

# FEDERAL REGISTER

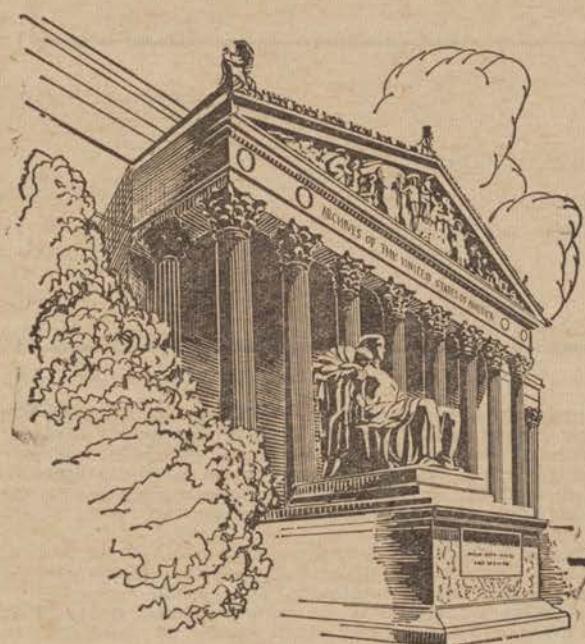
VOLUME 31 • NUMBER 4

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Pages 177-243

Agencies in this issue—

Agricultural Stabilization and  
Conservation Service  
Atomic Energy Commission  
Children's Bureau  
Civil Aeronautics Board  
Customs Bureau  
Federal Aviation Agency  
Federal Communications Commission  
Federal Home Loan Bank Board  
Federal Maritime Commission  
Federal Power Commission  
Food and Drug Administration  
Immigration and Naturalization  
Service  
Indian Affairs Bureau  
Internal Revenue Service  
Interstate Commerce Commission  
Securities and Exchange Commission  
Small Business Administration  
Treasury Department  
Wage and Hour Division

Detailed list of Contents appears inside.



# Volume 78

## UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Also included are:

subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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# Rules and Regulations

## Title 7—AGRICULTURE

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

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

##### PART 728—WHEAT

###### Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Diversion, and Wheat Certificate Programs for the Crop Years 1966 Through 1969

###### § 728.416 County projected yields and county rates used in determining diversion payment for the 1966 crop of wheat.

(a) A county projected yield has been determined for each wheat producing county in the United States for the 1966 crop, except for counties in Alaska, Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county projected yield for 1966 was determined on the basis of the average of the yields per harvested acre of wheat for the county during each of the 5 calendar years, 1960 through 1964, adjusted for abnormal weather conditions affecting such yields, for trends in yields and for any significant changes in production practices.

(b) In adjusting for abnormal weather conditions: (1) If the yield for any year of the 5-year period, 1960 through 1964, was less than 75 per centum of the average, 75 per centum of such average was substituted therefor, in calculating the average yield per acre; and (2) if on account of abnormally favorable weather conditions, the yield for any year of the 5-year period was in excess of 125 per centum of the average, 125 per centum of such average was substituted therefor, in calculating the average yield per acre.

(c) The adjustment for trends in yields was made by averaging the 5-year average of the annual yields as adjusted for abnormal weather and other abnormal conditions as described above, with the average of the annual yields for the 2-year period, 1963–64, inclusive, adjusted for abnormal weather and other abnormal conditions as described above, giving equal weight to each. No adjustment for trend was made where the 2-year, 1963–64, adjusted average is less than the 5-year, 1960–64, adjusted average.

(1) If after completion of the foregoing computation, it was apparent that additional adjustment in yields for a number of counties was necessary, particularly, over wide areas of the Great

Plains where crop production is subject to great weather hazard, in order to more adequately take account of weather abnormalities and trends in yields, the yield as otherwise computed for each county was further adjusted, where necessary, to equal the larger of 95 per centum of the county average yield established for the 1965 wheat diversion and certificate program, or the unadjusted 5-year, 1960–64, average yield.

(2) In those counties in which the production of wheat is partially on irrigated land; partially on summer-fallow land and partially on continuous-cropping land, an average yield computed in accordance with the method described above, was determined for the land devoted to irrigation, summer-fallow, and continuous cropping cultural practices, respectively. The average yield for land devoted to each of these practices was averaged to obtain a county average yield, using for weights the latest data available on the acreage devoted to each practice.

