the amount computed pursuant to § 1137.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1137.86 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer, a cooperative association, or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

(b) Any unpaid obligation of a handler pursuant to § 1137.84 or paragraph (a) of this section relative to payments to the producer-settlement fund shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 1137.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1137.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 1137.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that classified pursuant to § 1137.43(b) but excluding, in the case of a cooperative association which is a handler pursuant to § 1137.9(d), milk which was received at the pool plant of another handler) and such handler's own production;

(b) Other source milk allocated to Class I pursuant to § 1137.46(a) (4) and (8) and the corresponding steps of § 1137.46(b); and

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

§ 1137.89 Termination of obligation.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1137.90 Effective time.

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

§ 1137.91 Suspension or termination.

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

§ 1137.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1137.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(b) If a liquidating agent is so designated, all assets, books, and records of

the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1137.100 Agents.

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

§ 1137.101 Separability of provisions.

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

[F.R. Doc. 65-10310; Filed, Sept. 28, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-115]

CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Bismarck, North Dakota, terminal area.

The following controlled airspace is presently designated in the Bismarck, N. Dak., terminal area:

(1) The Bismarck, N. Dak., control zone is designated as that airspace within a 5-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.) within 2 miles either side of the Bismarck ILS localizer southeast course extending from the 5-mile radius zone to 10 miles southeast of the OM, and within 2 miles either side of the Bismarck VOR 114° radial extending from the 5-mile radius zone to 10 miles southeast of the VOR.

(2) The Bismarck, N. Dak., control area extension is designated as that airspace within a 15-mile radius of the Bismarck, N. Dak. VOR; within 5 miles either side of the Bismarck ILS localizer southeast course extending from the localizer to 20 miles southeast of the OM, and within 5 miles either side of the Bismarck VOR 114° radial extending from the VOR to 25 miles southeast.

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

(1) Redesignate the Bismarck, N. Dak., control zone as that airspace within a 5-mile radius of Bismarck Municipal Airport (latitude 46°36'33" N., longitude 100°45'14" W.), and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

(3) Designate the Bismarck, N. Dak., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Bismarck Municipal Airport (latitude 46°46'33" N., longitude 100°45'14" W.), within 8 miles northeast and 5 miles southwest of the Bismarck ILS localizer southeast course extending from the OM to 12 miles southeast of the OM, within 8 miles north and 5 miles south of the Bismarck 105° radial extending from the VOR to 12 miles east of the VOR, and within 5 miles north and 8 miles south of the 084° bearing from the Bismarck RBN extending from the RBN to 12 miles east of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 105° radial of the Bismarck VOR extending from 4 miles west to 14 miles east of the VOR, within 8 miles northeast and 5 miles southwest of the 129° radial of the Bismarck VOR extending from the VOR to 20 miles southeast of the VOR, within 8 miles north and 5 miles south of the 084° and 264° bearings from the Bismarck RBN extending from 1 mile west to 14 miles east of the RBN, and within 8 miles northeast and 5 miles southwest of the Bismarck ILS localizer southeast course extending from 3 miles northwest to 14 miles southeast of the Bismarck OM.

(4) Revoke the Bismarck, N. Dak., control area extension in its entirety.

The proposed control zone would provide protection for aircraft executing prescribed instrument arrival and departure procedures during their flight below 1,000 feet above the surface.

The proposed 700-foot floor transition area would provide protection for aircraft executing prescribed instrument arrival and departure procedures during their flight between 1,000 feet and 1,500 feet above the surface.

The proposed 1,200 foot floor transition area would provide protection for aircraft holding at the Bismarck VOR, ILS, OM, Bill Intersection and the RBN.

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

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

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

Issued at Kansas City, Mo., on September 21, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-10335; Filed, Sept. 28, 1965; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-116]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Muncie, Ind., terminal area.

The following controlled airspace is presently designated in the Muncie, Ind., terminal area:

1. The Muncie, Ind., control zone is designated as that airspace within a 5-mile radius of the Delaware County Airport, Muncie, Ind. (latitude 40°14'25" N., longitude 85°23'35" W.) from 0700 to 2300 hours local time, daily.

2. The Muncie, Ind., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Delaware County Airport, Muncie, Ind., and within 2 miles each side of the 125° bearing from Delaware County Airport extending from the 5-mile radius area to 13 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by the line beginning at latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°49'00' W.; to latitude 40°10'00" N., longitude 85°00'00" W.; to latitude 40°10'00" N., longitude 85°05'-45" W.; to latitude 40°00'00" N., longi-

tude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°30'00" N., longitude 85°-50'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to the point of beginning and within a 12-mile radius of Marion Municipal Airport.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Muncie, Indiana, terminal area, proposes the following airspace actions:

1. Redesignate the Muncie, Ind., control zone as that airspace within a 5-mile radius of Delaware County Airport, Muncie, Ind. (latitude 40°14'26" N., longitude 85°23'43" W.); within 2 miles each side of the Muncie VOR 017°, 130° and 320° radials extending from the 5-mile radius zone to 8 miles north, southeast, and northwest of the VOR; and within a 1-mile radius of Reese Airport (latitude 40°09'00" N., longitude 85°19'-00" W.) from 0700 to 2300 hours local time daily.

2. Redesignated the Muncie, Indiana, transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Delaware County Airport, Muncie, Ind. (latitude 40°14'26" N., longitude 85°23'43" W.); within 2 miles each side of the Muncie VOR 017°, 130° and 320° radials extending from the 5-mile radius area to 8 miles north, southeast, and northwest of the VOR, and within 2 miles each side of the 125° bearing from Delaware County Airport extending from the 5-mile radius area to 13 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by the line beginning at latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°10'00" N., longitude 85°-00'00" W.; to latitude 40°10'00" N., longitude 85°05'45" W.; to latitude 40°00'00" N., longitude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to latitude 40°40'00" N., longitude 85°-50'00" W.; to the point of beginning and within a 12-mile radius of Marion Municipal Airport.

The proposed alterations are necessary since the Federal Aviation Agency will establish a VOR facility on the Delaware County Airport, Muncie, Ind., at latitude 40°14'14", longitude 85°23'38" in January 1966. Public instrument approach procedures using this facility will be prescribed concurrently with installation of the VOR.

The added control zone extensions would provide controlled airspace protection for aircraft executing the public instrument approach procedures during descent below 1,000 feet above the surface when the control zone is effective. Since the southeast extension cannot be reduced to exclude all of Reese Airport, it will be expanded to include all of Reese Airport.

The added 700 foot floor transition area extensions would provide the additional controlled airspace protection required for aircraft executing the public instrument approach procedures during descent from 1,500 to 700 feet above the surface when the control zone designation is not in effect.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Modifications proposed herein are recommended to accommodate new procedures; therefore, no procedural changes would be required. Specific details of these new procedures may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, 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, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued at Kansas City, Mo., on September 21, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-10336; Filed, Sept. 28, 1965; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-66]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Alteration of Proposed Designation

In a notice of Proposed Rule Making published in the FEDERAL REGISTER on July 14, 1965 (30 F.R. 8856), it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Denver, Colo.

Subsequent to the publication of the Notice, a review of controlled airspace requirements in the Denver area indicates that additional controlled airspace will be required in the area west of Denver. This would provide protection for aircraft executing prescribed radar vectoring procedures to and from the Denver terminal area. In addition, it has been determined that the portion of proposed transition area extending upward from 1,200 feet above the surface east of longitude 104°00'00" W. should be raised to 7,500 feet MSL. There is no longer an air traffic control requirement for controlled airspace below 7,500 feet MSL. Action to raise the floor of controlled airspace associated with VOR Federal airways will be taken at a later date. No changes to the Denver control zone 700-foot transition area or the Thurman, Colo., transition area proposals would be required based on the action proposed herein.

Accordingly, the Notice is hereby amended to propose the Denver transition area as that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 39°05'00" N., on the west by longitude 105°20'00" W., on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W.; that airspace east of Denver extending upward from 7,500 feet MSL bounded on the south by latitude 39°05'00" N., on the west by longitude 104°00'00" W., on the north by latitude 40°30'00" N., and V-132 on the east by V-169, excluding the airspace within Federal airways; that airspace northwest of Denver extending upward from 11,500 feet MSL bounded on the south by V-220 on the northwest by a line extending from latitude 40°11'00" N., longitude 105°30'00" W. to latitude 40°30'00" N., longitude 105°20'00" W., and on the east by longitude 105°20'00" W.; and that airspace west and southwest of Denver extending upward from 12,700 feet MSL bounded on the east by longitude 105°20'00" W., on the southwest by a line extending from latitude 39°05'00" N., longitude 105°20'00" W. to latitude 39°30'00" N., longitude 105°30'00" W., on the west by longitude 105°30'00" W. and on the north by the south boundary of V-220. The airspace within the Akron and Thurman, Colo., transition areas is excluded.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views, or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this Supplemental Notice.

Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on September 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-10337; Filed, Sept. 28, 1965; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-46]

CONTROL ZONES, CONTROL AREA EXTENSIONS AND TRANSITION AREA

Alteration of Proposed Controlled Airspace

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER (30 F.R. 10298), it was stated that the Federal Aviation Agency proposed to alter the controlled airspace in the Seattle, Wash., terminal area.

Subsequent to the publication of the Notice, a review of controlled airspace requirements in the Seattle terminal area indicates that due to revised procedures, requirement for additional controlled airspace for radar vectoring, and need for adjustments in the cartographic depiction the Notice should be amended as follows:

1. The chart depicting the Boeing Field control zone northwest extension will be amended by reducing the length of the extension from the LOM to 2 miles southeast of the LOM. No change in the description is required. This is a cartographic change only.

2. In the description of the Seattle 700-foot transition area, the geographical center of the 23-mile radius of latitude 47°36'48" N., longitude 122°18'35" W., was in error. It should have been latitude 47°39'30" N., longitude 122°25'-00" W. This will be a descriptive change only. The cartographic depiction is correct.

3. A requirement now exists for a portion of the proposed transition area with a floor of 7,000 feet MSL west of a line from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., be lowered to 6,500 feet MSL. This will allow aircraft en route from Portland, Oreg., to utilize the 7,000-foot radar off-airway transition to Seattle.

4. The portion of the Seattle transition area with a floor of 4,500 feet MSL south of Olympia will be altered so as to accommodate expanded radar transition south of Olympia.

5. The southern portion of the Seattle transition area with a floor of 8,500 feet MSL will be reduced in size and a floor of 4,500 feet MSL will be substituted therefor. This will provide additional controlled airspace for the protection of aircraft utilizing off-airway radar procedures from the Hoquiam VORTAC.

Accordingly, the Notice is hereby amended to propose the Seattle transition area as that airspace extending upward from 700 feet above the surface within a 23-mile radius of McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'30" W.); within a 23-mile radius of the Seattle VORTAC; within a 10-mile radius of Olympia VORTAC, within 2 miles each side of the Olympia VORTAC 170° radial, extending from the 10-mile radius area to 12 miles south of the VORTAC, within 2 miles each side of the Olympia VORTAC 195° radial, extending from the 10-mile radius area to 14 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 269° radial, extending from the 10-mile radius area to 14 miles west of the VORTAC; within a 23-mile radius of latitude 47°39'30" N., longitude 122°25'00" W.; within an 8-mile radius of Kitsap County Airport, Bremerton, Wash. (latitude 47°29'35" N., longitude 122°45'35" W.); that airspace north of Seattle extending from the 23-mile radius area of latitude 47°-39'30" N., longitude 122°25'00" W., bounded on the west by longitude 122°-30'00" W., on the north by latitude 48° 05'00" N., and on the east by longitude 121°55'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 121°-35'00" W., on the southeast by a line extending from latitude 46°55'00" N., longitude 121°35'00" W., to latitude 46°-55'00" N., longitude 121°53'00" W., to latitude 46°45'00" N., longitude 121°53'-00" W., on the south by latitude 46°45'-00" N., on the west by longitude 123°-15'00" W., and on the north by latitude 48°05'00" N., and that airspace southwest of Seattle bounded on the south by V-204, on the northwest by V-27W and on the east by longitude 123°15'00" W.; that airspace south of Seattle extending upward from 4,500 feet MSL bounded on the east by longitude 122°30'00" W., on the south by latitude 46°25'00" N., on the west by V-99 and on the north by latitude 46°45'00" N., that airspace southwest of Seattle bounded on the southeast by V-99, on the southwest by the arc of a 37-mile radius circle centered on the Olympia, Wash., VORTAC, and on the north by V-204, and that airspace west of Seattle bounded on the east by longitude 123°15'00" W., on the south by V-27W, on the west by longitude 123°-40'00" W., and on the north by a line 10 miles north of and parallel to the Hoquiam, Wash., VORTAC 066° radial; that airspace extending upward from 6,500 feet MSL south of Seattle bounded on the east by a line extending from latitude 46°45'00" N., longitude 123°02'-00" W., to latitude 46°25'00" N., longitude 123°16'00" W., on the south by latitude 46°25'00" N., on the west by longitude 123°30'00" W., and on the north by latitude 46°45'00" N.; that airspace southwest of Seattle extending upward from 7,000 feet MSL, bounded on the east by longitude 121°53'00" W., on the south by latitude 46°25'00" N., on the west by a line extending from latitude 46°45'00" N., longitude 123°02'00" W., to latitude 46°25'00" N., longitude 123°25'00" W., and on the north by latitude 46°45'00" N.; that airspace west of Seattle extending upward from 8,500 feet MSL, bounded on the east by longitude 123°15'00" W., on the south by a line 10 miles north of and parallel to the Hoquiam, Wash., VORTAC 066° radial, on the west by longitude 123°40'-00" W., and on the north by latitude 47°30'00" W.; that airspace northwest of Seattle extending upward from 9,500 feet MSL bounded on the east by longitude 123°15'00" W., on the south by latitude 47°30'00" N., on the west by longitude 123°40'00" W., and on the north by latitude 48°03'00" N., and that airspace northeast of Seattle bounded on the east by longitude 121°00'00" W., on the south by V-2N, on the west by longitude 121°35'00" W., and on the north by latitude 48°00'00" N. The portions within the Portland, Oreg., and Port Angeles, Wash., transition areas are excluded.

In order to provide interested persons time to adequately evaluate this proposal, as altered herein, and an opportunity to submit additional written data, views, or arguments, the date for filing such material is extended to October 30, 1965.

Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on September 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-10338; Filed, Sept. 28, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 16204; FCC 65-842]

ANNUAL REPORT FORMS FOR COMMUNICATION COMMON CARRIERS

Salary Rates or Compensation Paid to Persons Required To Report

In the matter of amendment of Annual Report Form M for Class A and Class B telephone companies, Form O for wire-telegraph and ocean-cable carriers, and Form R for radiotelegraph carriers, to relax the reporting requirement for compensation paid to individually named persons by those companies having annual revenues exceeding $25,000,000; Docket No. 16204.

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

2. The Commission proposes to amend its annual report forms for communication common carriers (Forms M, O, and R) with respect to salary rates or the amount of compensation paid to persons for which individual reporting is required. These reporting requirements are found in instruction 1 of Schedule 70B, Compensation of Officers, Directors, etc., of Annual Report Form M for Class A and Class B Telephone Companies; and in instruction 1 of Schedule 3, General Officers and Executives, of Annual Report Forms O and R for Wire-Telegraph and Ocean-Cable Carriers and Radiotelegraph Carriers, respectively. These instructions now require generally that the compensation information called for be provided by all respondents where the individual amount is $20,000 or more. The Commission proposes to revise the above instructions so that with

respect to companies having annual revenues exceeding $25,000,000 the amount of $25,000 will be substituted for the existing $20,000. It is intended that this change will be made effective with the reports for 1965.

3. Between 1934 and 1947 individually identified annual compensations were required to be reported generally for amounts of $10,000 or more. Effective in 1948 this amount was raised to $15,000 and since 1959 it has been $20,000. The purpose of this required reporting is to provide an overall picture of the level of executive compensation as well as to disclose any individual outstandingly high salaries, and some of it originally was to comply with section 219(a) of the Communications Act which prior to 1956 made it mandatory that prescribed annual reports call for the names of all officers and directors, and the amount of salary, bonus, and all other compensation paid to each. Rising salary scales led to the changes made effective in 1948 and 1959 and are behind the present proposal. In brief, for the larger companies $25,000 of individual compensation reported today will provide as complete a picture of executive compensation levels as $20,000, $15,000 and $10,000 did during prior periods. It is now believed, however, that smaller companies (and $25,000,000 annual revenues has been selected for this purpose as the measure) should continue to report all individual annual compensations of $20,000 or more. While the smaller companies are probably not often doing so, if any of them are paying $20,000 annually or more to non-officers it should be of legitimate regulatory and public concern that such fact be reported.

4. This notice of proposed rule making is issued under authority of sections 4(i) and 219(a) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 29, 1965, and reply comments on or before November 12, 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.

6. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: September 22, 1965.

Released: September 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 65-10344; Filed, Sept. 28, 1965; 8:49 a.m.]

[1] Commissioner Hyde absent.

[47 CFR Part 1]

[Docket No. 16205; FCC 65-847]

RULES OF BROADCAST PRACTICE AND PROCEDURE

Responses to Commission Inquiries; Misrepresentations by Applicants, Permittees and Licensees

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

2. The Commission in the performance of its functions relating to the granting and renewal of licenses, the enforcement of its rules and regulations, the granting and modifications of authorizations and other matters properly within its jurisdiction has, on occasion, been unable to carryout its functions promptly and expeditiously because of the failure of some applicants, permittees and licensees to respond both timely and accurately to correspondence or other inquiries from the Commission. While, pursuant to the Communications Act of 1934, as amended (particularly sections 308(b) and 312) as well as pursuant to Title 18 U.S. Code 1001, all broadcast applicants, permittees and licensees have an obligation to respond to Commission correspondence in a prompt and truthful manner, the present rules specifically defining these obligations are mainly limited to matters pertaining to pending applications or responses to Official Notices of Violation (see §§ 1.65, 1.84, 1.89, 1.513, 1.568, and 1.961 of the Commission's rules and regulations).

3. Although most persons making statements to the Commission are already complying with their obligations in this respect, we believe it desirable to make it clear that all broadcast licensees, permittees, petitioners or others making statements to the Commission must promptly and accurately respond to all Commission correspondence and inquiries, and that failure to submit timely and accurate representations to the Commission may subject licensees, permittees and others to appropriate administrative sanctions, including (in the case of licensees or permittees) a forfeiture pursuant to section 503(b) of the Communications Act. This would be done by adding a new § 1.503 to the rules and amending § 1.513(d), as set forth below.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments herein on or before October 24, 1965. In view of the nature of this proceeding, there is no need for reply comments as contemplated by § 1.415(c), and that provision of the rules is waived in this matter. In reaching its decision herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

5. Authority for adoption of the rules proposed herein is found in sections 4(i), 303(r), 308, 312 and 403 of the Communications Act of 1934, as amended.

Adopted: September 22, 1965.

Released: September 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

1. Section 1.503 is added to read as follows:

§ 1.503 Timely and truthful statements and responses to Commission inquiries and correspondence.

(a) The Commission may require from any applicant, permittee or licensee statements of fact to enable it to determine whether an application should be granted or denied, a permit or license revoked, or a forfeiture imposed, or any other statement of fact which it determines would be helpful in the proper execution of its functions; and applicants, permittees or licensees shall respond to such Commission correspondence or other inquiries as requested and within the times specified by the Commission or its representatives.

(b) No party, including any applicant, permittee, licensee or petitioner, or other person making statements to the Commission, shall, in any response to Commission correspondence or inquiry, or in any application, pleading, report or any other comment or written statement submitted to the Commission, or in any oral response or other statement to any Commission employee make any misrepresentation or false or fictitious assertion of fact bearing on any matter within the jurisdiction of the Commission. Licensees or permittees who fail to observe the provisions of this section are subject to revocation of station license or the imposition of a forfeiture pursuant to sections 312(a) and 503(b) of the Communications Act of 1934, as amended. Knowing and willful false statements by any party concerning any matters with the jurisdiction of the Commission are punishable by fine and imprisonment under the provisions of U.S. Code, Title 18, section 1001.

2. Section 1.513(d) is amended to read as follows:

§ 1.513 Who may sign applications.

* * * * *

(d) Applications, amendments, and related statements of fact need not be submitted under oath. With respect to the truth of statements made therein, the provisions of § 1.503 shall apply.

[F.R. Doc. 65-10345; Filed, Sept. 28, 1965; 8:49 a.m.]

[1] Commissioner Hyde absent.

[47 CFR Part 73]

[Docket No. 12782; FCC 65-848]

NETWORK TELEVISION BROADCASTING

Order Extending Time for Filing Comments Regarding Competition and Responsibility

1. The Commission has before it (a) request by National Broadcasting Co., Inc., for extension of time to file comments, (b) statement in support of NBC request by American Broadcasting Co., Inc., and (c) statement of Columbia Broadcasting System, Inc., in support of National Broadcasting Co., Inc., request for extension of time.

2. The petitioners state that they have undertaken extensive inquiries designed to provide the Commission with additional facts regarding television program production and sale and to explore the economic and other considerations, pertinent to the proposed rule. They have commissioned an independent research organization to prepare an economic study covering the anticipated impact of the proposed rule. This study while being actively carried on is, according to the petitioners, of such scope that additional time is required for its completion. Petitioners assert that they believe that this study will be of great assistance to the Commission in resolving the issues involved in this proceeding.

3. It is also alleged that Part II of the Second Interim Report of the Office of Network Study has been practically unavailable until very recently and that petitioners and others interested in the proceeding should be afforded reasonable time before filing comments to study that report and formulate their comments with respect thereto.

4. While it is in the public interest that this proceeding be disposed of as expeditiously as practicable it is equally important (as was emphasized in the notice of proposed rule making) that the Commission's ultimate decision be based on as broad and current a factual basis and as wide and mature consideration as possible.

5. Petitioners have represented that additional time will be needed for filing comments to enable them and other interested persons to give this matter the study and consideration necessary to the formulation of adequate comments.

6. *Accordingly, it is ordered*, That the time for filing comments in this proceeding be extended from October 21, 1965, to January 31, 1966, and that time for filing reply comments be extended from December 1, 1965, to March 31, 1966.

Adopted: September 22, 1965.

Released: September 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 65-10346; Filed, Sept. 28, 1965; 8:50 a.m.]

[1] Commissioner Hyde absent.

[47 CFR Part 73]

[Docket No. 16206; FCC 65-856]

VHF BROADCAST STATIONS

Remote Control Operation

In the matter of amendment of Part 73 of the Commission's rules with respect to remote control operation of VHF broadcast stations; Docket No. 16206, RM-735.

1. The Commission has under consideration a petition for rule making filed on February 24, 1965 (RM-735), by the National Association of Broadcasters of Washington, D.C. (NAB), requesting an amendment of Part 73 to permit the operation of VHF television broadcast stations by remote control.[1] The petition also proposes that provision be made for multiplex operation of the aural transmitter of the TV station for the purpose of relaying control and telemetering information. The rule changes proposed in the attached appendix are in general similar to those proposed by NAB. Supporting comments were filed by KTVB, Inc. (KTVB-TV), Boise, Idaho), WHAS, Inc. (WHAS-TV, Louisville, Ky.), WTVY, Inc. (WTVY-TV, Dothan, Ala.), Texas State Network, Inc. (KFDA-TV, Amarillo, Tex.), and the Houston Post Co. (KPRC-TV, Houston, Tex.).

2. NAB submits that remote control operation for AM and FM stations was authorized as early as January 1953 and that UHF stations were authorized for such operation on May 6, 1963. The main consideration, NAB alleges, in all the rule making proceedings involved was the question as to whether any degradation of the Commission's technical standards would result from the remote control operation. It therefore addresses itself to this issue alone in its request for the extension of the same privileges to VHF TV stations. NAB contends that television transmitting equipment has reached such a high state of development as to justify the conclusion that remote control operation may be extended to VHF TV stations without any degradation of the Commission's technical standards. In support of this conclusion NAB cities the results of a recent survey conducted by it which showed that the average time lost per year by 194 TV stations sampled was less than five hours as against the average station operation of 6,183 hours. This represents a reliability of over 99 percent. Since 50 percent of the failures were due to power loss, the reliability would be even greater. A similar study of AM transmitter reliability conducted some years ago indicated that the average time lost per year by the stations sampled was 3 hours and 5 minutes.

3. In further support of its conclusion NAB relates the experiences of four TV licensees which conducted experimental remote control operations using both wire line and radio circuit systems for remote control of the transmitter and for telemetering the various meters and monitors at the station. It is claimed that no single major malfunction of either the control functions or the telemetering systems occurred in the experimental tests which represented about 12,100 hours of operation. A description is also given of a similar operation on the Island of Cyprus, where two high powered VHF transmitters on mountain tops are controlled and metered from a central studio location in Nicosia. In this installation 23 parameters from each transmitter are continuously displayed at the control location and 20 control functions concerning the operation of each transmitter and its associated equipment are also carried out from the remote control point. NAB claims, on the basis of these tests that remote control operation of VHF transmitters is feasible and can be accomplished in full compliance with § 73.676 of the rules governing remote control operation of UHF stations.[2]

4. NAB points out that remote control operation of a station, including starting, stopping, controlling and metering the various functions of the transmitter, can be accomplished either by wire lines or through the use of radio circuits. It submits that since many TV stations operate in remote locations to which telephone line circuits may be either unavailable or unreliable, that licensees should have an option in choosing the method to be employed. It therefore recommends that the rules be changed to accommodate the use of radio circuits and suggests that the best way to do this is by multiplexing the station aural carrier for the telemetering functions and multiplexing the STL transmitter carrier for the control functions.

Experimental remote control operations. 5. The operations described in the NAB petition involved tests conducted in the years 1962-64 by the following four TV stations; KKTV, Channel 11, Colorado Springs, Colo., KFMB-TV, Channel 8, San Diego, Calif., WGEM-TV, Channel 10, Quincy, Ill., and WABI-TV, Channel 5, Bangor, Maine. The stations used equipment manufactured by different companies, some modified for TV operation and others especially designed for this purpose. The number of circuits telemetered back to the remote control point varied from 8 to 23 circuit readings for a total of 12,000 hours of operation. Among other things, the control circuits turned the transmitter on and off, adjusted the power output of the final amplifier, determined the power output of the visual and aural transmitters, and made such adjustments as were necessary to insure that the transmitted signal complied in all respects with the technical requirements of the rules. Some had alarm circuits to alert the control center in the event of a failure of

[1] UHF TV stations are already permitted remote control operation. See § 73.676.

[2] Petitioner concedes that certain transmitters, designed and manufactured in past years may not be readily adapted to remote control without extensive mechanical or electrical modifications. In some cases, it states, modifications could be made by the licensees and in others new equipment will likely be required.

either the visual or aural transmitter. The remote meter readings substantially tracked the readings of the meters at the station. Two stations used wire lines between the remote control point and the transmitter location while the other two used radio circuits—a multiplexed signal on the STL to the transmitter location and a multiplexed signal on the aural transmitter back to the remote location point. Some of the equipment used was of very recent design containing sophisticated circuitry. Automatic logging was also used during some of the tests since the telemetering equipment lent itself to this type of keeping of the needed log information. All logging requirements were carried out fully during the tests.

6. In summary, NAB recommends that § 73.676 be amended to include VHF stations, that the functions performed at the remote control location be carried out by a person holding a first class radiotelephone license, that a calibration of the remote metering system be made at least once a week, that the installation be made in accordance with good engineering practice, that a showing be made that the transmitter is capable of being operated by remote control and that remote systems be either by wire lines or complete radio circuits subject to the choice of the licensee.

7. The parties which filed supporting comments urge that present technology is adequate to insure the required stability and reliability and that currently designed equipment is adequate for remote control operation including telemetry with a minimum of maintenance. One party urged that remote control operation of VHF stations is especially needed in the small markets where operating costs must be kept to a low level and that the attendant savings from such operation would permit greater emphasis on local programming.

8. NAB has addressed itself principally to the question of whether the proposal would result in degradation of the Commission's technical standards. There is also the question of regulating the use of radio transmitting apparatus to prevent unwarranted interference to other users of the spectrum. TV transmitters are high powered devices and slight malfunctioning may result in the emission of spurious signals having more power than is normally employed by non-broadcast licensees. The rules spell out certain observations that must be made by the operator of a television transmitter but we also rely on personal supervision of the transmitting apparatus by the operator to detect malfunctioning that may not be revealed by the specified observations. Technically qualified operators are alert to potential or real trouble by sight, sound and smell. Heat spots on the plates of tubes in sub-stages of the transmitter, discoloration of a component, a change in the characteristics or volume of an audible hum, the faint smell of an overheated resistor or transformer, etc., all are clues to trouble. Such information would not be available to an operator at a remote control position. We are concerned with the possibility that such malfunctioning might produce spurious signals which would interfere with other signals, particularly those employed for the safety of life and property. The risks of such interference are substantially less for UHF television stations than for VHF television stations because UHF television operation is in a continuous band immediately adjacent on the lower end to land mobile services of a non-safety character and on the upper end to a band set apart to accommodate the incidental radiations of industrial, scientific and medical equipment, which are not affected by interference. The VHF television band on the other hand, is not a continuous band but is divided into three parts. The lower portion (Channels 2, 3, and 4) is bounded at the lower end by the Amateur Radio Service and at the upper end by a band employed for navigation devices for aircraft. The second portion (Channels 5 and 6) is immediately above the air navigation band and has the FM broadcast band at its upper edge. The third portion of the VHF television band (Channels 7 through 13) has a band extensively employed by the public safety services (Police and Fire) immediately below it and the band immediately above is used for essential government operations and by non-government aeronautical telemetering stations.

9. It is our view, therefore, that if remote control is to be authorized without a qualified operator at the transmitter, there should be installed certain automatic devices that would detect malfunctioning and disable the transmitter until the condition was corrected. Such devices should be capable of detecting and measuring excessive out-of-band radiation including radio frequency harmonics of the visual and aural carriers. If such devices cannot be designed for practical application, we would propose in lieu thereof, manual scanning of pertinent portions of the spectrum at periodic intervals during the daily operation of the station. We are therefore adding an additional requirement for VHF station remote control operation to minimize the possibility of interference to other radio services. Comments are invited on the availability of such devices.

10. In view of the foregoing, comments are invited on the proposed amendments of Part 73 set forth below.

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

12. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 22, 1965, and reply comments on or before November 5, 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.

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

Adopted: September 22, 1965.

Released: September 24, 1965.

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

1. Delete the present § 73.676 and insert the following:

§ 73.676 Remote control authorization.

(a) Application to operate a new station by remote control may be made as a part of the application for construction permit. Application to operate an authorized station by remote control shall be made on FCC Form 301-A.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) The location of the remote control point(s);

(2) The transmitter is reliable and capable of being operated by remote control.

2. Add the following § 73.677:

§ 73.677 Remote control operation.

(a) Television broadcast stations may be authorized to operate by remote control upon a satisfactory showing as to the manner of compliance with the following requirements:

(1) Suitable control circuits shall be installed to:

(i) Turn the transmitter on and off at will.

(ii) Determine the power output of the visual and aural final radio frequency amplifiers or the power delivered to the antenna.

(iii) Adjust the power output of the final radio frequency amplifier to compensate for variations in line voltage.

(iv) Make such adjustments as may be necessary to insure that the characteristics of the transmitted signal comply in all respects with the technical requirements of the rules.

(2) The control point shall be equipped with apparatus suitable for observing the waveform and other pertinent characteristics of the transmitted visual signal and the percent of modulation of the transmitted aural signal by means of a type approved modulation monitor.

(3) The control circuits from the control point to the transmitter shall be so designed and installed that open circuits, short circuits, accidental grounding, or other line faults will not activate the transmitting apparatus and any fault which results in loss of control of the transmitting apparatus will automatically remove power from the transmitting antenna.

(4) The transmitting equipment and control equipment shall be adequately protected against tampering or activation by unauthorized persons.

(b) Where a transmitter is operated by remote control the transmitting ap-

[1] Commissioners Hyde and Loevinger absent.

paratus and associated controls shall be inspected as often as is necessary to insure proper operation and confirm the accuracy of the transmitter data sent to the control point over the control circuits and in all cases at least once each week until it can be demonstrated to the Commission that checks at less frequent intervals are satisfactory.

(c) Stations operating on Channels 2–13 shall in addition have at the transmitter location automatic devices which are capable of detecting and measuring out-of-band radiations, including harmonics and which shall turn the transmitter off when these radiations exceed the requirements in § 76.688(i) of this chapter. Alternatively, the station may have monitoring equipment at the remote control point which will permit observation of the spectrum below and above the assigned channel and which shall be checked at the beginning of operation and at three hour intervals thereafter to insure compliance with the requirements of § 76.688(i) of this chapter.

3. Add the following definition to § 73.681 in its appropriate place:

§ 73.681 **Definitions.**

* * * * *

Multiplex transmission (aural). The term multiplex transmission (aural) means the simultaneous transmission of two or more signals within a single aural channel. Multiplex transmission as applied to television broadcast stations means the transmission of other signals in addition to the regular aural broadcast signals.

* * * * *

4. Add a new § 73.695 as follows:

§ 73.695 **Multiplex authorization.**

(a) A television broadcast station licensee or permittee may apply for a multiplex authorization to provide limited types of transmission on a multiplex basis. Permissible use must fall within the category of remote control telemetering functions.

(b) Applications for Multiplex Authorization shall be submitted on FCC Form 318.

5. Add a new § 73.696 as follows:

§ 73.696 **Multiplex operation; engineering standards.**

(a) Frequency modulation of subcarrier(s) shall be used.

(b) The instantaneous frequency of the subcarrier(s) shall at all times be within the range 20–25 kilocycles per second.

(c) The arithmetic sum of the modulation of the main carrier by the subcarrier(s) shall not exceed 10 percent.

(d) The total modulation of the main carrier, including the subcarrier(s), shall meet the requirements of § 73.687 (b)(7).

(e) Frequency modulation of the main carrier caused by the multiplex operation shall, in the frequency range 50 to 15,000 cycles per second, be at least 60 db below 100 percent modulation.

(f) The multiplex operation shall not degrade the visual signal in any manner.

[F.R. Doc. 65–10347; Filed, Sept. 28, 1965; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 14229]

UHF TELEVISION CHANNELS

Order Further Extending Time for Filing Comments Regarding Expanded Use

1. The National Association of Educational Broadcasters (NAEB) has filed a petition requesting that the time for filing comments with respect to the Further Notice of Proposed Rule Making concerning the proposal to utilize Channels 70–83 for community television stations, be extended from September 20, 1965, to November 1, 1965.

2. In support of its request, NAEB calls attention to the recent announcement by the Commission that owing to an error in the original computer program, it plans to issue a corrected UHF assignment plan within the next few weeks. NAEB desires time to examine the corrected plan before submitting its comments with respect to the proposed new community TV service.

3. The Commission wishes to have the most comprehensive comments possible with respect to the proposed new community TV service before reaching a final decision. The desire of NAEB to relate the UHF assignment table to the various aspects of the proposed new service appears reasonable.

4. *Accordingly, it is ordered,* This 22d day of September 1965, that the request of the National Association of Educational Broadcasters is granted and the time for filing comments is extended from September 20, 1965, to November 1, 1965, and the time for filing replies thereto is extended from October 5, 1965, to November 15, 1965.

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

Released: September 23, 1965.

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

[F.R. Doc. 65–10348; Filed, Sept. 28, 1965; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1965 Rev. Supp. 9]

MERCHANTS MUTUAL BONDING CO.

Acceptable Surety on Federal Bonds

SEPTEMBER 23, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $34,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in which incorporated, name of company and location of principal executive office: Iowa, Merchants Mutual Bonding Co., Des Moines, Iowa.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-10342; Filed, Sept. 28, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[P.P.C. 639]

JAPANESE AND WHITE-FRINGED BEETLES, EUROPEAN CHAFER, AND IMPORTED FIRE ANT

List of Approved Laboratories Authorized To Receive Soil Samples Without Certification or Permit

Pursuant to the Japanese Beetle, White-Fringed Beetle, European Chafer, and Imported Fire Ant Quarantines (Notices of Quarantines Nos. 48, 72, 77, and 81, 7 CFR 301.48, 301.72, 301.77, and 301.81) and §§ 301.48a(a)(10), 301.72a(c), 301.77a(b), and 301.81a(c) of the supplemental administrative instructions, under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice is hereby given that the following laboratories are specifically authorized to receive soil samples of one pound or less, without certification or permit, from areas regulated under the provisions of the said notices of quarantines:

Laboratory, address:

ALABAMA

Agronomy Department, Soil and Water Conservation Research Division, ARS, Auburn University, Auburn.
Auburn University Soil Testing Laboratory, Funchess Hall, Auburn University, Auburn.
Dixie Laboratories, Inc., 155 Beauregard Street, Mobile.
L. R. Johnston Co., Inspection Bureau, 2650 Government Boulevard, Mobile.
F. S. Royster Guano Co., Soil Test Laboratory, 62 Ninth Street, Post Office Box 308, Montgomery.
A. W. Williams Inspection Co., 208 Virginia Street, Mobile.