(3) The adjusted county average yields, determined as described above, were then further adjusted so as to weight out to the State projected yield which had previously been determined.

(d) Projected county yield computations made under the foregoing regulations were then submitted to the State committees for their review and recommendations. State committees were authorized, where the situation warranted, to recommend additional adjustments of county projected yields to compensate for abnormal weather and trend based upon specific and detailed knowledge of yield conditions in local areas. Upward adjustments in any county were required to be offset by downward adjustments in other counties to the extent necessary to weight out to the State projected yield. Yield adjustments recommended by State committees were submitted to the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, for final approval.

(e) The county rates used in determining diversion payments are the estimated basic county support rates for 1966, for noncertificate wheat. The national average support rate for wheat not accompanied by marketing certificates was determined at \$1.25 per bushel, the same as for 1965. The estimated basic county support rates for 1966 were determined on the basis of 1965 basic county support rates, including any changes made reflecting freight rate changes.

(f) The approved county projected yields determined on the basis of the regulations above, with such adjustments as were recommended by State committees and approved as provided in

paragraph (d) of this section and the county rates used in determining diversion payments as determined under paragraph (e) of this section are as follows:

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Colbert	28.7	1.35
Fayette	25.5	1.35
Franklin	25.5	1.35
Lamar	25.5	1.35
Marion	26.7	1.35
District 2:		
Lauderdale	27.6	1.35
Lawrence	28.4	1.35
Limestone	28.5	1.35
Madison	28.9	1.35
Marshall	31.6	1.35
Morgan	27.8	1.35
District 2A:		
Bibb	25.3	1.35
Blount	25.5	1.35
Chilton	25.6	1.35
Cullman	24.8	1.35
Jefferson	24.9	1.35
Saint Clair	24.3	1.35
Shelby	25.7	1.35
Walker	26.2	1.35
Winston	24.4	1.35
District 3:		
Calhoun	25.1	1.35
Cherokee	27.2	1.35
Cleburne	24.3	1.35
De Kalb	27.2	1.35
Etowah	26.0	1.35
Jackson	26.2	1.35
District 4:		
Greene	25.2	1.35
Hale	25.1	1.35
Marengo	23.9	1.35
Pickens	24.1	1.35
Sumter	23.5	1.35
Tuscaloosa	24.1	1.35
District 5:		
Autauga	27.4	1.35
Dallas	27.0	1.35
Elmore	25.7	1.35
Lowndes	24.1	1.35
Montgomery	23.7	1.35
Perry	25.1	1.35
Wilcox	23.0	1.35
District 6:		
Chambers	23.2	1.35
Clay	24.3	1.35
Coosa	22.2	1.35
Lee	24.6	1.35
Macon	22.0	1.35
Randolph	23.3	1.35
Russell	23.2	1.35
Talladega	23.7	1.35
Tallapoosa	23.0	1.35
District 7:		
Baldwin	24.3	1.35
Choctaw	20.9	1.35
Clarke	23.1	1.35
Mobile	24.6	1.35
Washington	26.2	1.35
District 8:		
Butler	22.8	1.35
Conecuh	24.3	1.35
Covington	24.5	1.35
Crenshaw	24.9	1.35
Escambia	27.6	1.35
Monroe	26.1	1.35
District 9:		
Barbour	23.2	1.35
Bullock	23.5	1.35
Coffee	25.7	1.35
Dale	25.3	1.35
Geneva	22.7	1.35
Henry	24.5	1.35
Houston	26.5	1.35
Pike	23.7	1.35
State check yield	27.0	