ARIZONA

Southwest Rangeland Hydrology Research Watershed, Post Office Box 3926, Tucson.
U.S. Water Conservation Laboratory, Route 2, Box 816-A, Tempe.

CALIFORNIA

Fresno Field Station, 4816 East Shields Avenue, Fresno.
Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, 94025.
Southwestern Irrigation Field Station, Post Office Box 1339, Brawley.
U.S. Salinity Laboratory, Post Office Box 672, Riverside.

COLORADO

Analytical Laboratory, Geologic Division, U.S. Geological Survey, Building 25, Federal Center, Denver, 80225.
Branch of Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver, 80225.
Engineering Geology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver, 80225.
Exploration Research Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver, 80225.
Hydrologic Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver, 80225.
Nitrogen Laboratory, Post Office Box 758, Fort Collins.
Paleontology and Stratigraphy Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver, 80225.
Palynology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver, 80225.
Pesticide Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver, 80225.
USDA Central Great Plains Field Station, Box K, Akron.

DISTRICT OF COLUMBIA

Analytical Laboratory, Geologic Division, U.S. Geological Survey, Navy Yard Annex, Washington, 20242.
Branch of Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, Room 117, Old Post Office Building, Washington, 20242.
Carbon 14 Laboratory, Isotope Geology Branch, Geologic Division, U.S. Geological Survey, Washington, 20242.
Division of Physical Research, Bureau of Public Roads, U.S. Department of Commerce, Washington 25.

FLORIDA

American Agricultural Chemical Co., Soil Testing Laboratory, Pierce.
Armour Agricultural Chemical Co., East Eighth Street and Talleyrand Avenue, Post Office Box 3007, Jacksonville.
Plantation Field Laboratory, Post Office Box 9087, Fort Lauderdale.

GEORGIA

Department of Agronomy (Physics) Soil Testing Laboratory, University of Georgia, Athens.
Jay Evans Testing Laboratory, Albany.
Pathology Laboratory, University of Georgia Experiment Station, Athens.
Pathology Laboratory, University of Georgia Experiment Station, Experiment.
Pathology Laboratory, University of Georgia Experiment Station, Tifton.
Southern Piedmont Conservation Research Center, Post Office Box 33, Watkinsville.

IDAHO

Northwest Hydrology Research Watershed, 306 North Fifth Street, Post Office Box 2724, Boise.
Snake River Conservation Research Center, Route 1, Box 186, Kimberly.

ILLINOIS

Agronomy Soil Testing Laboratory, University of Illinois, Urbana.
Consolidated Laboratories, Congerville.
Federal Chemical Co., Post Office Box 11, Danville.
International Minerals and Chemical Corp., Old Orchard Road, Skokie.
Midwest Soil Testing Service, Post Office Box 125, Danforth.
Olson Management Service, 68 Monterey Street, Freeport.
Schofield Soil Service, Paxton.
Soil and Water Conservation Research Division Laboratory, ARS, S-212 Turner Hall, University of Illinois, Urbana.

INDIANA

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Engineering Department, Purdue University, Lafayette.

IOWA

Soil and Water Conservation Research Division Laboratory, Agricultural Research Service, Agronomy Building, Iowa State University, Ames.

KANSAS

Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, Waters Hall, Kansas State University, Manhattan.

KENTUCKY

Federal Chemical Co., 646 Starks Building, Louisville.
Soil Testing Laboratory, College of Agriculture, University of Kentucky, Lexington.

LOUISIANA

Bureau of Public Roads, 3444 Convention Street, Baton Rouge.
Engineers Testing Laboratories, 727 Main Street, Baton Rouge.
Pittsburg Testing Laboratories, Post Office Box 3128, Baton Rouge.
Shilstone Testing Laboratories, Post Office Box 123, Baton Rouge.
Soil and Water Conservation Research Division Laboratory, ARS, Post Office Drawer U, University Station, Baton Rouge.

MAINE

Soil and Water Conservation Research Division Laboratory, ARS, The Maples, University of Maine, Orono.

MARYLAND

American Agricultural Chemical Co., 2272 South Clinton Street, Baltimore.
U.S. Hydrograph Laboratory, Soil and Water Conservation Research Division, ARS, Plant Industry Station, Beltsville.
U.S. Soils Laboratory, Soil and Water Conservation Research Division, ARS, Plant Industry Station, Beltsville.

MASSACHUSETTS

Soil Mechanics Division, Massachusetts Institute of Technology, Cambridge.

MICHIGAN

American Agricultural Chemical Co., 204 South Forman Street, Detroit.
Upjohn Pharmaceutical Co., 7171 Portage Road, Kalamazoo.

MINNESOTA

Minnesota Soil Testing Laboratory, 35 Soil Science Building, St. Paul Campus, University of Minnesota, St. Paul, 55101.
North Central Soil Conservation Research Center, Morris.

MISSISSIPPI

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, Post Office Box 502, State College.
State Highway Department, Jackson.
U.S. Army Engineer Waterways Experiment Station, Vicksburg.
USDA Sedimentation Laboratory, Box 30, Oxford.

MISSOURI

North Central Hydrology Research Watershed, Post Office Box 208, Columbia.

MONTANA

Northern Plains Soil and Water Research Center, Post Office Box 1109, Sidney.

NEBRASKA

Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, University of Nebraska, Lincoln.

NEW JERSEY

American Cyanamid Co., Quakerbridge Road, Clarksville.
Campbell Soup Co., Branch Pike, Riverton.
Geology Department, Princeton University, Guyot Hall, Princeton.
Hoffmann-LaRoche, Inc., 340 Kingland Avenue, Nutley.
Johnson Soil Engineering Laboratory, 193 North Shore Avenue, Bagota.
Charles Pfizer Co., Maywood Avenue, Maywood.
Seabrook Farms, Seabrook.
Soils Department, Rutgers University, New Brunswick.
U.S. Testing Co., 14-15 Park Avenue, Hoboken.
Joseph S. Ward, Inc., Consulting Engineer, 91 Roseland Avenue, Caldwell.

NEW YORK

Agronomy Department, Cornell University, Ithaca.
Department of Soil Engineering, School of Civil Engineering, Cornell University, Ithaca.
Floriculture Department, Cornell University, Ithaca.
U.S. Plant, Soil, and Nutrition Laboratory, Tower Road, Ithaca.

NORTH CAROLINA

Armour Agricultural Chemical Co., Navassa.
Froehling and Robertson, Inc., Fayetteville.
Froehling and Robertson, Inc., Raleigh.
Law Engineering, Charlotte.
Pittsbury Soil Testing Co., Greensboro.
Soil and Water Conservation Research Division Laboratory, ARS, Post Office Box 5906, Raleigh.
Southern Testing and Research Laboratories, Wilson.

NORTH DAKOTA

Agricultural Consultant International, Box 301, Grand Forks.
USDA Northern Great Plains Research Center, Post Office Box 459, Mandan.

OHIO

American Agricultural Chemical Co., Washington Court House.
Brookside Research Laboratory, New Knoxville.
Federal Chemical Co., Columbus.
H. J. Heinz Co., 540 North Enterprise Street, Bowling Green.
North Appalachian Experimental Watershed, Soil and Water Conservation Research Division, ARS, Coshocton.
Ohio Extension Service Soil Testing Laboratory, College of Agriculture, Ohio State University, Columbus.
Ohio Florists Association, Columbus.
F. S. Royster Guano Co., Toledo.
O. M. Scott & Sons Seed Co., Marysville.
Smith-Douglass Co., 618 North Champion Avenue, Columbus.
Stim-U-Plant Laboratory, Inc., 2077 Parkwood Avenue, Columbus.

OKLAHOMA

Southern Great Plains Hydrology Research Watershed, Post Office Box 400, Chickasha.

PENNSYLVANIA

Robert B. Peters Co., Inc., 2833 Pennsylvania Street, Allentown.
Michael Baker, Inc., Rochester.

PUERTO RICO

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, University of Puerto Rico, Rio Piedras.

SOUTH CAROLINA

Clemson Soil Testing Laboratories, Clemson.
Coastal Plains Soil and Water Research Center, Post Office Box 271, Florence.

TENNESSEE

U.S. Soil Test Laboratory, 810 Broadway, Nashville.
U.S. Testing Co., Cotton Exchange Building, Memphis.

TEXAS

Agricultural Department, Stephen F. Austin College, Nacogdoches.
Agricultural Service Laboratories, 1206 South Astor, Pharr.
Agronomy Department, Texas A. & M. University, College Station.
Blackland Conservation Experiment Station, Post Office Box 748, Temple.
Citrus, Vegetable, Soil, and Water Laboratory, Post Office Box 267, Weslaco.
Geochemical Surveys, 3806 Cedar Springs Road, Post Office Box 6508, Dallas, 75219.
McClelland Engineers, Inc., 6100 Hillcroft, Houston.
Pattison's Laboratories, Inc., 211 East Monroe, Harlingen.
Plains Laboratory, 707 Avenue H, Lubbock.
Shilstone Testing Laboratory, 1205 North Tanguahua Street, Corpus Christi.
Shilstone Testing Laboratory, 1714 West Capitol Avenue, Houston.
Soil Testing Laboratory, Wharton County Junior College, Lower Colorado River Authority, Wharton.
Trinity Testing Laboratories, Inc., Corpus Christi.
USDA Southwestern Great Plains Research Center, Bushland.

UTAH

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Science Building 63, Agronomy Department, Utah State University, Logan.

VIRGINIA

Commercial Testing and Engineering Co., 1831 Lindsay Avenue, Norfolk.
Froehling & Robertson, Inc., 1111 Boissevain Avenue, Norfolk.
Froehling & Robertson, Inc., 814 West Cary Street, Richmond.
W. R. Grace & Co., Davison Chemical Division, Box 277, South Hill.
McCallum Inspection Co., 1808 Hayward Avenue, Norfolk.
F. S. Royster Guano Co., Room 1004, Royster Building, Norfolk.
Swift & Co., Agrichem Division, Box 7537, Norfolk 23515.
Virginia Polytechnic Institute, Soil Testing Laboratory, Blacksburg.
Virginia Truck Experiment Station, Post Office Box 2160, Norfolk.

WASHINGTON

Irrigation Experiment Station, Prosser.
Soil and Water Conservation Research Division Laboratory, ARS, 215 Johnson Hall, Washington State University, Pullman.

WEST VIRGINIA

Commercial Testing and Engineering Co., Piedmont and Broad Streets, Charleston.

WISCONSIN

Wisconsin Soil Testing Laboratory, Soils Building, College of Agriculture, University of Wisconsin, Madison, 53706.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 7 CFR 301.48a(a)(10), 301.72a(c), 301.77a(b), 301.81a(c). 29 F.R. 16210, as amended, 30 F.R. 5801)

This notice shall become effective September 29, 1965.

Administrative instructions supplemental to the notices of quarantines cited herein specifically exempt from the certification and permit requirements of such quarantines soil samples that do not exceed one pound in weight; that meet certain requirements as to origin, destination, and packaging; and are consigned to laboratories that are approved by the Director of the Plant Pest Control Division and operate under dealer-carrier agreements.

The Director of the Plant Pest Control Division has designated the above listed laboratories as establishments that meet the qualifications set forth in the sections cited above. The listed establishments are therefore authorized to receive from the respective regulated areas soil samples, without certification or permit, that meet the requirements of said supplemental administrative instructions, as to weight, origin, destination, and packaging.

This action relieves certain restrictions presently imposed. It should, therefore, be made effective promptly to be of maximum benefit to persons subject to the restrictions that are being relieved. Accordingly, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that notice and other public procedure with regard to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of September 1965.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 65-10362; Filed, Sept. 28, 1965; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–4537 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificate [1]

SEPTEMBER 21, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 13, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G–4537 C 9–3–65	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	[2] 16.83188	14.65
G–6085 D 8–13–65	J. S. Rushing, 212 Armstrong Building, El Dorado, Ark.	Arkansas Louisiana Gas Co., Ada Field, Webster and Bienville Parishes, La.	[3]	.....
G–16218 D 9–13–65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Southeast Stockholm Field, Harper County, Okla.	[3]	.....
G–19697 E 9–7–65	W. J. Riley (successor to Arnold Well Service (Operator), et al.), 304 Wilson Tower, Corpus Christi, Tex.	Banquete Gas Co., a Division of Crestmont Oil and Gas Co., Odem Field, San Patricio County, Tex.	9.0	14.65
CI61–2 C 8–30–65	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans., 67202.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	17.0	14.65
CI61–1102 C 9–14–65	Sun Oil Co. (Mid-Continent Division), 1608 Walnut Street, Philadelphia, Pa., 19103.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major, Dewey and Woodward Counties, Okla.	17.61	14.65
CI62–1360 E 8–23–65 [4]	David Crow, Operator (successor to Crow Drilling & Producing Co.), c/o John M. Shuey, attorney, 604 Johnson Building, Shreveport, La.	Texas Gas Transmission Corp., Terryville Field, Lincoln Parish, La.	[4] 18.25	15.025
CI63–20 D 9–10–65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Assigned	.....
CI63–105 E 9–14–65	Texam Oil Corp. (successor to Santiago Oil & Gas Co.), Post Office Box 1863, Midland, Tex.	Coastal States Gas Gathering Co., Tiger Field, Duval County, Tex.	[4] 8.0	14.65
CI63–106 E 9–13–65	do	do	[4] 8.0	14.65
CI63–147 C 9–7–65	Hollandsworth and Travis (Operator), et al., Post Office Box 1632, Longview, Tex.	Arkansas Louisiana Gas Co., Waskom (Scottsville) Field, Harrison County, Tex.	12.1880	14.65
CI63–503 E 9–9–65	Clinton Oil Co. (successor to Raymond Oil Co., Inc. (Operator), et al.), 6810 West Highway 54, Wichita, Kans.	Cities Service Gas Co., acreage in Kay County, Okla.	13.0	14.65
CI63–1000 D 9–10–65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Lacey Area, Kingfisher County, Okla.	Assigned	.....
CI64–234 E 9–13–65	Texas Gas Exploration Corp. (successor to Milton S. Yunker (Operator), et al.), 1111 First City National Bank Building, Houston, Tex., 77002.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
CI64–1392 C 9–10–65	Monsanto Co. (Operator), et al., 1300 Main Street, Houston, Tex., 77002.	Lone Star Gas Co., North Dibble and Southeast Boyle Areas, McClain County, Okla.	15.0	14.65
CI65–333 E 9–8–65	Lubell Oil Co. (successor to Bell Oil and Gas Co.), National Bank of Tulsa Building, Tulsa, Okla.	Arkansas Louisiana Gas Co., Arpelar Area (South Pine Hollow), Pittsburg County, Okla.	16.0	14.65
CI66–114 A 8–6–65 [7] 9–2–65 [8]	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	El Paso Natural Gas Co., South Andrews Field, Andrews County, Tex.	13.5	14.65
CI66–179 [9] A&F 8–30–65	Herndon Drilling Co. (successor to A. E. Branine & F. G. Holl), Post Office Box 489, Tulsa, Okla., 74101.	Northern Natural Gas Co., Embry Field, Edwards County, Kans.	[10] 13.5	14.65
CI66–180 A 8–30–65	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans., 67202.	Northern Natural Gas Co., Southwest Hooker Field, Texas County, Okla.	17.0	14.65
CI66–181 A 9–3–65	M. F. McCain (Operator), et al., Giddens-Lane Building, Shreveport, La.	Texas Gas Transmission Corp., Maurice Field, Lafayette and Vermilion Parishes, La.	20.625	15.025
CI66–182 B 9–3–65	William K. Davis (Operator), et al., 512 First City National Bank Building, Houston, Tex., 77002.	Texas Eastern Transmission Corp., Cosden, West (7800' Wilcox) Field, Bee County, Tex.	- [11]	.....
CI66–183 (G–15188) A 9–2–65 F 9–2–65 [14]	Hill & Hill (successor to Pan American Petroleum Corp.), [12] c/o E. L. Zihlman, landman, 1325 Fort Worth National Building, Fort Worth, Tex., 76102.	Panhandle Eastern Pipe Line Co., Moeane-Laverne Field, Beaver County, Okla.	[13] 17.0	14.65
CI66–184 (CI63–1519) F 9–7–65	Global Oils, Inc. (successor to Joe A. Humphrey), 2010 Republic Bank Building, Dallas, Tex., 75201.	Panhandle Eastern Pipe Line Co., Valley Center West Field, Dewey County, Okla.	[13] 15.0	14.65
CI66–185 A 9–7–65	J. M. Huber Corp., 2401 East Second Avenue, Denver, Colo., 80206.	Cities Service Gas Co., Boggs NW Field, Barber County, Kans.	14.0	14.65
CI66–186 A 9–7–65	Jones & Pellow Oil Co., et al., 101 NE 26th Street, Oklahoma City, Okla., 73105.	Michigan Wisconsin Pipe Line Co., Valley Center West Area, Dewey County, Okla.	[13] 19.5	14.65
CI66–187 B 9–7–65	Skinner Corp. (Operator), et al., D–434 Petroleum Center, San Antonio, Tex., 78209.	Valley Gas Transmission, Inc., Hinnant (First Yegua) Field, Live Oak County, Tex.	Depleted	
CI66–188 A 9–7–65	Quaker State Oil Refining Corp., Post Office Box 337, Bradford, Pa., 16701.	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	23.0	15.325
CI66–190 A 9–9–65	J. P. Owen (Operator), et al., Post Office Box 15288, Lafayette, La.	Texas Gas Transmission Corp., Maurice Field Lafayette and Vermilion Parishes, La.	20.625	15.025
CI66–191 A 9–10–65	Graham-Michaelis Drilling Co., Graham Building, 211 North Broadway, Wichita, Kans., 67202.	Phillips Petroleum Co., Camrick Field, Texas County, Okla.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
F—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI66-192..... A 9-13-65	Anadarko Production Co., Post Office Box 351, Liberal, Kans., 67901.	Western Gas Service Co., acreage in Beaver County, Okla.	13.5	14.65
CI66-193..... A 9-13-65	Sohio Petroleum Co., 970 First National Office Building, Oklahoma City, Okla., 73102.	Transcontinental Gas Pipe Line Corp., Johnson Bayou Field, Cameron Parish, La.	20.625	15.025
CI66-194..... A 9-13-65	J. E. Taubert and N. A. Steed, First-Wichita National Bank Building, Wichita Falls, Tex.	Arkansas Louisiana Gas Co., acreage in Latimer County, Okla.	15.0	14.65
CI66-195..... B 9-13-65	Commonwealth Gas Corp., Post Office Box 1433, Charleston, W. Va., 25325.	United Fuel Gas Co., Oriskany Sand Field, Poca District, Kanawha County, W. Va.	Depleted	.....
CI66-196..... B 9-13-65	Texas Crude Oil Co., Post Office Box 12405, Fort Worth, Tex., 76116.	Transwestern Pipeline Co., Chenot Field, Pecos County, Tex.	Depleted	.....
CI66-197..... A 9-8-65	Heller Gas Co., Rural Delivery No. 2, DuBois, Pa.	New York State Natural Gas Corp., Union Township, Clearfield County, Pa.	27.5	15.325
CI66-198..... A 9-7-65	Apco Oil Corp., Liberty Bank Building, Oklahoma City, Okla.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan County, N. Mex.	13.0	15.025
CI66-199..... F 9-7-65 [2]	McGoldrick & Watson Drilling Co. (Operator), et al., 405 Beck Building, Shreveport, La., 71101.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	10.887	14.65
CI66-200..... A 9-13-65	Austin Brady, Box 302, Garden City, Kans.	Cities Service Gas Co., Hugoton Gas Field, Finney County, Kans.	11.0	14.65
CI66-201..... A 9-14-65	Sun Oil Co. (Southwest Division), 1608 Walnut Street, Philadelphia, Pa., 19103.	Panhandle Eastern Pipe Line Co., Eva NW Field, Texas County, Okla.	16.0	14.65
CI66-202..... A 9-14-65	Sun Oil Co. (Mid-Continent Division), 1608 Walnut Street, Philadelphia, Pa., 19103.	Northern Natural Gas Co., North Lindscott Field, Ellis County, Okla.	17.0	14.65
CI66-203..... B 9-13-65	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Trunkline Gas Co., Cowpen Creek Field, Beauregard Parish, La.	Depleted	.....
CI66-204..... A 9-15-65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Northern Natural Gas Co., Ozona Gas Processing Plant, Ozona Field, Crockett County, Tex.	16.0	14.65
CI66-205..... F 8-16-65 [14]	M&M Producing Co. (successor to Crow Drilling & Producing Co., et al.), c/o John M. Shuey, attorney, 604 Johnson Building, Shreveport, La.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	[15] 13.003	15.025
CI66-206..... A 9-13-65	Quintin Little, Post Office Box 1509, Ardmore, Okla., 73401.	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	15.0	14.65
CI66-207..... A 9-9-65	Max Wiley, Box 278, Wheeler, Tex., 79096.	Wheeler Gas Co., East Panhandle Field, Wheeler County, Tex.	6.0	13.84
CI66-208..... B 9-10-65	Ruford F. Madera, Suite 1010, 211 North Ervay Building, Dallas, Tex.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	Depleted	.....
CI66-209..... B 9-10-65	Sooner Pipe & Supply Corp., Petroleum Club Building, Tulsa, Okla.	Cities Service Gas Co., Sporn Field, Lincoln County, Okla.	Depleted	.....
CI66-210..... B 9-15-65	Southwest Gas Producing Co., Inc., 1309 Louisville Avenue, Monroe, La.	Transcontinental Gas Pipe Line Corp., North Starks Field, Calcasieu and Beauregard Parishes, La.	Depleted	.....
CI66-211..... A 9-16-65	E. Lyle Johnson (Operator), et al., 626 North Broadway, Moore, Okla.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	12.5	14.65