## **RULES AND REGULATIONS**

ARIZONA		ARKANSAS—Continued		COLORADA—Continued				
County	Wheat		County	Wheat		County	Wheat	
	Projected yield	Rate (dollars per bushel)		Projected yield	Rate (dollars per bushel)		Projected yield	Rate (dollars per bushel)
District 2:			District 9:			District 3:		
Apache	17.0	0.94	Ashley	26.7	1.34	Delta	35.8	.90
Cocoonino	19.9	.94	Choctaw	30.5	1.35	Garfield	21.2	.92
Mohave	28.4	1.00	Deshaw	32.9	1.35	Mesa	33.5	.92
Navajo	18.2	.94	Drew	28.8	1.34	Montrose	36.8	.90
Yavapai	29.3	.97	Jefferson	32.4	1.35	District 4:		
District 5:			Lincoln	25.4	1.34	Chaffee	30.0	.93
Mariopa	50.4	1.31	State check yield	31.7		Clear Creek		
Pinal	45.1	1.31				Eagle	41.0	.92
District 7:						Gunnison		
Yuma	48.8	1.33				Lake		
District 9:						Park		
Cochise	37.2	1.23				Pitkin	35.4	.92
Gila	33.3	1.01				Summit		
Graham	31.4	1.16				Teller	32.9	1.11
Greenlee	33.3	1.01				District 5:		
Pima	36.6	1.28				Adams	26.4	1.11
Santa Cruz	35.6	1.25				Arapahoe	25.8	1.11
State check yield	44.5					Cheyenne	22.8	1.13
ARKANSAS								
District 1:			District 1:			Denver		
Benton	25.5	1.19	Del Norte	31.8	1.22	Douglas	25.5	1.11
Boone	26.4	1.22	Humboldt	30.3	1.30	Elbert	22.0	1.11
Carroll	20.2	1.19	Mendocino			El Paso	18.9	1.11
Madison	23.9	1.20	District 2:			Kiowa	19.5	1.13
Newton	23.0	1.22	Shasta	22.4	1.26	Kit Carson	24.5	1.13
Washington	26.2	1.20	Siskiyou	35.3	1.26	Lincoln	21.8	1.11
District 2:			Trinity	34.3	1.26	Phillips	28.0	1.13
Baxter	24.2	1.24	District 3:			Washington	23.8	1.11
Cleburne	19.5	1.36	Lassen	26.6	1.21	Yuma	23.7	1.13
Fulton	20.1	1.29	Modoc	49.1	1.25	District 6:		
Izard	15.9	1.26	Plumas	21.3	1.28	Dolores	16.1	.92
Marion	19.3	1.23	District 4:			Montezuma	18.9	.92
Searcy	16.1	1.23	Alameda	32.4	1.39	Ouray	22.5	.90
Sharp	19.3	1.29	Contra Costa	50.8	1.39	San Miguel	16.2	.90
Stone	20.3	1.27	Lake	28.9	1.34	District 7:		
Van Buren	19.0	1.33	Marin	22.0	1.39	Alamosa	35.0	.94
District 3:			Monterey	23.2	1.35	Archuleta	25.3	.92
Clay	30.0	1.36	Napa	27.8	1.38	Conejos	33.5	.93
Craighead	32.2	1.38	San Benito	30.3	1.37	Costilla	31.4	.95
Greene	28.8	1.37	San Francisco			Hinsdale		
Independence	32.8	1.32	San Luis Obispo	15.6	1.33	La Plata	24.2	.92
Jackson	30.5	1.36	San Mateo	19.9	1.39	Mineral		
Lawrence	26.6	1.37	Santa Clara	25.5	1.38	Rio Grande	37.4	.93
Mississippi	36.7	1.39	Santa Cruz			Saguache	35.1	.93
Poinsett	32.8	1.40	Sonoma	22.8	1.38	San Juan		
Randolph	26.0	1.37	District 5:			District 8:		
White	22.6	1.37	Butte	34.5	1.36	Bent	22.0	1.12
District 4:			Colusa	33.6	1.38	Crowley	22.3	1.11
Crawford	30.9	1.20	Glenn	30.5	1.37	Custer	30.1	1.02
Franklin	27.6	1.21	Sacramento	42.1	1.39	Fremont	27.6	1.04
Johnson	30.3	1.23	Sutter	41.2	1.37	Otero	36.6	1.11
Logan	26.5	1.20	Tehama	26.0	1.31	Prowers	23.8	1.13
Polk	24.5	1.24	Yolo	43.3	1.39	Pueblo	22.6	1.11
Pope	24.3	1.24	Yuba	30.2	1.37	District 9:		
Scott	26.4	1.24	Fresno	48.5	1.37	Baca	20.0	1.13
Sebastian	29.4	1.23	Kern	24.9	1.36	Huerfano	19.0	1.09
Yell	27.4	1.24	Madera	28.0	1.39	Las Animas	14.5	1.10
District 5:			Merced	40.5	1.40	State check yield	23.2	
Conway	25.8	1.33	San Joaquin	49.3	1.41	CONNECTICUT		
Faulkner	24.0	1.34	Stanislaus	31.8	1.40	Fairfield	31.4	A11
Garland	17.4	1.28	Tulare	26.8	1.36	Hartford	31.4	
Grant	12.2	1.30	District 6:			Litchfield	31.4	1.42
Hot Spring	15.2	1.29	Alpine	29.7	1.28	Middlesex	31.4	
Perry	21.7	1.25	Amador	31.1	1.39	New Haven	31.4	
Pulaski	31.6	1.35	Calaveras	22.0	1.39	New London	31.4	
Saline	19.4	1.29	Eldorado			Tolland	31.4	
District 6:			Inyo	21.6	1.18	Windham	31.4	
Arkansas	34.5	1.36	Mariposa	31.0	1.40	State check yield	31.4	
Crittenden	34.5	1.41	Mono	20.3	1.14	DELAWARE		
Cross	30.6	1.40	Nevada			District 2:		
Lee	30.7	1.39	Placer	28.9	1.38	New Castle	33.3	1.47
Monroe	24.8	1.36	Sierra	19.5	1.29	District 5:		
Phillips	33.7	1.38	Tuolumne	20.3	1.40	Kent	31.3	1.47
Prairie	25.3	1.37	Imperial	63.6	1.35	District 8:		
Saint Francis	35.5	1.39	Los Angeles	16.0	1.38	Sussex	31.3	1.46
Woodruff	31.7	1.38	Orange	19.9	1.35	State check yield	32.0	
District 7:			Riverside	19.9	1.34	FLORIDA		
Hempstead	31.6	1.34	San Bernardino	26.9	1.37	District 1:		
Howard			San Diego	29.3	1.33	Bay	22.0	1.38
Lafayette	25.4	1.35	Santa Barbara	18.7	1.32	Calhoun	27.7	1.38
Little River	26.5	1.34	Ventura	26.2	1.37	Escambia		
Miller	22.6	1.35	State check yield	28.5		Franklin	30.5	1.38
Montgomery	21.3	1.24			Gadsden			
Pike					Gulf			
Sevier					Holmes	29.5	1.38	
District 8:					Jackson	30.1	1.38	
Bradley	14.7	1.33			Jefferson	23.0	1.38	
Calhoun	15.2	1.32						
Clark	18.8	1.31						
Cleveland								
Columbia								
Dallas	21.5	1.31						
Nevada								
Ouachita	18.4	1.33						
Union	20.9	1.35						