[1] High-pressure gas.
[2] Deletes formations below 8,000 feet.
[3] Transwestern and Applicant have agreed to delete from the basic contract casinghead gas which might be produced from the subject acreage in order that arrangements may be made for the sale of such gas to another purchaser. No sale or delivery of casinghead gas has been made to Transwestern from the subject acreage.
[4] Amendment to certificate filed by Applicant to succeed Crow Drilling & Producing Co. as Operator of properties involved.
[5] Includes 1.75 cents tax reimbursement.
[6] Plus ½ production or severance taxes existing at the time of the contract or thereafter.
[7] Application previously noticed Aug. 17, 1965, in docket No. G-16388, et al., at a total initial rate of 13.6823 cents per Mcf.
[8] Amendment to application filed to reflect a total initial rate of 13.5 cents per Mcf in lieu of 13.6823 cents.
[9] Applicant seeks authorization to continue service previously rendered by Predecessor in dockets Nos. G-6560, G-10727, G-12300, and G-12975.
[10] Rate in effect subject to refund in docket No. RI61-154.
[11] Reservoir is exhausted and unable to produce enough gas of sufficient pressure to economically justify continued production.
[12] Only a portion of the authorization applied for covers acreage acquired from Pan American.
[13] Also, rate of 17.0 cents per Mcf in effect subject to refund in docket No. RI63-469 insofar as the acreage acquired from Pan American.
[14] Partially succeeds Pan American Petroleum Corp. FPC GRS No. 223.
[15] Applicant states its willingness to accept certificate conditioned in the same manner as the certificate issued in docket No. CI63-1519.
[16] Plus present taxes; not specified in application.
[17] Partial successor to Union Producing Co., docket No. G-13633, and Socony Mobil Oil Co., Inc., docket No. G-12584.
[18] Application erroneously noticed Aug. 31, 1965, in docket No. G-3566, et al., as a complete succession in docket No. G-12720.
[19] Includes 1.333 cents tax reimbursement; also subject to deduction for compression.

[F.R. Doc. 65-10246; Filed, Sept. 28, 1965; 8:45 a.m.]

[Docket Nos. RI66-68, etc.]

STEVENS COUNTY OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 22, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 2, 1965.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-68	The Stevens County Oil & Gas Co., Suite B, Lower Level, Colorado Derby Building, Wichita, Kans.	21	2	Kansas Colorado Utilities, Inc. (Hugoton Field, Kearny County, Kans.).	$440	8-23-65	[2]11-18-65	4-18-66	[1] 13.0	[3] [4] 14.0	RI61-224.
	do	22	2	do	140	8-23-65	[2]11-18-65	4-18-66	[1] 13.0	[3] [4] 14.0	RI61-224.
RI66-69	Marathon Oil Co., 539 South Main Street, Findlay, Ohio, 45840.	76	2	Transwestern Pipeline Co. (Perryton Area, Ochiltree County, Tex.) (R.R. District No. 10).	1,291	8-24-65	[2] 9-24-65	2-24-66	[1] 17.0	[4] [6] 19.0	
	do	77	1	Transwestern Pipeline Co. (Kiowa Creek Field, Lipscomb County, Tex.) (R.R. District No. 10).	2,203	8-24-65	[2] 9-24-65	2-24-66	[7] 17.0	[4] [7] 19.0	
RI66-70	Thomas D. Bailey, 1312 NE 55th Street, Oklahoma City, Okla.	2	1	Cities Service Gas Co., (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	329	8-27-65	[2] 9-27-65	2-27-66	[7] 11.0	[5] [7] 12.0	
RI66-71	Sun Oil Co., Post Office Box 2880, Dallas, Tex., 75221. Attn: Mr. R. L. Sullivan.	138	2	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (R.R. District No. 4).	60	8-25-65	[8] 9-28-65	2-28-65	16.0	[5] 17.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Price is for gas containing a B.t.u. content above 850 B.t.u. per cubic foot. Price for gas containing less than 850 B.t.u. per cubic foot is 1.0 cent less.
[5] Fractured rate increase. Seller entitled to a periodic increase to 19.5 cents per Mcf.
[6] Subject to a downward B.t.u. adjustment.
[7] The stated effective date is the first day after expiration of the required statutory notice.

Sun Oil Co. (Sun) requests a retroactive effective date of July 1, 1964, for its proposed rate increase. Thomas D. Bailey (Bailey) requests that his proposed rate increase be permitted to become effective as of September 1, 1965, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Sun and Bailey's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 65–10297; Filed, Sept. 28, 1965; 8:45 a.m.]

[Docket No. CP66–77]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

SEPTEMBER 22, 1965.

Take notice that on September 17, 1965, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex., 7701, filed in Docket No. CP66–77 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of 920 Mcf per day and 6,000 Mcf per day of natural gas to York County Gas Co. and the United Gas Improvement Co., respectively, under Applicant's Winter Service Rate Schedule, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the above sales are proposed to commence on November 16, 1965. The proposed sale to York County Gas Co. would be in addition to the Winter Service sale authorized by the Commission in its order issued October 28, 1964, in Docket No. CP64–5, and would be made at the existing point of delivery to York County Gas Co. by means of existing facilities. The application states that deliveries of natural gas to The United Gas Improvement Co. would be made by means of six existing metering and regulating stations owned by Applicant which connect with facilities of The United Gas Improvement Co.

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 20, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–10298; Filed, Sept. 28, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Phoenix 085928]

ARIZONA

Order Vacating Opening of Public Lands

SEPTEMBER 22, 1965.

The Order Providing for Opening of Public Lands, published as Federal Register Document 65–9807, on page 11883, volume 30, No. 179, appearing in the issue for Thursday, September 16, 1965, is hereby rescinded.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 65–10305; Filed, Sept. 28, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–242]

WESTINGHOUSE ELECTRIC INTERNATIONAL CO.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that Westinghouse Electric International Corp., Division of Westinghouse Electric Corp., 200 Park Avenue, New York, N.Y., 10017, has submitted an application dated September 13, 1965, for a license to authorize the export of a 515 megawatt thermal pressurized light water nuclear reactor to Union Electrica Madrilena, S. A., Avenida De Jose Antonio 4, Madrid, Spain.

Upon finding that the reactor proposed for export is within the scope of the Agreement for Cooperation between the Governments of the United States of America and Spain, and unless within 15

days after the publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the U.S. Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter 1, Part 2), the Commission proposes to issue to Westinghouse Electric International Co., Division of Westinghouse Electric Corp., a facility export license on Form AEC-250 containing the authority set forth in the text below authorizing export of the reactor described in the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter 1, Code of Federal Regulations, the Commission has found that:

(a) The application 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, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated September 13, 1965, is on file in the Atomic Energy Commission's Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 20th day of September 1965.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

UNITED STATES ATOMIC ENERGY COMMISSION

WESTINGHOUSE ELECTRIC INTERNATIONAL CO., DIVISION OF WESTINGHOUSE ELECTRIC CORP.

[Docket No. 50-242]

Proposed Export License

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, Westinghouse Electric International Co., Division of Westinghouse Electric Corp., 200 Park Avenue, New York, N.Y., 10017, is authorized to export a 515 megawatt thermal pressurized light water nuclear reactor to Union Electrica Madrilena, S. A., Avemida De Jose Antonio 4, Madrid, Spain, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on September 30, 1966.

For the Atomic Energy Commission.

[F.R. Doc. 65-10286; Filed, Sept. 28, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16387]

FLYING TIGER LINE INC.-MERCURY AND GENERAL AMERICAN CORP. ACQUISITION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 11, 1965, at 10 a.m., e.d.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., September 23, 1965.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 65-10324; Filed, Sept. 28, 1965; 8:47 a.m.]

CIVIL SERVICE COMMISSION

ELECTRICIAN

Manpower Shortage; Notice of Listing

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective August 27, 1965, that there is a manpower shortage for the position of Electrician, WB-11, in the Charleston, S.C., metropolitan area.

Appointees to this position may be paid for the expenses of travel and transportation to their first duty station.

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

[F.R. Doc. 65-10312; Filed, Sept. 28, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-EA-10]

COUNTY OF HENRICO, VA.

Notice of Grant of Petition for Review

The Agency's Eastern Regional Office issued the following determination of No Hazard to Air Navigation in Aeronautical Study No. EA-OE-7136 on July 28, 1965.

The Federal Aviation Agency has circularized the following construction proposal for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of navigable airspace.

Proponent: County of Henrico, Va.
Location: Richmond, Va.
Latitude: 37°32'36" N.
Longitude: 77°23'08" W.
Structure: Antenna tower.
Height above ground: 201 feet.
Above MSL: 357 feet.

The proposed tower would be located 4.4 miles northwest of Byrd Field. It would exceed the standards for determining obstructions to air navigation in § 77.23(a)(4), Federal Aviation Regulations, in that it would require increasing the landing minimums of the ASR approach to Runway 15, Byrd Field from 400 to 500 feet. The structure would not exceed obstruction standards in Part 77 as related to airport imaginary surfaces of any airport.

Objections received in response to the circularization were based on the conclusion that the proposed construction would increase the landing minimums of the ASR approach to Runway 15, Byrd Field. A comment was received stating that an ILS is proposed for Runway 33, which may allow a back course to Runway 15 and that the proposed structure may adversely affect such an approach.

Further study disclosed that a 3-mile radar fix on the approach to Runway 15 could be established without derogating the ASR approach and would be feasible from an air traffic control standpoint. Aircraft would maintain 900 feet until passing the 3-mile radar fix. With such a fix established, the proposed tower would not require an increase in the landing minimums of the ASR approach to Runway 15, Byrd Field. There is no plan on file with the Agency to establish an ILS on Runway 33, Byrd Field. However, if such a system were to be developed, the antenna tower at the proposed height and location would have no adverse effect on an ILS approach to Runway 33 or a back course ILS approach to Runway 15. The aeronautical study disclosed that the proposed antenna tower would have no adverse effect on other aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me, it is found that the structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the structure would not be a hazard to air navigation provided the structure is obstruction marked and lighted in accordance with FAA standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed. If the appeal is denied, the determination will then become final as of the date of denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire on February 28, 1967, or upon earlier abandonment of the construction proposal.

Notice to this office is required at least 48 hours before the start of construction.

JOHN F. LEE,
Chief, Airspace Branch, Air Traffic Division.

Notice is hereby given that Worley Brothers Co., Inc., Richmond, Va., has petitioned the Administrator for a review of the determination pursuant to § 77.37.

The petition as examined by the Agency set forth the following issues for consideration:

1. The determination is erroneous since the proposed tower would be an extreme hazard to air navigation in instrument flight rules (IFR) conditions to Byrd Field, Richmond, Va.

2. The determination is erroneous since the structure would be an extreme hazard in both IFR and Visual Flight Rules (VFR) conditions to the petitioner's proposed airport planned for construction five and one-half miles northwest of Byrd Field.

Notice is hereby given that the petition is granted and a review to resolve these issues will be conducted on the basis of written materials pursuant to § 77.37 (c)(1).

Interested persons may, within 15 days of the issuance date of this notice, submit any relevant information in writing for consideration in this review to the Federal Aviation Agency, Air Traffic Service, Obstruction Evaluation Branch, 800 Independence Avenue SW., Washington, D.C., 20553. Submissions must be filed in triplicate and be relevant to the effect of the proposed structure on safe air navigation.

A copy of appropriate correspondence in this case is on file in OE Docket No. 65-EA-10 and may be examined by interested persons at the Federal Aviation Agency, Office of the General Council, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

Therefore, pursuant to the authority delegated to me by the Administrator (30 F.R. 9499), and the Director, Air Traffic Service (30 F.R. 9499), the determination issued by the Agency's Eastern Regional Office in Aeronautical Study No. EA-OE-7136 is not and will not be a final determination pending final disposition of this petition.

Issued in Washington, D.C., on September 22, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-10339; Filed, Sept. 28, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-838]

AVIATION RADIOTELEPHONE AND MICROWAVE TRANSMITTERS

Type Acceptance Withdrawn

SEPTEMBER 23, 1965.

The attached Appendix lists a total of 21 radiotelephone and 3 microwave transmitters, in two separate groups, for which type acceptance and listing in the Commission's Radio Equipment List, Part C for Part 87 (formerly Part 9) of the Commission's Rules will be withdrawn on the dates specified.

Group I consists of transmitters which are not considered capable of compliance with the new frequency tolerance requirements to become mandatory January 1, 1970, under § 87.65(a) of the rules. This determination is based on technical data submitted by the manufacturers, as reflected in the Radio Equipment List. Type acceptance and listing in the Radio Equipment List for Part 87 will be withdrawn effective January 1, 1970, for this group, as indicated in the Appendix.

Group II consists of microwave transmitters operating in the band of frequencies between 6225 and 6875 megacycles per second. Based on technical data submitted by the manufacturers, as reflected in the Radio Equipment List, these transmitters are not considered to be capable of compliance with the frequency tolerance requirement (200 parts per million) which is now mandatory under § 87.81 of the rules. As indicated in the attached Appendix, type acceptance and listing under Part 87 for Group II transmitters will be withdrawn effective September 30, 1965.

The frequency tolerance requirement which occasions this withdrawal action for the transmitters in Group I was established by the Commission in Docket 14452, FCC 64-729, 29 F.R. 11269, August 5, 1964. The basis for withdrawal action for Group II transmitters is the Commission action in Docket 14029, FCC 61-764, 26 F.R. 5798, June 29, 1961.

Any manufacturer or licensee having equipment shown in the Appendix attached to this Notice which can be shown to be capable of compliance with the above-mentioned frequency tolerance requirements without modification may submit to the Commission a request for continued listing in the Radio Equipment List, accompanied by measurement data for frequency stability taken in accordance with the appropriate test procedure set forth in Subpart F of Part 2 of the Commission's rules.

Persons desiring to modify equipment for compliance with all pertinent requirements may submit requests for type acceptance of the modified transmitters in accordance with the type acceptance procedure set forth in Subpart F of Part 2 of the Commission's rules.

Adopted: September 22, 1965.

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

APPENDIX

Group I. Transmitters for which type acceptance and listing in the radio equipment list, Part C, for Part 87 of the Commission's rules are withdrawn, effective January 1, 1970.