## FLORIDA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1—Continued		
Leon	22.0	1.38
Liberty	22.0	1.38
Okaloosa	29.3	1.38
Santa Rosa	30.8	1.38
Wakulla		
Walton	22.9	1.38
Washington	21.2	1.38
District 3:		
Baker	18.8	1.38
Columbia	25.1	1.38
Dixie		
Duval		
Hamilton	20.4	1.38
Lafayette	18.0	1.38
Madison	24.5	1.38
Nassau		
Suwannee	18.0	1.38
Taylor		
District 5:		
Alachua	20.7	1.38
Bradford		
Citrus		
Clay		
Flagler	17.6	1.38
Gilchrist		
Hernando		
Hillsborough		
Lake		
Levy	24.2	1.38
Marion	25.1	1.38
Orange		
Osceola		
Pasco		
Pinellas		
Polk		
Putnam		
St. Johns		
Seminole	20.1	1.38
Sumter		
Union		
Volusia		
District 8:		
Brevard		
Broward		
Charlotte		
Collier		
Dade		
De Soto		
Glades		
Hardee		
Hendry		
Highlands		
Indian River		
Lee		
Manatee		
Martin		
Monroe		
Okeechobee		
Palm Beach		
St. Lucie		
Sarasota		
State check yield	26.8	