Aircraft speciality lines: TR-1.
Avtek Co.: RT-10E/RTI-1.
Avtronics:
MH.
MH1020.
Bendix Corp. or Bendix Aviation Corp.:
TA-20A-1.
TA-20B-1.
TA-21 □.
TG-19A-1.
TG-19B.
Collins Radio Co.:
17L-8.
17L-8A.
17L-8B.
Kaar Engineering Co.: TR425A.
King Radio Corp.:
KG-300.
KX100.
KX110.
KY90.
Lear, Inc.:
5639 □.
5640 □.
Motorola Aviation Electronics, Inc.:
5639 □.
5640 □.

Group II. Transmitters for which type acceptance and listing in the radio equipment list, Part C, for Part 87 of the Commission's rules are withdrawn, effective September 30, 1965.

General Electric Co.: UM-5-A.
Lynch Communications Systems, Inc.: LMA-233.
Motorola, Inc.: MA233.

[F.R. Doc. 65-10349; Filed, Sept. 28, 1965; 8:50 a.m.]

[1] Commissioner Hyde absent.

[Docket Nos. 15947, 15948; FCC 65M-1243]

SAM H. BEARD AND SOUTHEASTERN BROADCASTING CO., INC. (WKLF-FM)

Order; Further Postponement of the Hearing

In re applications of Sam H. Beard, Clanton, Ala., Docket No. 15947, File No. BPH-4395; Southeastern Broadcasting Co., Inc., (WKLF-FM), Clanton, Ala., Docket No. 15948; File No. BPH-4417; for construction permits.

It appearing, That the Commission's Review Board will be unable to rule on the applicants' Joint Request (filed August 27, 1965) for approval of an agreement looking toward dismissal of the Beard application and grant of Southeastern's application until after the presently scheduled hearing date of September 28, 1965, for commencement of hearing;[1]

It further appearing, That, in view of the circumstance that the Joint Request will apparently not be acted upon until sometime after October 6, 1965, it would be appropriate that the Hearing Examiner, on his own motion, further postpone commencement of the hearing for a reasonable period of time to await the outcome of the pleadings now before the Review Board which, if favorably considered, would obviate the evidentiary hearing;

Accordingly, it is ordered, This 23d day of September 1965, on the Hearing Examiner's own motion, that the commencement of the hearing heretofore scheduled for September 28, 1965, is further postponed to October 28, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: September 24, 1965.

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

[F.R. Doc. 65-10350; Filed, Sept. 28, 1965; 8:50 a.m.]

[1] Disposition of the Joint Request by the Review Board must await the submission to it by applicants on or before Oct. 6 of the additional documentary material mentioned in a "Petition for Extension of Time" to submit such material filed with the Board on Sept. 22, 1965.

[Docket No. 14832; FCC 65M-1234]

BIGBEE BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Paul D. Nichols, William C. Reid, and Houston L. Pearce, doing business as Bigbee Broadcasting Co., Demopolis, Ala., Docket No. 14832, File No. BP-13976; for construction permit.

On the Examiner's own motion: *It is ordered*, This 22d day of September 1965, that a further prehearing conference in the above-entitled matter, be, and the same is, hereby scheduled for October 5, 1965, at 2 p.m. in the offices of the Commission, Washington, D.C.

Released: September 23, 1965.

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

[F.R. Doc. 65-10351; Filed, Sept. 28, 1965; 8:50 a.m.]

[Docket Nos. 15668, 15708; FCC 65R-350]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Memorandum Opinion and Order Amending Issues

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permits for new television broadcast station.

1. The Review Board has before it for consideration [1] a motion to enlarge issues to add a financial qualifications issue with respect to each of the applicants.

2. This proceeding involves the mutually-exclusive applications of Chicagoland and WCFL for construction permits for television broadcast stations to operate on Channel 50, Chicago, Ill. By Order, FCC 64-1076, released November 20, 1964, the Commission designated these applications for hearing in a consolidated proceeding on the standard comparative issue.[2]

3. By Memorandum Opinion and Order, FCC 65R-21, 4 RR 2d 261, the Review Board denied WCFL's request to include, among other issues, a standard financial qualifications issue with respect to Chicagoland. The Board held that Chicagoland's proposal satisfied Commission financial requirements in effect at that time in that it had sufficient funds to construct and operate its station for an initial three-month period without regard to expected revenues. In the Commission's Memorandum Opinion and Order in the Ultravision Broadcasting Co. proceeding [3] and in its Public Notice clarifying its previous Order in Ultravision [4] the Commission adopted a new standard for determining the financial qualifications of applicants for commercial broadcast facilities. The Commission stated that all applicants for commercial broadcast facilities would be required to demonstrate their financial ability to operate for a period of one year after construction of the station. In its clarification notice the Commisssion stated that "the new standard will be applied to all applications, whether now pending or hereafter filed, for new UHF-TV in markets where three or more VHF stations are presently in operation."

4. Petitioner maintains that the new financial test is applicable to the instant situation because Chicago is a major market and there are more than three operating VHF stations there. Petitioner further alleges that Chicagoland has greatly underestimated its first year operating loss and that it has failed to offer a realistic estimate of its operating expenses as required in Ultravision.

5. The Broadcast Bureau states that the new financial standard is applicable to the instant situation and that Chicagoland's financial showing is such that an inquiry must be made to determine whether there are sufficient funds for the first year's operation. It is the Bureau's position that the Ultravision issues are applicable to all pending UHF proceedings automatically and without the necessity for specific enlargement of issues by the Review Board. Therefore, it requests that Chicago Federation's petition be dismissed as moot.[5]

6. We are of the view that the issues embodying the Commission's new financial standard should be added with respect to the Chicagoland applicant. First, as petitioner has shown, this proceeding involves applications for new UHF stations in a market having at least three VHF stations presently in operation. Chicagoland's financial proposal indicates that its initial expenses before operation will total $128,972 and that its cost of operation for the first year will total $250,000. Thus, the total of its necessary cash outlay amounts to $378,972. Only $235,000 ($35,000 partner's contributions and $200,000 loan) has been shown to be available in Chicagoland's proposal to meet its cash expenditures for the first year of operation, resulting in a deficit of $143,972. Therefore, Chicagoland's financial proposal suggests that the applicant may have to rely on operating revenues to finance its first year of operation. Consequently, the requested issues are necessary in order to ascertain whether Chicagoland has the requisite financial qualifications to operate its proposed station for the first year. While petitioner also requested similar issues as to itself, there is nothing in the pleadings before us to indicate that the petitioner might be unable to meet the Commission's new financial requirements; under these circumstances, a financial qualifications issue as to petitioner will not be added. This does not, of course, preclude the other parties from questioning petitioner's financial qualifications in an appropriate petition to enlarge issues.

Accordingly, it is ordered, This 23d day of September 1965, That the motion to enlarge issues filed by the Chicago Federation of Labor and Industrial Union Council on March 26, 1965, is granted and the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the basis of Chicagoland TV Co.'s (1) estimated construction costs and (2) estimated operating expense for the first year of operation;

(b) In the event that Chicagoland TV Co. will depend upon operating revenues during the first year of operation to meet fixed costs and operating expenses, to determine the basis of its estimated revenues for the first year of operation; and

(c) To determine, in light of the evidence adduced, whether Chicagoland TV Co. has demonstrated a reasonable likelihood of construction and continuing operation of its proposed station in the public interest.

Released: September 24, 1965.

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

[F.R. Doc. 65-10352; Filed, Sept. 28, 1965; 8:50 a.m.]

[Docket Nos. 16109-16115; FCC 65M-1241]

COASTAL COMMUNICATIONS CORP. (KPTL), ET AL.

Order After Prehearing Conference

In re applications of Coastal Communications Corp. (KPTL), Carson City, Nev., Docket No. 16109, File No. BP-15358; Circle L, Inc., Reno, Nev., Docket No. 16110, File No. BP-15413; Southwestern Broadcasting Co. (KORK), Las Vegas, Nev., Docket No. 16111, File No. BP-15441; The Benay Corp. (KTEE), Idaho Falls, Idaho, Docket No. 16112, File No. BP-16216; 780, Inc., Las Vegas, Nev., Docket No. 16113, File No. BP-16273; Meyer (Mike) Gold (KLUC), Las Vegas, Nev., Docket No. 16114, File No. BP-16401; Albert John Williams and Jack M. Reeder, doing business as Radio Nevada, Las Vegas, Nev., Docket No. 16115, File No. BP-16524; for construction permits.

Prehearing conference was held today. As an early order of business, it is clear that the now-scheduled date of October 26 for hearing cannot be met and it is hereby cancelled. A new date will be scheduled as the requirements of the proceeding develop. All applicants must undertake the preparation of engineering material for the first seven issues as a step toward ultimately reducing to writing the entire proof for each applicant's affirmative showing under these issues. By November 12 it is expected that the preparation of this material will have progressed to the point where there can by that date be an informal exchange of engineering exhibits, and that exchange is hereby required. Thereafter, informal meetings between representatives of the applicants and of the Commission's staff are expected to be

[1] The following pleadings are under consideration: (1) motion to enlarge issues, filed by Chicago Federation of Labor and Industrial Union Council, on Mar. 26, 1965; (2) comments, filed by the Broadcast Bureau, on July 13, 1965; and (3) reply, filed by the Chicago Federation of Labor and Industrial Union Council, on July 27, 1965.

[2] Included in this Order were the applications of Kaiser Industries Corporation and Warner Bros. Pictures, Inc. However, these applications were subsequently withdrawn.

[3] FCC 65-581, 5 RR 2d 343.

[4] FC 65-595, released July 8, 1965, 5 RR 2d 349.

[5] The Board has previously rejected the Bureau's position that these issues are automatically applicable to all applicants in UHF proceedings without a specified financial qualifications issue. See Associated Television Corp., FCC 65R-344, released Sept. 20, 1965.

held with a view to narrowing the areas of inquiry at hearing. And, on December 15 there will be a further prehearing conference to arrange schedules to meet the necessaries of the proceeding.

So ordered, This 22d day of September 1965.

Released: September 24, 1965.

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

[F.R. Doc. 65-10353; Filed, Sept. 28, 1965; 8:50 a.m.]

[Docket Nos. 15826, 15827; FCC 65M-1246]

KXYZ TELEVISION, INC., AND CREST BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of KXYZ Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT-3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit for new television broadcast station (Channel 26).

The Hearing Examiner having for consideration the informal request of Crest Broadcasting Co. for continuance of procedural dates herein, together with the statement of counsel for Crest that all other parties hereto have consented to a grant of the requested relief;

It is ordered, This 24th day of September 1965, that each of the procedural dates specified in the Hearing Examiner's Order released herein on September 15, 1965 (FCC 65M-1193) is continued for seven days; and,

It is further ordered, That the hearing now scheduled to commence on October 18, 1965, is continued to October 25, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: September 24, 1965.

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

[F.R. Doc. 65-10354; Filed, Sept. 28, 1965; 8:50 a.m.]

[Docket Nos. 15835 etc.; FCC 65-837]

LEBANON VALLEY RADIO ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Joe Zimmermann, Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits.

1. The Commission has under consideration: (a) Memorandum Opinion and Order (FCC 65-102; 30 F.R. 2223), February 10, 1965, designating the above-captioned applications for hearing; (b) Memorandum Opinion and Order of the Review Board (FCC 65R-205), released June 2, 1965, denying petitions to enlarge issues as to Lebanon Valley Radio, filed by Cedar Broadcasters; (c) Petition for Review, filed by Cedar Broadcasters, on June 16, 1965; (d) Oppositions filed by Lebanon Valley Radio and the Chief, Broadcast Bureau, on June 24, 1965; and (e) Reply to Oppositions, filed by Cedar Broadcasters, on July 6, 1965. Included in the Opposition of Lebanon Valley is a motion to dismiss the Cedar Broadcasters petition as untimely filed.

2. We agree with Lebanon Valley that Cedar's petition is untimely filed. 47 CFR 1.115(e)(1) requires the filing of an application for review within five days after the release of the interlocutory order review of which is sought, and Cedar has not complied with such rule. Nevertheless, we shall waive our rule and consider the application for review, since our examination of the pleadings and related documents convinces us: (1) Some clarification of the rejection of the request for the addition of a technical issue may be helpful; and (2) the Review Board erred in its refusal to grant the request for addition of a financial qualification issue.

3. Cedar requested the addition of a technical issue as to Lebanon Valley, to wit:

> to determine whether * * * Lebanon Valley * * * would provide coverage of [Lebanon] as required by * * * [47 CFR] 73.188 (b)(1) [minimum field intensity of 25 to 50 mv/m over the business or factory areas of the city] * * * [etc.]

Cedar noted that Valley, relying upon Figure M-3 estimated ground conductivity, asserted that its (Valley's) 25 mv/m contour would extend beyond the main business district of Lebanon, Pa., by only 0.3 mile. Cedar then argued that if the actual ground conductivity were slightly less than that indicated by Figure M-3, the required minimum coverage would not be achieved. These facts, argued Cedar, were on all fours with those cited in Charlottesville Broadcasting Corp.[1] wherein the Commission stated (par. 9):

> * * * on the basis of Figure M-3 * * * conductivity, the proposed operation complies with * * * 73.188 * * * however, * * * if * * * conductivity * * * were slightly less than * * * Figure M-3, the proposal would not comply with Section 73.188(b)(1) * * * in that * * * 25 mv/m would not be obtained over the business or factory areas of the city during both daytime and nighttime operation. In addition, * * * the proposed nighttime limitation contour would not cover the city as required by * * * 73.188(a)(1). Since Figure M-3 values * * * are not intended to accurately indicate the conductivity over short paths, * * * the applicant will be required to submit field intensity measurement data * * * so that a determination can be made * * * [whether adequate coverage would be provided to the city].

[1] 4 RR 2d 633, released Feb. 25, 1965.

4. The Review Board declined to add the issue, stating that no field intensity measurements had been made and no other evidence had been offered by Cedar to show any downward variation from Figure M-3 values in the vicinity of Lebanon, and that Cedar had thus failed to comply with 47 CFR 1.229(a).[2]

5. In our view the Board correctly refused to add the technical issue. The facts in the Charlottesville case are distinguishable from those in the instant one. In Charlottesville there were on file with the Commission the conductivity measurements of the applicant's existing station and of another Charlottesville station, which measurements indicated that ground conductivity in the area was equal to or less than Figure M-3 values. As the Board noted, the license file of Station WLBR, Lebanon, Pa., contains measurements tending to show that most of the conductivity values in the Lebanon area are either equal to or exceed Figure M-3 values.

6. We turn next to consideration of the Review Board's denial of Cedar's request to add a financial qualification issue as to Valley. As stated by the Review Board, Valley is, at present, a five-member partnership[3] proposing to build a station, the projected construction and initial operation cost of which will be $41,263. Deducting deferred equipment credit of $13,157 and paid-in capital of $5,300, there is left a sum of $22,806 which must be supplied. Up to this point we agree with the Review Board's analysis.

7. Cedar's petition to enlarge had questioned the showing of financial ability of two of the five partners to meet their commitments to the enterprise in that one had demonstrated ability to furnish funds only up to $1,750 and the other had shown no ability to furnish any funds. The validity of the Board's reasoning having been questioned, we have examined the matter de novo and, while we do not agree with Cedar's reasoning, neither can we accept the Board's in its entirety.

8. We have examined the partnership agreement carefully and disagree with the Board's interpretation that the agreement constitutes an unqualified commitment by each partner to furnish $7,500 to the enterprise. The agreement[4] notes that $5,300 has been paid in and then provides:

> * * * when additional funds are necessary, each partner-stockholder will be responsible for furnishing his proportional share of the required funds up to * * * $7,500.00 * * *

We read this as a commitment by each partner to furnish (at present) no more than $4,561.20. Thus, the Board's statement that "Cedar * * * does not challenge the showing of two of the principals of Valley as to their ability to meet their commitments to the extent of $7,500 if required, * * * [and that]

[2] "Such motions [to enlarge] * * * shall contain specific allegations of fact sufficient to support the action requested. * * *"

[3] While Valley proposes to incorporate in the event of a grant, that is immaterial in the present discussion.

[4] Paragraph 7, Exhibit 2 to Valley's application (BP-16098).

Zimmerman and Rakow * * * would, thus, supply $15,000 * * *"[5] is incorrect. Zimmerman and Rakow, under the terms of the agreement are obligated to supply only $9,122.40, leaving ($22,806.00 —$9,122.40) $13,683.60 to be supplied from other sources.

9. The Board reasoned further that "* * * Cedar in its reply * * * concedes * * * Lesher['s] * * * ability to meet his $7,500 commitment * * *" Yet Cedar's pleading[6] stated only that "Lesher can fulfill his commitment to Valley" which, as demonstrated, supra, is at present only $4,561.20. Thus, $9,122.40 must be supplied by the remaining partners, Winter and Greiner—not a remainder of $306 as stated by the Board.[7] The Board determined[8] that Winter had $1,750 available for the enterprise, declining to pass upon the availability of his other resources (although discussing the matters in the preceding paragraph). In Footnote 8 to its Memorandum Opinion and Order, the Board refused to treat the contentions pertaining to the financial qualifications of Greiner, the fifth partner.

10. The authorities cited by the Review Board in Footnote 8 to its Memorandum Opinion and Order are distinguishable, bearing as they do upon the availability of "funds from other sources sufficient to meet the projected costs and expenses." Greater New Castle[9] concerned the questioned ability of certain stockholders to make good their commitments which was held immaterial when funds on hand and available from outside sources were already sufficient. Nor does Oregon Television, Inc.,[10] support the Board's position, inasmuch as its factual setting bears little relation to the partnership-commitment question here involved.

11. Thus, where each partner has agreed to contribute only a ratable portion of the expenses in accordance with a written agreement, it is necessary to determine whether each partner has the ability to do so. This fact situation is to be distinguished from one where the partner, stockholder, or the like has obligated himself to contribute a sum certain. In the latter situation, when it has been determined that sums certain are available from some contributors (possibly less than the total number) and are sufficient, either in themselves or in conjunction with loans, etc., to meet construction costs, the Commission's inquiry may cease. But the situation with which we are here confronted makes the last contributor as important as the first. Thus, it is necessary to determine whether Messrs. Winter and Greiner have the necessary funds to carry out their commitments. Accordingly, a financial issue will be added.