## GEORGIA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Bartow	23.8	1.38
Catoosa	24.8	1.38
Chattooga	19.8	1.38
Dade	19.6	1.38
Floyd	23.2	1.38
Gordon	23.5	1.38
Murray	24.2	1.38
Paulding	22.1	1.38
Polk	23.3	1.38
Walker	23.5	1.38
Whitfield	22.3	1.38
District 2:		
Bartow	23.9	1.38
Cherokee	22.2	1.38
Clarke	29.1	1.38
Cobb	21.5	1.38
Dawson	24.2	1.38
De Kalb	25.3	1.38
Fannin	21.8	1.38
Forsyth	23.4	1.38
Fulton	26.0	1.38
Gilmer	22.0	1.38
Gwinnett	26.4	1.38
Hall	22.4	1.38
Jackson	25.5	1.38
Lumpkin	25.8	1.38
Oconee	28.3	1.38
Pickens	24.0	1.38
Towns	23.1	1.38
Union	24.3	1.38
Walton	24.9	1.38
White	22.1	1.38
District 8:		
Atkinson		
Ben Hill		
Berrien		
Brooks		

## GEORGIA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 3:		
Banks	24.5	1.38
Elbert	29.4	1.38
Franklin	27.0	1.38
Habersham	25.2	1.38
Hart	30.1	1.38
Lincoln	27.6	1.38
Madison	29.2	1.38
Oglethorpe	28.2	1.38
Rabun	23.2	1.38
Stephens	28.6	1.38
Wilkes	26.6	1.38
District 4:		
Carroll	26.7	1.38
Chattahoochee		
Clayton	24.5	1.38
Coweta	24.0	1.38
Douglas	22.4	1.38
Fayette	21.9	1.38
Haralson	27.6	1.38
Harris	25.2	1.38
Heard	27.5	1.38
Henry	29.1	1.38
Lamar	26.4	1.38
Macon	33.5	1.38
Marion	26.6	1.38
Meriwether	26.0	1.38
Muscogee	27.2	1.38
Pike	28.5	1.38
Schley	29.4	1.38
Spalding	27.8	1.38
Talbot	27.6	1.38
Taylor	29.4	1.38
Troup	26.5	1.38
Upson	25.5	1.38
District 5:		
Baldwin	23.0	1.38
Bibb	33.1	1.38
Bleckley	30.0	1.38
Butts	27.2	1.38
Crawford	32.4	1.38
Dodge	26.2	1.38
Greene	23.0	1.38
Hancock	27.2	1.38
Houston	34.3	1.38
Jasper	27.2	1.38
Johnson	23.4	1.38
Jones	23.1	1.38
Laurens	29.8	1.38
Monroe	24.2	1.38
Montgomery	24.3	1.38
Morgan	25.1	1.38
Newton	24.3	1.38
Peach	35.2	1.38
Pulaski	34.7	1.38
Putnam	26.1	1.38
Rockdale	26.0	1.38
Taliaferro	26.4	1.38
Trenton	23.0	1.38
Twiggs	30.8	1.38
Washington	31.3	1.38
Wheeler	27.4	1.38
Wilkinson	26.5	1.38
District 6:		
Bulloch	28.5	1.38
Burke	25.7	1.38
Candler	30.2	1.38
Columbia	22.0	1.38
Eflingham	22.2	1.38
Emmanuel	27.0	1.38
Glascock	24.7	1.38
Jefferson	29.7	1.38
Jenkins	23.4	1.38
McDuffie	24.7	1.38
Richmond	22.4	1.38
Screven	25.7	1.38
Warren	28.6	1.38
District 7:		
Baker	30.7	1.38
Calhoun	28.5	1.38
Clay	27.2	1.38
Decatur	27.4	1.38
Dougherty	30.3	1.38
Early	28.8	1.38
Grady	27.9	1.38
Lee	30.8	1.38
Miller	29.3	1.38
Mitchell	27.6	1.38
Quitman	30.6	1.38
Randolph	31.3	1.38
Seminole	29.5	1.38
Stewart	30.5	1.38
Sumter	32.0	1.38
Terrell	30.0	1.38
Thomas	29.1	1.38
Webster	26.8	1.38
District 8:		
Atkinson	25.6	1.38
Ben Hill	26.6	1.38
Berrien	28.6	1.38
Brooks	28.2	1.38