Accordingly, it is ordered, This 22d day of September 1965, That the above-described Petition for Review of the Review Board Memorandum Opinion and Order of Cedar Broadcasters, insofar as it bears upon the technical qualifications of Lebanon Valley Radio, is denied; and

It is further ordered, That the above-described petition, insofar as it bears upon the financial qualifications of Lebanon Valley Radio, is granted and the following issue is added, to wit:

To determine whether Arthur K. Greiner and Glen W. Winter are able to fulfill their financial commitments to Lebanon Valley Radio on the basis set out in the Partnership and Pre-Incorporation Agreement of Lebanon Valley Radio, dated January 18, 1964, and to further determine on the basis thereof whether Lebanon Valley Radio is financially qualified to construct and operate its station as proposed.

Released: September 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-10355; Filed, Sept. 28, 1965; 8:50 a.m.]

[5] Memorandum Opinion and Order (FCC 65R-205), par. 8.
[6] Cedar's Reply to Opposition to Petition to Enlarge Issue Pertaining to Financial Qualifications, filed April 14, 1965, before the Review Board.
[7] Memorandum Opinion and Order (FCC 65R-205), par. 9.
[8] Ibid, par. 11.
[9] 8 RR 291 (1952).
[10] 9 RR 1401 (1954).

[Docket Nos. 14368 etc.; FCC 65M-1244]

SYRACUSE TELEVISION, INC., ET AL.

Order Scheduling Prehearing Conference

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

On the request of counsel for applicant W. R. G. Baker Radio & Television Corp. (in a letter to the Hearing Examiner, dated September 22, copies of which appear to have been sent to the other parties); *It is ordered*, This 24th day of September 1965, that a further prehearing conference in the above-entitled matter will be held at the offices of the Commission, Washington, D.C., on Friday, October 8, 1965, at 10 a.m.; and that all parties are directed to participate.[1]

Released: September 24, 1965.

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

[F.R. Doc. 65-10356; Filed, Sept. 28, 1965; 8:50 a.m.]

[1] Applicant Baker is not relieved of its obligation to exchange exhibits and to go forward with the hearing on Issues 2 and 3 on schedule.
[11] Commissioner Hyde absent.

[Docket No. 16124; FCC 65M-1238]

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 23d day of September 1965, due to the illness of counsel for the applicant, that hearing in the above-entitled proceeding which heretofore was scheduled to commence September 27, 1965, is hereby continued to October 20, 1965, and will be held in the offices of the Commission, Washington, D.C., commencing at 10 a.m., and: *It is further ordered*, That the applicant's late publication of notice of hearing in this proceeding is accepted and will be considered effective.

Released: September 23, 1965.

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

[F.R. Doc. 65-10357; Filed, Sept. 28, 1965; 8:50 a.m.]

[Docket Nos. 15868, 15869; FCC 65M-1240]

WFLI, INC. (WFLI) AND NEWHOUSE BROADCASTING CORP. (WAPI)

Order Continuing Hearing

In re applications of WFLI, Inc., (WFLI), Lookout Mountain, Tenn., Docket No. 15868, File No. BMP-8439; Newhouse Broadcasting Corp. (WAPI), Birmingham, Ala., Docket No. 15869, File No. BP-15259; for construction permits.

The Hearing Examiner having under consideration a verbal request from counsel for WFLI, Inc. for a short continuance of the date for commencement of hearing now scheduled for September 24;

It appearing, that additional engineering information is desired and further time is required for its preparation; and

It further appearing, that all other parties to the proceeding have concurred in the request;

It is ordered, This 22d day of September 1965, that the date for commencement of hearing is continued from September 24 to October 8, 1965.

Released: September 23, 1965.

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

[F.R. Doc. 65-10358; Filed, Sept. 28, 1965; 8:50 a.m.]

[Docket No. 16194; FCC 65M-1242]

DARRELL E. YATES (KRBA)

Order; Rescheduling of Prehearing Conference

In re application of Darrell E. Yates (KRBA), Lufkin, Tex., Docket No. 16194, File No. BP-16514; for construction permit.

In view of other commitments: *It is ordered*, This 23d day of September 1965, on the Hearing Examiner's own motion, that the Prehearing Conference heretofore scheduled for October 6, 1965, is hereby rescheduled for October 7, 1965, at 2 p.m., in the offices of the Commission, Washington, D.C.

Released: September 24, 1965.

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

[F.R. Doc. 65-10359; Filed, Sept. 28, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 919]

JOHN H. FAUNCE, NEW YORK, INC.

Revocation of License

Whereas, John H. Faunce, New York, Inc., 26 Broadway, New York, N.Y., Independent Ocean Freight Forwarder License No. 919, and John H. Faunce, Philadelphia, Inc., Independent Ocean Freight Forwarder License No. 712, have merged; and

Whereas, Independent Ocean Freight Forwarder License No. 712 has been reissued to John H. Faunce, Inc., the surviving corporation; and

Whereas, John H. Faunce, New York, Inc. has returned Independent Ocean Freight Forwarder License No. 919 to the Commission for cancellation;

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (amended), Supplement 4; Section 6.03;

It is ordered, That the Independent Ocean Freight Forwarder License No. 919 of John H. Faunce, New York, Inc., be and is hereby revoked, effective 12:01 a.m., September 24, 1965.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

EDWARD SCHMELTZER,
Director, Bureau of Domestic Regulation.

[F.R. Doc. 65-10313; Filed, Sept. 28, 1965; 8:46 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND COMPANHIA NACIONAL DE NAVEGACAO

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. H. Hagan, Jr., Traffic Manager, African Line, Lykes Bros. Steamship Co., Inc., New Orleans, La.

Agreement 9500, between Lykes Bros. Steamship Co., Inc., and Companhia Nacional De Navegacao of Lisbon, Portugal, covers a through billing arrangement for the movement of cargo principally tea and sisal, from ports in Portuguese East Africa (Mozambique) to United States ports in the Brownsville, Tex./Key West, Fla., range, with transshipment at a port in Portuguese East Africa, under terms and conditions set forth in the agreement.

Dated: September 23, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10314; Filed, Sept. 28, 1965; 8:46 a.m.]

UNITED STATES/SOUTH AND EAST AFRICA CONFERENCE

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elmer C. Maddy, Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y., 10005.

Agreement 9502, between Farrell Lines, Inc., Lykes Bros. Steamship Co., Inc., Moore-McCormack Lines, Inc., and the South African Marine Corp., Ltd., proposes the establishment of a conference which will operate in the trade from United States Atlantic and Gulf ports to ports in Southwest, South, and Southeast and East Africa as well as islands in the Indian Ocean including Madagascar, Reunion, Mauritius, the Comores and Seychelles and the islands of Ascension and St. Helena in the Atlantic Ocean, under terms and conditions set forth in the agreement.

Dated: September 23, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-10315; Filed, Sept. 28, 1965; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

MUTUAL MORTGAGE INSURANCE FUND DEBENTURES

Notice of Call for Partial Redemption

SEPTEMBER 21, 1965.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that Mutual Mortgage Insurance Fund Debentures, Series AA, bearing interest at 4⅛ percent as designated below are hereby called for redemption, at par and accrued interest, on January 1, 1966, on which date interest on such debentures shall cease:

4⅛ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination	*Range of inclusive serial numbers within which called debentures fall*
$50	70,648 to 70,851 and 70,853 to 70,933 and 70,935 to 70,987 and 70,989 to 80,720.
$100	500,590 to 501,033 and 501,039 to 501,903 and 501,907 to 502,031 and 502,033 to 503,039 and 503,042 to 578,405 and 578,826.
$500	124,973 to 125,080 and 125,082, to 125,218 and 125,220 to 144,234.
$1,000	380,825 to 381,008 and 381,011 to 381,616 and 381,622 to 381,765 and 381,767 and 381,769 to 382,388 and 382,390 to 382,569 and 382,572 to 438,062 and 438,616.
$5,000	74,228 to 74,267 and 74,269 to 84,546.
$10,000	62,746 to 62,872 and 62,874 to 62,926 and 62,928 to 63,042 and 63,044 to 63,231 and 63,233 to 72,336.

Although the above inclusive serial numbers include Series AA debentures bearing other rates, only those bearing interest at the rate of 4⅛ percent, listed above, are included in this call, together with certain other debentures bearing the same rate and registered in the name of the Federal National Mortgage Association.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1965. This does not affect the right of the holder of a debenture to sell and assign the debenture or on after October 1, 1965, and provision will be made for the payment of final interest due on January 1, 1966, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1965, to December 31, 1965, inclusive at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1966, or for purchase prior to that date will be given by the Secretary of the Treasury.

P. N. BROWNSTEIN,
Federal Housing Commissioner.

Approved: September 22, 1965.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 65-10299; Filed, Sept. 28, 1965; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

TUNGSTEN PRODUCTS

Report of Effects on National Security

The Director of the Office of Emergency Planning made public on September 23, 1965, his report in the above matter. The report concludes an investigation which was requested in an application filed on January 2, 1964, with the Office of Emergency Planning by the General Electric Co. (Lamp Division). The investigation was conducted under the authority of section 232 of the Trade Expansion Act of 1962.

The Director found, as a result of the investigation, that tungsten products are not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Dated: September 23, 1965.

BUFORD ELLINGTON,
Director,
Office of Emergency Planning.

[F.R. Doc. 65-10302; Filed, Sept. 28, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

SEPTEMBER 23, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 24, 1965, through October 3, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-10294; Filed, Sept. 28, 1965; 8:45 a.m.]

[File No. 01-54]

TWIN PINES FARM DAIRY, INC.

Notice of Application and Opportunity for Hearing

SEPTEMBER 22, 1965.

Notice is hereby given that Twin Pines Farm Dairy, Inc. (the "Company"), a Michigan corporation, has submitted an application to the Securities and Exchange Commission seeking an exemption under section 12(h) of the Securities Exchange Act of 1934 (the "Act") from the registration requirements of section 12(g) of the Act.

Section 12(h) of the Act authorizes the Commission, upon application of an interested person, by order, after notice and opportunity for hearing, to exempt in whole or in part any issuer or class of issuers from the provisions of section 12(g), upon such terms and conditions and for such period as it deems necessary or appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

According to its application, the Company engages in home deliveries of milk and related products in the metropolitan Detroit area through distributors who own their own routes. The Company offers and sells its Capital Stock ($1 par value) only to its employees and distributors who are required to purchase certain quotas, subject to a maximum limitation. All such sales are made at the par value; and operations are conducted on a cooperative basis, thereby limiting net profits to the amount necessary to pay stated dividends on the Capital Stock and maintaining a constant book value at the par value (except for minor adjustments).

Also, according to its application, the Company retains a right of first refusal to repurchase its Capital Stock at its par value, and it has never failed to exercise such right. Accordingly, the Company's Capital Stock is not traded over-the-counter.

The Company is managed by a board of 46 directors allocated among its employees and distributors. Detailed operating information is disseminated and posted monthly, and financial statements certified by an independent accounting firm are distributed annually.

For a more detailed statement of the information presented, all persons are referred to said application which are on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than October 13,1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-10295; Filed, Sept. 28, 1965; 8:45 a.m.]

[File No. 70-4308]

WHEELING ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes to Banks

SEPTEMBER 23, 1965.

Notice is hereby given that Wheeling Electric Co. ("Wheeling"), 51 16th Street, Wheeling, W. Va., a West Virginia corporation and a public utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Pursuant to a bank loan agreement entered into by Wheeling with 5 commercial banks, Wheeling proposes to borrow an aggregate of $13,000,000 to be evidenced by its unsecured notes.

The notes will be issued and sold to the following banks in the indicated principal amounts:

Mellon National Bank and Trust Co., Pittsburgh, Pa.	$5,800,000
Bankers Trust Co., New York, N.Y.	1,800,000
First National City Bank of New York, New York, N.Y.	1,800,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	1,800,000
Manufacturers Hanover Trust Co., New York, N.Y.	1,800,000
Total	13,000,000

The notes will mature on December 1, 1972, and will bear interest at an annual rate equal to the prime commercial loan rate (presently 4½ percent) in effect from time to time during the life of the notes, plus ¼ of 1 percent, provided that the designated interest rate on the notes shall at no time exceed 5¼ percent or be less than 4¼ percent per annum. The notes may be prepaid at any time without premium, except that if prepaid from the proceeds of borrowings from banking institutions at a rate of interest equal to or less than the then applicable rate of interest on the notes to be prepaid, a premium of ¼ of 1 percent per annum of the principal amount of notes prepaid, from the date of prepayment to and including December 1, 1972, shall be payable. The loan agreement provides that, so long as any of the proposed notes are outstanding, Wheeling will not create or permit to exist any mortgage upon its property, or incur any other indebtedness for borrowed money, if, after application of the proceeds, its total indebtedness for borrowed money shall exceed the lesser of (a) 65 percent of Wheeling's total capitalization and surplus or (b) $20,000,000.

Wheeling will use the proceeds from the sale of the notes (a) to pay at maturity (December 1, 1965) its presently outstanding $7,000,000 principal amount of long-term notes held by said banks; (b) to prepay its short-term notes, also held by said banks, presently outstanding in the amount of $4,250,000; and (c) to provide funds to finance, in part, its 1965–66 construction program, estimated to cost approximately $4,500,000.

Fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $500. The filing states that no regulatory commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 22, 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 declaration 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 declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective 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. 65-10296; Filed, Sept. 28, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Revision 10), Amdt. 3]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Area Offices

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1950, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526; and Delegation of Authority 29 F.R. 14764; Delegation of Authority No. 30 (Revision 10, 30 F.R. 972, as amended, 30 F.R. 2742 and 30 F.R. 11984, is further amended by revising Item I.C.1 to read as follows:

C. *Procurement and Management Assistance.* 1. To approve applications for Certificates of Competency received from small business concerns which are located within geographical jurisdiction of his area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $350,000.

Effective date: October 1, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-10287; Filed, Sept. 28, 1965; 8:45 a.m.]

[Delegation of Authority 4.4]

WASHINGTON OFFICE CLAIMS REVIEW COMMITTEE

Delegation of Authority; Financial Assistance

I. Pursuant to the authority delegated by the Administrator to the Deputy Administrator for Financial Assistance in Delegation of Authority No. 4, 29 F.R. 5489, as amended, 29 F.R. 18194 and 30 F.R. 11983 there is hereby redelegated to the Washington Office Claims Review Committee consisting of the Director, Office of Loan Administration; Chief, Loan Liquidation Division, and Assistant General Counsel, Liquidation and Litigation Division the following authority:

To meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided the decision of the Committee is unanimous.

Effective date: September 10, 1965.

HOWARD W. ROGERSON,
Acting Deputy Administrator for Financial Assistance.

[F.R. Doc. 65-10288; Filed, Sept. 28, 1965; 8:45 p.m.]

[Delegation of Authority 30—(Honolulu)]

HONOLULU

Delegation of Authority To Conduct Program Activities in Regional Area

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Pacific Coastal Area), 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. *Reserved.*

C. *Chief, Financial Assistance Division.* 1. Reserved.

2. To determine eligibility of applicants for Financial Assistance only in accordance with Small Business Administration standards and policies.

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 effec-

tuate 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. *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 U.S. 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 1, 1965.

GEORGE SHIROMA,
Regional Director,
Honolulu, Hawaii.

[F.R. Doc. 65-10289; Filed, Sept. 28, 1965; 8:45 a.m.]

[Delegation of Authority 30—Salt Lake City, Utah Region—Rev. 1]

SALT LAKE CITY

Delegation of Authority To Conduct Program Activities in Regional Area

Pursuant to the authority delegated to the Regional Director by Delegation of Autority No. 30—Rocky Mountain Area, 30 F.R. 2741 as amended, 30 F.R. 8080 and 30 F.R. 8426; Delegation of Authority 30 F.R. 4734 is hereby revised to read as follows:

I. The following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine 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 (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, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) or 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. *Regional Counsel.* To disburse approved loans.

E. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. 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: August 27, 1965.

OTIS J. KING,
Acting Regional Director,
Salt Lake City, Utah.

[F.R. Doc. 65-10290; Filed, Sept. 28, 1965; 8:45 a.m.]

[Declaration of Disaster Area 549]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Ford, Peoria, Tazewell, and Woodford Counties in the State of Illinois;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from a tornado, and accompanying conditions occurring on or about September 14, 1965.

Office: Small Business Administration Regional Office
219 South Dearborn Street
Chicago, Ill.

2. A temporary office will be established in Peoria, Ill., as need indicates, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1966.

Dated: September 15, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-10291; Filed, Sept. 28, 1965; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25 as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Adamsville Shirt Manufacturing Co., Adamsville, Tenn.; effective 8-31-65 to 8-30-66 (ladies' blouses).

Angier Garment Co., Inc., Angier, N.C.; effective 9-3-65 to 9-2-66 (men's dress and utility shirts).

Anniston Sportswear Corp., 919 West Ninth Street, Anniston, Ala.; effective 9-10-65 to 9-9-66 (men's dress trousers).

Big Ace Corp., 355 Oneta Street, Athens, Ga.; effective 9-13-65 to 9-12-66 (work pants and play clothes).

Biltmore Manufacturing Co., Sweeten Creek Road, Box 5020, Asheville, N.C.; effective 9-7-65 to 9-6-66 (ladies' and children's capri shorts and pedal pushers).

Caledonia Manufacturing Co., Inc., Caledonia, Miss.; effective 9-11-65 to 9-10-66 (men's dress and play slacks).

Continental Manufacturing Co., Oskaloosa, Iowa; effective 9-20-65 to 9-19-66 (single pants).

Continental Manufacturing Co., Knoxville, Iowa; effective 9-20-65 to 9-19-66 (single pants).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; effective 9-11-65 to 9-10-66 (men's shirts and ladies' blouses).

Gross Galesburg Co., Plant Nos. 1 and 2, Charlton, Iowa; effective 9-19-65 to 9-18-66 (work jackets).

Industrial Garment Manufacturing Co., Route No. 2, Palestine, Tex.; effective 8-31-65 to 8-30-66 (men's work pants).

Lackawanna Pants Manufacturing Co., corner Brook Street and Cedar Avenue, Scranton, Pa.; effective 9-8-65 to 9-7-66 (trousers).

Oshkosh B'Gosh, Inc., Post Office Box 408, Columbia, Ky.; effective 9-6-65 to 9-5-66 (men's and boys' dungarees and overalls).

Pennsylvania Brassieres Corp., 406 Thomas Street, Meyersdale, Pa.; effective 9-12-65 to 9-11-66 (brassieres).

Rowan Industries, Inc., Post Office Box 188, Rockwell, N.C.; effective 9-3-65 to 9-2-66 (ladies' pajamas and gowns).

Scamper Sportswear, Inc., 315 West 20th Street, Hazleton, Pa.; effective 9-4-65 to 9-3-66 (ladies' and children's outerwear jackets).

Henry I. Siegel Co., Inc., Eloy, Ariz.; effective 9-11-65 to 9-10-66 (men's and boys' single pants).

Southern Knitwear Mills, Inc., Plant No. 4, Great Falls, S.C.; effective 9-1-65 to 8-31-66 (children's knit shirts).

Tropical Garment Manufacturing Co., 2508 Ivy Street, 3103 Jefferson Street, Tampa, Fla.; effective 9-8-65 to 9-7-66 (men's and boys' shorts and trousers).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 9-1-65 to 8-31-66 (mens' dress pants).

Westmoreland Manufacturing Co., Westmoreland, Tenn.; effective 9-21-65 to 9-20-66 (ladies' blouses).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 9-3-65 to 9-2-66 (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Covington Manufacturing Co., 1019 Washington Street, Covington, Ind.; effective 9-13-65 to 9-12-66; 10 learners (men's and boys' blouse jackets).

Gregg-Princess Anne Shirt Co., Princess Anne, Md.; effective 8-31-65 to 8-30-66; 10 learners (men's and boys' cotton shirts).

Rowker Manufacturing Co., Inc., Tioga Street, Tunkhannock, Pa.; effective 9-2-65 to 9-1-66; 10 learners (ladies' dresses).

Sun-Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; effective 9-18-65 to 9-17-66; 10 learners (ladies' blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apco Manufacturing Co., 1501 West Seventh Avenue, Brodhead, Wis.; effective 9-12-65 to 3-11-66; 15 learners (infants' and children's cotton knit polo shirts).

The Arrow Co., 18th and Penn Streets, Huntingdon, Pa.; effective 9-9-65 to 3-8-66; 75 learners (men's sport shirts).

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 9-3-65 to 3-2-66; 20 learners (brassieres).

Lisa Fashions, 206 Delaware Avenue, Laurel, Del.; effective 9-9-65 to 3-8-66; 10 learners (children's dresses).

Oshkosh B'Gosh, Inc., Post Office Box 408, Columbia, Ky.; effective 9-6-65 to 3-5-66; 25 learners (men's and boys' dungarees and overalls).

Henry I. Siegel Co., Inc., Whiteville, Tenn.; effective 9-13-65 to 3-12-66; 150 learners (men's and boys' single pants).

Levi Strauss & Co., Murphy, N.C.; effective 9-1-65 to 2-28-66; 100 learners (men's and boys' casual pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85, as amended).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt.; effective 9-21-65 to 9-20-66; 10 learners (ladies' dress leather and knit gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Cameo Hosiery Co., Greensboro, N.C.; effective 9-17-65 to 9-16-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless, full-fashioned).

Portage Hosiery Co., Portage, Wis.; effective 9-5-65 to 9-4-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Beauty Maid Mills, Inc., Box 631, Monroe Street Extension, Statesville, N.C.; effective 9-9-65 to 9-8-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' panties).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; effective 9-13-65 to 9-12-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear, petticoats, gowns, baby dolls, and pajamas).

Lambert Mills, Inc., Lambert, Miss.; effective 9-14-65 to 9-13-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' banlon shirts).

Mullins Textile Mills, Inc., Post Office Box 225, Monroe, N.C.; effective 9-11-65 to 9-10-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear).

Stafford Higgins Industries, Willard Road, Norwalk, Conn.; effective 9-13-65 to 3-12-66; 10 learners for plant expansion purposes (ladies' bathing suits).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed are indicated.

D.W.G. International, Inc. (Planta No. 2), Carretera No. 30, Km. 1.8, Caguas, P.R.; effective 8-17-65 to 8-16-66; 10 learners for normal labor turnover purposes in the occupation of sorting and sizing, each for a learning period of 240 hours at the rate of 80 cents an hour (wrapper type tobacco).

D.W.G. International, Inc. (Planta No. 2), Carretera No. 30, Km. 1.8, Caguas, P.R.; effective 8-17-65 to 2-16-66; 40 learners for plant expansion purposes in the occupation of sorting and sizing, each for a learning period of 240 hours at the rate of 80 cents an hour (wrapper type tobacco).

D.W.G. International, Inc., (Planta No. 1), Area Industrial de Gurabo, Gurabo, P.R.; effective 8-17-65 to 8-16-66; 15 learners for normal labor turnover purposes in the occupations of: (1) Machine stripping, for a learning period of 160 hours at the rate of 94 cents an hour, and (2) sorting, sizing, and selecting, each for a learning period of 240 hours at the rate of 80 cents an hour (wrapper type tobacco).

Caribe Precision Balls, Inc., Apartado No. 174, Roosevelt, P.R.; effective 8-30-65 to 8-29-66; 5 learners for normal labor turnover purposes in the occupation of grinding, inspecting, each for a learning period of 480 hours at the rates of $1.05 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours (miniature precision balls).

Guantes de Ponce, Avenida Hostos No. 88, Apartado No. 191, Estacion No. 6, Ponce, P.R.; effective 8-16-65 to 8-15-66; 10 learners for normal labor turnover purposes in the occupation of machine stitching, laying off, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (fabric and leather gloves).

Red Cape Leather Products Corp., Carretera Boqueron, Apartado No. 663, Cabo Rojo, P.R.; effective 8-23-65 to 8-22-66; 15 learners for normal labor turnover purposes in the occupations of: (1) Stitching machine operator, for a learning period of 320 hours at the rates of 68 cents an hour for the first 160 hours and 78 cents an hour for the remaining 160 hours; and (2) die and clicker machine operating, creasing machine operating, fastening machine operating, embossing machine operating, case making (assembling), hand lacing, finishing-inspecting, each for a learning period of 160 hours at the rate of 68 cents an hour (billfolds and wallets).

Savage Arms, Inc., Star Route No. 55, Minillas, Bayamon, P.R.; effective 8-31-65 to 8-30-66; 10 learners for normal labor turnover purposes in the occupation of machine operating, finishing, assembling, each for a learning period of 480 hours at the rates of $1.05 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours (firearms).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9-9-65 to 8-31-66; authorizing the employment of: (1) 15 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; (2) 35 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Pursuant to the provisions of 29 CFR 522.9, any person aggrieved by the issuance of any learner certificate may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Learner and student-worker certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 17th day of September 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65-10300; Filed, Sept. 28, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 24, 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. 40036—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 360), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest and southwestern territories; also between points in such territories, on the one hand, and points in Illinois, Indiana, also Memphis, Tenn., on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 53 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 417.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-10316; Filed, Sept. 28, 1965; 8:45 a.m.]

[Notice 366]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 24, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Deviation No. 21), INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich., 49502, filed September 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follow:

(1) From junction U.S. Highway 1 and Connecticut Highway 52 over Connecticut Highway 52 to junction U.S. Highway 6 and Connecticut Highway 52; (2) from Columbus, Ohio, over Interstate Highway 71 to Louisville, Ky.; (3) from Oswego, N.Y., over U.S. Highway 104 to junction New York Highway 69 and U.S. Highway 104, thence over New York Highway 69 to junction Interstate Highway 81 and New York Highway 69 and thence over Interstate Highway 81 to Syracuse, N.Y.; (4) from Topeka, Kans., over Interstate Highway 70 to Kansas City, Mo.; (5) from Worcester, Mass., over Massachusetts Highway 146 to junction Rhode Island Highway 146 and thence over Rhode Island Highway 146 to Providence, R.I.; (6) from Taunton, Mass., over U.S. Highway 44 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 128, thence over

Massachusetts Highway 128 to junction Interstate Highway 93 and thence over Interstate Highway 93 to Woburn, Mass.; and (7) from Hartford, Conn., over Connecticut Highway 15 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction U.S. Highway 20 and thence over U.S. Highway 20 to Boston, Mass., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow:

(1) From New Haven, Conn., over Connecticut Highway 17 to Middletown, Conn., thence over Alternate U.S. Highway 6 to junction U.S. Highway 6 and thence over U.S. Highway 6 to Providence, R.I., also from New Haven, Conn., over U.S. Highway 1 to New London, Conn., thence over Connecticut Highway 95 to the Connecticut-Rhode Island State line, thence over Rhode Island Highway 95 to Hopkinton, R.I., and thence over Rhode Island Highway 3 to Providence, R.I.; (2) from Columbus, Ohio, over Ohio Highway 3 to Cincinnati, Ohio, thence over U.S. Highway 50 to North Vernon, Ind., thence over Indiana Highway 3 to junction Indiana Highway 62, thence over Indiana Highway 62 to Jeffersonville, Ind., and thence over U.S. Highway 31E to Louisville, Ky.; (3) from Oswego, N.Y., over New York Highway 48 to Syracuse, N.Y.; (4) from Topeka, Kans., over U.S. Highway 24 to Kansas City, Mo.; (5) from the Ohio-Pennsylvania State line over U.S. Highway 20 to Boston, Mass., and thence over U.S. Highway 1 to Providence, R.I., subject to the condition that no transportation in interstate or foreign commerce shall be conducted between points in Massachusetts, on the one hand, and, on the other, points in Rhode Island; (6) from Taunton, Mass., over Massachusetts Highway 138 to Boston and thence over Massachusetts Highway 38 to Woburn, Mass.; and (7) from Hartford, Conn., over U.S. Highway 5 to Springfield, Mass., and thence over U.S. Highway 20 to Boston, Mass., and return over the same routes.

No. MC 49387 (Deviation No. 5), ORSCHELN BROS. TRUCK LINES, INC., Highway 24, East Moberly, Mo., filed September 14, 1965. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo., 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to junction Interstate Highway 70 (west of St. Louis, Mo.), thence over Interstate Highway 70 to Kansas City, Mo.; and (2) from Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to St. Louis, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follow: (1) From Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 36 and U.S. Highway 24 near Hannibal, Mo., thence over U.S. Highway 24 to Kansas City, Mo., and (2) from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 (also U.S. Highway 54) to junction U.S. Highways 36 and 54, thence over U.S. Highway 54 to junction U.S. Highways 54 and 61, thence over U.S. Highway 61 to St. Louis, Mo., and return over the same routes.

No. MC 59680 (Deviation No. 29), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed September 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exemptions, over deviation routes as follow: (1) From West Richfield, Ohio, over access road to exit No. 11, Interstate Highway 80 (Ohio Turnpike), thence over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to exit No. 7 (Pennsylvania Turnpike), at McKeesport, Pa.; and (2) from Akron, Ohio, over Interstate Highway 80S (when completed) to junction Interstate Highway 80S (Ohio Turnpike) at gate 15, near Austintown, Ohio, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to exit No. 7, Pennsylvania Turnpike, at McKeesport, Pa.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 21 to junction Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J., and return over the same route.

No. MC 59680 (Deviation No. 30), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed September 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From McKeesport, Pa., over U.S. Highway 30 to its intersection with Interstate Highway 76 (Pennsylvania Turnpike) at entrance 11 to the Pennsylvania Turnpike near Bedford, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From McKeesport, Pa., to Bedford, Pa., over the Pennsylvania Turnpike (Interstate Highway 76), and return over the same route.

No. MC 61440 (Deviation No. 11), LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla., filed September 13, 1965. Applicant's representative: Richard H. Champlin, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and St. Louis, Mo., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lima, Ohio, over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to St. Marys, Ohio, thence over Ohio Highway 29 to the Ohio-Indiana State line, thence over Indiana Highway 67 to Indianapolis, Ind., and thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 55312 (Deviation No. 3), CONTINENTAL TENNESSEE LINES, INC., 418 Fifth Avenue South, Nashville, Tenn., filed September 13, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follow: (1) From Nashville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70N (approximately 2 miles west of Monterey, Tenn.); (2) from Nashville, Tenn., over Interstate Highway 40 to junction Tennessee Highway 26; (3) from junction U.S. Highway 70N and Interstate Highway 40 (approximately 2 miles west of Monterey, Tenn.), over Interstate Highway 40 to junction U.S. Highway 70N (approximately 1 mile southeast of Monterey, Tenn.); (4) from Midtown Junction (located at junction U.S. Highways 27 and 70 approximately 8 miles east of Rockwood, Tenn.), over U.S. Highway 70 to junction Interstate Highway 40, thence over Interstate Highway 40 to Knoxville, Tenn.; and over the following access routes, (a) from junction Interstate Highway 40 and U.S. Highway 231, over U.S. Highway 231 to Lebanon, Tenn.; (b) from junction Interstate Highway 40 and Tennessee Highway 53, over Tennessee Highway 53 to Carthage, Tenn.; and (c) from junction Interstate Highway 40 and Tennessee Highway 42, over Tennessee Highway 42 to Cookeville, Tenn.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Nashville, Tenn., over U.S. Highway 70N to Crossville, Tenn., thence over U.S. Highway 70 to junction U.S. Highway 27 at Harriman Junction, thence over U.S. Highway 27 to Harriman, Tenn., thence over Tennessee Highway 61 to Oliver Springs, Tenn., thence over Tennessee Highway 62 to Oak Ridge, Tenn., thence via the Solway Gate and over the New Solway Road to Knoxville, Tenn.; and (2) from Nashville, Tenn., over U.S. Highway 70N to Lebanon, Tenn., thence over Tennessee Highway 26 to Sparta, Tenn.; and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-10317; Filed, Sept. 28, 1965; 8:47 a.m.]

[Notice 821]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 24, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 1931 (Sub-No. 7), filed September 10, 1965. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y., 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 41098 (Sub-No. 16), filed September 2, 1965. Applicant: GLOBAL VAN LINES, INC., Number One Global Way, Anaheim, Calif. Applicant's representative: Floyd L. Farano (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Hawaii; (2) between points in Hawaii on the one hand, and, on the other, points in the United States; and (3) from points in Hawaii to points in Alaska.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 127565, filed September 7, 1965. Applicant: CITY TRANSFER COMPANY, LIMITED, 2144 Auiki Street and Sand Island Access Road, Honolulu, Hawaii. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *household goods* as defined by the Commission, between points in Hawaii, on traffic having a prior or subsequent out-of-State movement.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 127566, filed September 7, 1965. Applicant: H C & D MOVING & STORAGE COMPANY, INC., 911 Middle Street, Honolulu, Hawaii. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *household goods* as defined by the Commission, between points on the Island of Oahu, Hawaii, on traffic having a prior or subsequent out-of-State movement.

HEARING: November 8, 1965, at the U.S. District Courtroom, Federal Building, Honolulu, Hawaii, before Commissioner Rupert L. Murphy.

No. MC 27970 (Sub-No. 42) (Republication), filed May 25, 1965, published FEDERAL REGISTER issue of June 16, 1965, and republished this issue. Applicant: CHICAGO EXPRESS, INC., Post Office Box 213, Winston-Salem, N.C. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. By application filed May 25, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the McLean Trucking Co. terminal at Stoneham, Mass., for terminal operations only, as an off-route point in connection with applicant's authorized regular-route operations between Joliet, Ill., and Boston, Mass. An order of the Commission, Operating Rights Board No. 1, dated September 13, 1965, and served September 16, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the McLean Trucking Co. terminal at Stoneham, Mass., as an off-route point in connection with applicant's authorized regular-route operations between Joliet, Ill., and Boston, Mass.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 107515 (Sub-No. 513) (Republication), filed May 13, 1965, published FEDERAL REGISTER issue of June 16, 1965, and republished, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue Southwest, Atlanta, Ga., 30310. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. By application filed May 13, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, and meat byproducts, as defined by the Commission, from Fort Smith, Ark., to points in Louisiana, with service in Louisiana restricted to stopoff in transit for partial unloading only, with respect to shipments ultimately destined to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, or Alabama. An order of the Commission, Operating Rights Board No. 1, dated September 13, 1965, and served September 16, 1965, finds that the present and future convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *meats, meat products*, and *meat byproducts*, as defined in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from Fort Smith, Ark., to points in Louisiana; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 86) (Republication), filed June 4, 1965, published FEDERAL REGISTER issue of June 24, 1965, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. By application filed June 4, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of business papers, records, and audit and accounting media (except cash letters), between Natick, Mass., on the

one hand, and, on the other, Logan Airport, Boston, Mass., limited to handling of traffic having a prior or subsequent out-of-State movement by air, restricted against serving any bank or banking institution. An order of the Commission, Operating Rights Board No. 1, dated September 15, 1965, and served September 22, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *business papers and records*, and *audit and accounting media* (except cash letters), between Natick, Mass., on the one hand, and, on the other, Logan Airport, Boston, Mass., restricted to the transportation of traffic having a prior or subsequent movement by air. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 111729 (Sub-No. 87) (Republication), filed June 4, 1965, published FEDERAL REGISTER issue of June 24, 1965, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. By application filed June 4, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of business papers, records, and audit and accounting media (except cash letters), between O'Hare Field, Chicago, Ill., on the one hand, and, on the other, Champaign, Joliet, Rock Island, and Springfield, Ill., and Racine, Wis., limited to handling of traffic having a prior or subsequent out-of-state movement by air, restricted against serving any bank or banking institution. An order of the Commission, Operating Rights Board No. 1, dated September 15, 1965, and served September 22, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *business papers and records*, and *audit and accounting media* (except cash letters), between O'Hare Field, Chicago, Ill., on the one hand, and, on the other, Champaign, Joliet, Rock Island, and Springfield, Ill., and Racine, Wis., restricted to the transportation of traffic having a prior or subsequent movement by air. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