## GEORGIA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 8—Continued		
Clinch	20.9	1.38
Coffee	26.3	1.38
Colquitt	27.8	1.38
Cook	26.8	1.38
Crisp	29.9	1.38
Dooley	30.6	1.38
Echols	22.0	1.38
Irwin	27.0	1.38
Jeff Davis	25.7	1.38
Lanier	28.3	1.38
Lowndes	28.3	1.38
Telfair	26.4	1.38
Tift	28.9	1.38
Turner	28.5	1.38
Wilcox	26.6	1.38
Worth	28.4	1.38
District 9:		
Appling	20.1	1.38
Bacon	30.0	1.38
Brantley	20.9	1.38
Bryan	23.0	1.38
Camden	20.9	1.38
Charlton	20.9	1.38
Chatham	21.8	1.38
Evans	27.0	1.38
Glynn	20.9	1.38
Liberty	20.9	1.38
Long	20.9	1.38
McIntosh	20.9	1.38
Pierce	22.0	1.38
Tattnall	27.4	1.38
Toombs	27.8	1.38
Ware	22.0	1.38
Wayne	22.0	1.38
State check yield	28.6	
IDAHO		
District 1:		
Benewah	49.7	1.21
Bonner	30.5	1.14
Boundary	49.2	1.13
Clearwater	47.9	1.18
Idaho	47.7	1.18
Kootenai	38.6	1.20
Latah	52.8	1.21
Lewis	55.8	1.18
Nez Perce	51.8	1.21
Shoshone		
District 7:		
Ada	51.0	1.15
Adams	33.5	1.15
Boise	35.5	1.15
Canyon	66.0	1.15
Elmore	34.0	1.14
Gem	50.8	1.15
Owyhee	67.0	1.15
Payette	53.8	1.15
Valley	23.6	1.14
Washington	36.9	1.15
District 8:		
Bannock	27.9	1.11
Bear Lake	26.4	1.08
Bingham	50.2	1.09
Bonneville	33.5	1.08
Butte	38.6	1.09
Caribou	30.5	1.10
Clark	30.0	1.06
Custer	51.0	1.09
Franklin	33.0	1.13
Fremont	37.6	1.06
Jefferson	50.2	1.08
Lemhi	50.4	1.08
Madison	37.1	1.07
Oneida	25.1	1.13
Power	25.4	1.11
Teton	30.5	1.05
State check yield	40.1	
ILLINOIS		
District 1:		
Bureau	39.8	1.34
Carroll	35.5	1.33
Henry	37.3	1.28