NOTICE OF FILING OF PETITIONS

No. MC 106398 and Sub-Nos. 17, 19, 23, 25, 27, 28, 31, 32, 36, 40, 43, 44, 45, 47, 49, 50, 51, 52, 58, 65, 69, 70, 72, 73, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 91, 94, 95, 103, 107, 108, 110, 111, 112, 115, 117, 122, 130, 131, 133, 139, 142, 161, 162, 169, 179, 182, 189, 196, 199, 200, 202, 210, 223, 226, 233, 236, 239, 240, 245, 251, 259, 261, 263, and 268 (Petition for Modification), filed September 13, 1965. Petitioner: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla., 74151. Petitioner's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Petitioner states it holds certain certificates issued in No. MC 106398 and related subnumbers, authorizing it to transport "commercial trailers designed to be drawn by passenger automobiles, house trailers, cabin trailers, bungalow trailers, trailers containing special equipment, and special purpose trailers, restricted to secondary movements in truckaway service, between points in the United States" (except Alaska and Hawaii), though Sub-No. 161 authorizes secondary service, between points in Alaska, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. In addition, various subs authorize it to transport "trailers designed to be drawn by passenger automobiles" (except in certain minor instances where slightly similar commodity descriptions are employed which in substance authorize the transportation of the same commodity) in initial truckaway service, from points of manufacture or assembly. Said certificates generally authorize it to provide service from virtually every point of manufacture in the United States to (with some minor exceptions) all points in the United States, including Alaska. In addition it has pending applications under related subnumbers for similar initial authority, from various origin points and territories. By the instant petition, petitioner requests the Commission:

(1) To modify all of the issued and outstanding certificates, except Sub-Nos. 121 and 177, to include within the commodity description of each such certificate the following: "Trailers designed to be drawn by passenger automobiles, including sectional units thereof transported on undercarriages." (2) To grant such relief with or without formal hearing as may appear proper in the premises. (3) To grant the relief sought herein either singly or jointly with other members of the mobile home carrier industry who may seek similar relief. (4) To withhold processing of all applications of all mobile home carriers for new permanent certificates of public convenience and necessity covering the commodity in question until the within Petition has been finally adjudicated, along with such other similar petitions as may be similarly filed. (5) To grant such other further relief as may be proper in the premises. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 28536 (Sub-No. 10), filed May 28, 1965. Applicant: FOX & GINN, INC., 12 Howard Lane, Bangor, Maine. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street, NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, new furniture, uncrated, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Brunswick, Maine and Rockwood, Maine, from Brunswick over U.S. Highway 1 via Rockland, Maine, to junction Alternate U.S. Highway 1 (formerly U.S. Highway 1), thence over Alternate U.S. Highway 1 to Bangor, Maine, and thence over Maine Highway 15 to Rockwood, and return over the same route, serving all intermediate points between Rockland and Rockwood, including Rockland, and serving the intermediate points of Waldoboro, Nobleboro, Damariscotta, Damariscotta Mills, Newcastle and Wiscasset, and the off-route points of Shirley Mills and South Brewer, Maine; (2) between Damariscotta, Maine and South Bristol, Maine, over Maine Highway 129, serving no intermediate points; (3) between Wiscasset, Maine, and Newagen, Maine, from the junction U.S. Highway 1 and Maine Highway 27 over Maine Highway 27 to Newagen and return over the same route, serving the intermediate and off-route points of Edgecomb, Boothbay, Boothbay Harbor, East Boothbay, West Boothbay Harbor, Southport, West Southport, Bayville, and Trevett; and (3) between Waldoboro, Maine, and Newcastle, Maine, from Waldoboro over Maine Highway 32 to Jefferson, thence over Maine Highway 126 to junction Maine Highway 213, thence over Maine Highway 213 to junction Maine Highway 215, and thence over Maine Highway 215 to Newcastle, and return over the same route, serving all intermediate points. NOTE: Applicant states it intends to tack the authority sought with authority presently held by it authorizing operations in the States of Maine, Massachusetts, and New Hampshire. This is a matter directly related to MC-F 9139, which was published in the FEDERAL REGISTER, issue of June 9, 1965.

No. MC 60203 (Sub-No. 5), filed September 15, 1965. Applicant: MONAHAN TRANSPORTATION CO., INC., 12 Walter Street, Cranston, R.I. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, except dangerous explosives, household goods as de-

fined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: This application is a matter directly related to MC-F 9215, which was published in the FEDERAL REGISTER, issue of September 22, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9218. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of the operating rights and property of DIRIGO TRANSPORTATION CO., INC., 84 Washington Street, Somerville, Mass., and for acquisition by GEORGE VIGEANT, also of New Bedford, Mass., of control of such rights and property through the purchase. Applicants attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Rockland, Maine, serving all intermediate points between Portsmouth, N.H., and Rockland, Maine, not including Portsmouth, and to and from the off-route points of Hampton Beach and Rye Beach, N.Y., and York Harbor, York Village, York Beach, Kennebunkport, and Old Orchard Beach, Maine; between Boston, Mass., and Lewiston, Maine, serving all intermediate points between Portsmouth, N.H., and Lewiston, Maine, not including Portsmouth, and to and from the off-route points of Hampton Beach and Rye Beach, N.H., and York Harbor, York Village, York Beach, Kennebunkport, and Old Orchard Beach, Maine; *general commodities*, with exceptions as stated above, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 50 miles of Boston, between Portland, Maine, on the one hand, and, on the other, points in Maine within 50 miles of Portland. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New York, New Jersey, Connecticut, and Vermont. Application has been filed for temporary authority under section 210 (b).

No. MC-F-9219. Authority sought for control by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of WOODIN'S EXPRESS, INC., 105 Cordell Road, Schenectady, N.Y., and for acquisition by MILTON J. ZABARSKY, MAURICE ZABARSKY, both of 40 Erie Street, Cambridge, Mass., and HARRY D. ZABARSKY, 38 Main Street, St. Johnsbury, Vt., of control of WOODIN'S EXPRESS, INC., through the acquisition by ST. JOHNSBURY TRUCKING COMPANY, INC. Applicants' attorneys: Francis E. Barrett and Francis P. Barrett, 25 Bryant Avenue, East Milton, Mass., 02186, and Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street., Syracuse, N.Y., 13202. Operating rights sought to be controlled: *Agricultural commodities*, and *canned goods*, as a *common carrier*, over regular routes, between Albany, N.Y., and Rochester, N.Y., serving the intermediate and off-route points of Schenectady, Amsterdam, Fort Plain, Little Falls, Herkimer, Oneida, Auburn, Seneca Falls, Victor, Pittsford, Utica, Syracuse, Rome, Canandaigua, and Geneva, N.Y., between Albany, N.Y., and Newburgh, N.Y., serving the intermediate points of Catskill and Kingston, N.Y.; and under a certificate of registration, in Docket No. MC-32411 (Sub-No. 4), covering the transportation of general commodities, and groceries, hardware, dry goods and clothing, as a common carrier, in intrastate commerce, within the State of New York. ST. JOHNSBURY TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Maine, New Jersey, New York, Pennsylvania, Delaware, Maryland, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210 a(b). NOTE: Docket No. MC-32411 (Sub-No. 5) is a matter directly related.

No. MC-F-9220. Authority sought for purchase by JOHN THOMAS MATTINGLY, JR., doing business as MATTINGLY MOTOR LINES, Mechanicsville, Md., of a portion of the operating rights of LOWTHER TRUCKING COMPANY, Post Office Box 2115, Charlotte, N.C. Applicants' attorney: Edward G. Villalon, 1735 K Street NW., Washington, D.C. Operating rights sought to be transferred: *Hardboard sheets and boards*, as a *common carrier*, over irregular routes, from Farmville, N.C., to Atlanta, Ga., Des Moines, Iowa, Wichita, Kans., Lexington and Louisville, Ky., New Orleans, La., Duluth, Minn., Jackson, Miss., Oklahoma City and Tulsa, Okla., Providence, R.I., and Cudahy and Milwaukee, Wis., and points in Alabama, Connecticut, Florida, Illinois (except points in the Chicago, Ill., commercial zone, as defined by the Commission), Maryland (except Baltimore and points in the Washington, D.C., commercial zone, as defined by the Commission), Massachusetts, Missouri, New Hampshire, New York (except points in the New York, N.Y., commercial zone, as defined by the Commission), Pennsylvania (except Easton, York, Philadelphia, points within 25 miles of Philadelphia, and points on and west of U.S. Highway 219), Texas, Vermont, Virginia (except points in the Washington, D.C., commercial zone, as defined by the Commission, and points on and west of U.S. Highway 501 and south of U.S. Highway 60), and to points in that part of West Virginia east of U.S. Highway 220. JOHN THOMAS MATTINGLY, JR., holds temporary authority in MC-127147 TA, under section 210a(a), and is authorized to operate in Maryland, New York, New Jersey, Pennsylvania, Ohio, Virginia, and North Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9221. Authority sought for purchase by ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317, of the operating rights of McCARTHY CARTAGE CO., 1955 North Racine Avenue, Chicago 14, Ill., and for acquisition by L. W., E. M., M. E., L. D., L. B., R. L., and J. L. EASTER, T. C. MILLER and EDNA MORSE, all of Des Moines, Iowa, of control of such rights through the purchase. Applicants' attorney: Robert H. Levy, 105 West Adams Street, Chicago, Ill., 60603. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673. Vendee is authorized to operate as a *common carrier* in Iowa, Missouri, Wisconsin, Minnesota, North Dakota, Illinois, Nebraska, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-10318; Filed, Sept. 28, 1965; 8:47 a.m.]

[Notice 823]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 24, 1965.

The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the

same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 200 (Sub-No. 208) (Republication), filed August 30, 1965, published in FEDERAL REGISTER issue September 15, 1965, and republished this issue. Applicant: RISS & COMPANY, INC., Temple Building, 903 Grand Avenue, Kansas City, Mo., 64106. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts and articles*, distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), serving Sioux City, Iowa, and points in Dakota County, Nebr., as off-route points in connection with applicant's regular route operations. NOTE: The purpose of this republication is to reflect the hearing date.

HEARING: October 11, 1965, in Room 204A, U.S. Courtroom Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Alvin H. Schutrumpf.

No. MC 44783 (Sub-No. 2), filed August 16, 1965, published in FEDERAL REGISTER issue September 1, 1965, and republished this issue. Applicant: THE MAHONING EXPRESS COMPANY, a corporation, 168 South Meridian Avenue, Youngstown, Ohio. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel articles*, between Pittsburgh, Vandergrift, Donora, Ellwood City, Allenport, Monessen, Munhall, Homestead, Irwin, McKeesport, McKees Rocks, Clairton, Duquesne, Aliquippa, and Braddock, Pa., and Cleveland, Lorain, and Youngstown, Ohio, on the one hand, and, on the other, points in Michigan, Illinois, Indiana, Ohio, Wisconsin, and St. Louis, Mo., and Louisville, Ky. NOTE: The purpose of this republication is to reflect the hearing date.

HEARING: October 11, 1965, in Room 2218, New Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

No. MC 121318 (Sub-No. 4) filed September 2, 1965. Applicant: YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and products* and *such materials and supplies and equipment* used or useful in the production, assembly and distribution of iron and steel and iron and steel articles and products, between Sharon, Wheatland, and Greenville (Mercer County), Pa., on the one hand, and, on the other, points in Pennsylvania.

HEARING: October 11, 1965, in Room 2218, New Federal Building, 100 Liberty Avenue, Pittsburgh, Pa., before Examiner Rene J. Mittelbronn.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-10319; Filed, Sept. 28, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 24, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned 21484-ext., filed September 9, 1965. Applicant: ACME DELIVERY SERVICE, INC., 842 Walnut Street, Denver, Colo. Applicant's representative: R. B. Danks, First National Bank Building, Denver, Colo. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, between points within a radius of 15 miles of the intersection of Colfax and Broadway, Denver, Colo.

HEARING: December 13, 1965, at 10 o'clock a.m., Room 532, State Services Building, Denver, Colo. Requests for procedural information including time for filing protests concerning this application should be addressed to the Public Utilities Commission of Colorado, Denver, Colo., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-10321; Filed, Sept. 28, 1965; 8:47 a.m.]

[Notice 54]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 24, 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 103051 (Sub-No. 197 TA), filed September 22, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Post Office Box 13694 (Station K), Atlanta, Ga., 30324. Applicant's representative: J. D. Fetz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible safflower*, in bulk, and tank vehicles, from Atlanta, Ga., to Cedartown, Ga., for 180 days. Supporting shipper: Pacific Vegetable Oil Corp., 1145 South 10th Street, Richmond, Calif. Send protests to: William L. Scroogs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 680 West Peachtree Street NW., Room 300, Atlanta, Ga., 30308.

No. MC 125958 (Sub-No. 2 TA), filed September 22, 1965. Applicant: COASTWAY'S TRANSPORTATION, INC., 37 Preston Court, Brooklyn, N.Y. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive chemicals and lighter fluid*, except in bulk, in tank vehicles, from Brooklyn, N.Y., to points in North Carolina, South

Carolina, Georgia, Florida, Mississippi, Tennessee, Alabama, and Minnesota, for 150 days. Supporting shipper: Banner Manufacturing Corp., 37 Preston Court, Brooklyn, N.Y. Send protests to: Robert E. Johnston, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 127546 (Sub-No. 1 TA), filed September 22, 1965. Applicant: L & H TRUCKING, INC., 816 Fayette Avenue, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers, including slurry*, from Murphysboro, Ill., to McBride, Mo., for 150 days. Supporting shipper: W. R. Grace & Co., Nitrogen Products Division, 810 East Pershing Road, Decatur, Ill., 62526. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill., 62704.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-10322; Filed, Sept. 28, 1965; 8:47 a.m.]

[Notice 1238]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1965.

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

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

No. MC-FC-68090. By order of September 22, 1965, the Transfer Board approved the transfer to Lowell Stewart, Judith K. Stewart, and Elizabeth Larsen, doing business as Stewart Trucking, Gayville, S. Dak., of the operating rights in Certificates Nos. MC-20867 and MC-20867 (Sub-No. 1) issued by the Commission October 31, 1957, and August 10, 1962, respectively, to Gerald Bye, doing business as Gerald C. Bye, Gayville, S. Dak., authorizing the transportation of livestock, feed, hay, farm machinery and parts, oils and greases, and lumber, between specified points in South Dakota and Iowa. Don A. Bierle, 314 Walnut, Yankton, S. Dak., attorney for applicants.

No. MC-FC-68154. By order of September 22, 1965, the Transfer Board approved the transfer to LaPlante Bros., Inc., Webster, Mass., of the certificate in No. MC-92721, issued June 17, 1949, to Edward LaPlante, Jr., doing business as LaPlante Bros., Webster, Mass., authorizing the transportation of: Household goods, between points in Worcester County, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New York, Rhode Island, and Vermont; and shoddy, between Worcester and Cherry Valley, Mass., on the one hand, and, on the other, points in Connecticut, New Hampshire, and Rhode Island. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass., 01601, counsel for applicants.

No. MC-FC-68155. By order of September 22, 1965, the Transfer Board approved the transfer to Kephart Charter Service, Inc., 1150 Calvary Road, Duluth, Minn., of the Permit in No. MC-117280 (Sub-No. 2), issued October 26, 1960, to Theodore E. Kephart, doing business as Ted Kephart Charter Service, 1150 Calvary Road, Duluth, Minn., authorizing the transportation of: Passengers and their baggage and equipment, restricted to individuals who are players, officers, or employees of the Duluth-Superior Baseball Club, during the period extending from April 15 to September 30, inclusive, of each year, between Duluth, Minn., and Hollywood, Fla., from Hollywood, Fla., to St. Cloud and Moorehead, Minn., Eau Claire and Superior, Wis., Fargo, Grand Forks, and Minot, N. Dak., and Aberdeen, S. Dak., and between Duluth, St. Cloud, and Moorehead, Minn., Eau Claire and Superior, Wis., Fargo, Grand Forks, and Minot, N. Dak., and Aberdeen, S. Dak.

No. MC-FC-68158. By order of September 22, 1965, the Transfer Board approved the transfer to Bob Mendenhall, doing business as Fort Smith-Sallisaw Transfer, Fort Smith, Ark., of the operating rights in Certificate No. MC-125379, issued March 31, 1964, to A. C. Bennett, doing business as Bennett Truck Line, Fort Smith, Ark., authorizing the transportation, over specified regular routes, of: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between Fort Smith, Ark., and Marble City, Okla., serving the intermediate points of Roland, Gans, Short Mountain Dam site and Sadie, Okla. Jim Jones and A. Bob Jordan, 204 North Elm, Sallisaw, Okla., attorneys for applicants.

No. MC-FC-68160. By order of September 22, 1965, the Transfer Board approved the transfer to Roxy Garment Del., Inc., Jersey City, N.J., of the operating rights in Certificate No. MC-125891, issued by the Commission July 27, 1964, to Harvey Brody, Harry Starr, and Arnold Shapiro, doing business as Aqua Garment Express, Jersey City, N.J., acquired by Harry Starr and Harvey Brody, doing business as Aqua Garment Express, Jersey City, N.J., pursuant to MC-FC-67572, consummated May 25, 1965, authorizing the transportation, over irregular routes, of: Clothing bags, furniture, chair pads, hangers, plastic articles other than cellulose, expanded, or sponge and advertising materials and supplies, loose or in packages, from the plantsite of the Protex Products Co., Inc., located at Kearny, N.J., to New York, N.Y.; advertising materials and supplies, from New York, N.Y., to the plantsite of the Protex Products Co., Inc., located at Kearny, N.J. George A. Olsen, 69 Tonnel Avenue, Jersey City, N.J., 07306, practitioner for applicants.

No. MC-FC-68161. By order of September 22, 1965, the Transfer Board approved the transfer to Motor Service Co., Inc., Coshocton, Ohio, of the operating rights in Certificate Nos. MC-117565, and MC-117565 (Sub-No. 4), issued by the Commission, April 6, 1960, and September 4, 1962, respectively, to John R. Hafner, doing business as Motor Service Co., Coshocton, Ohio, authorizing the transportation, over irregular routes, of: Mobile homes in secondary movements, in truckaway service, between points in Ohio, on the one hand, and, on the other, points in Florida, Pennsylvania, West Virginia, Kentucky, Tennessee, New Jersey, North Carolina, Georgia, Alabama, and Louisiana. Trailers, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Alma, Cassopolis, Owosso, Flint, and Wahjamega, Mich., to points in Ohio. Trailers, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, from Toledo, Ohio, and points in Ohio within 60 miles of Toledo, to points in Indiana and Michigan. Thos. W. Maxson, 30 East Broad Street, Columbus, Ohio, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 65-10323; Filed, Sept. 28, 1965; 8:47 a.m.]

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