## RULES AND REGULATIONS

## ILLINOIS—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 1—Continued</b>		
Jo Daviess	33.2	1.20
Lee	42.3	1.35
Mercer	35.2	1.25
Ogle	38.5	1.35
Putnam	41.9	1.32
Rock Island	34.1	1.29
Stephenson	34.0	1.34
Whiteside	37.7	1.34
Winnebago	35.4	1.35
<b>District 3:</b>		
Boone	40.0	1.35
Cook	41.7	1.36
De Kalb	43.4	1.35
Du Page	43.3	1.36
Grundy	41.7	1.32
Kane	43.3	1.36
Kendall	40.5	1.36
Lake	39.9	1.35
La Salle	41.9	1.33
McHenry	40.4	1.35
Will	41.5	1.33
<b>District 4:</b>		
Adams	37.0	1.24
Brown	36.6	1.25
Fulton	36.4	1.27
Hancock	35.8	1.24
Henderson	37.9	1.25
Knox	39.1	1.26
McDonough	39.3	1.25
Schuylerville	36.7	1.26
Warren	41.2	1.28
<b>District 4A:</b>		
Bond	34.6	1.35
Calhoun	33.9	1.35
Cass	37.0	1.27
Christian	42.2	1.32
Greene	36.4	1.36
Jersey	38.7	1.36
Macoupin	39.8	1.35
Madison	37.5	1.36
Montgomery	37.9	1.35
Morgan	40.0	1.31
Pike	34.5	1.29
Sangamon	42.1	1.31
Scott	36.0	1.34
<b>District 5:</b>		
De Witt	43.2	1.30
Logan	41.9	1.29
McLean	42.0	1.27
Macon	44.2	1.32
Marshall	41.4	1.29
Mason	35.6	1.27
Menard	39.1	1.27
Peoria	41.4	1.28
Stark	40.0	1.30
Tazewell	39.5	1.27
Woodford	41.5	1.27
<b>District 6:</b>		
Champaign	43.5	1.31
Ford	40.0	1.28
Iroquois	40.2	1.32
Kankakee	40.0	1.33
Livingston	38.9	1.28
Platt	42.3	1.31
Vermilion	42.3	1.31
<b>District 6A:</b>		
Clark	38.1	1.27
Clay	34.1	1.27
Coles	43.0	1.27
Crawford	36.5	1.25
Cumberland	40.5	1.29
Douglas	44.3	1.30
Edgar	42.1	1.27
Effingham	39.6	1.31
Fayette	36.8	1.33
Jasper	39.8	1.26
Lawrence	36.5	1.26
Marion	35.2	1.35
Moultrie	42.1	1.31
Richland	34.2	1.26
Shelby	40.8	1.33
<b>District 7:</b>		
Alexander	35.4	1.32
Clinton	34.5	1.34
Jackson	34.1	1.35
Johnson	27.2	1.23
Monroe	39.1	1.35
Perry	31.8	1.36
Pulaski	31.2	1.32
Randolph	34.7	1.35
St. Clair	37.4	1.35
Union	34.1	1.33
Washington	35.2	1.35
Williamson	28.7	1.34
<b>District 9:</b>		
Edwards	34.7	1.28
Franklin	29.9	1.35
Gallatin	36.3	1.26
Hamilton	31.2	1.32
Hardin	27.4	1.19
Jefferson	31.6	1.35

## ILLINOIS—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 9—Continued</b>		
Massac	31.8	1.28
Pope	27.2	1.22
Saline	30.1	1.25
Wabash	38.8	1.29
Wayne	33.5	1.30
White	34.2	1.27
State check yield	38.0	-----
<b>INDIANA</b>		
District 1:	Wheat	
	Projected yield	Rate (dollars per bushel)
Benton	43.4	1.29
Jasper	39.5	1.34
Lake	42.6	1.35
La Porte	39.0	1.35
Newton	42.2	1.35
Porter	40.8	1.36
Pulaski	37.0	1.35
Starke	33.0	1.35
White	43.2	1.35
District 2:	Wheat	
	Projected yield	Rate (dollars per bushel)
Carroll	44.2	1.28
Cass	41.7	1.29
Elkhart	35.3	1.29
Fulton	36.4	1.34
Kosciusko	36.2	1.28
Marshall	36.9	1.34
Miami	42.0	1.28
St. Joseph	35.6	1.34
Wabash	39.6	1.26
District 3:	Wheat	
	Projected yield	Rate (dollars per bushel)
Adams	42.7	1.23
Allen	42.0	1.23
De Kalb	38.5	1.23
Huntington	43.3	1.23
Lagrange	34.1	1.24
Noble	35.8	1.24
St. Joseph	38.7	1.23
Wells	43.5	1.23
Whitley	41.8	1.25
District 4:	Wheat	
	Projected yield	Rate (dollars per bushel)
Clay	38.5	1.26
Fountain	42.1	1.24
Montgomery	43.0	1.25
Owen	29.2	1.23
Parke	40.3	1.24
Putnam	38.1	1.24
Tipppecanoe	41.3	1.27
Vermillion	40.8	1.31
Vigo	39.8	1.31
Warren	41.9	1.29
District 5:	Wheat	
	Projected yield	Rate (dollars per bushel)
Bartholomew	37.6	1.28
Boone	42.6	1.24
Clinton	43.5	1.26
Decatur	36.0	1.27
Grant	41.4	1.24
Hamilton	42.9	1.24
Hancock	40.4	1.25
Hendricks	42.7	1.25
Howard	44.0	1.26
Johnson	40.9	1.25
Madison	42.7	1.24
Marion	38.9	1.25
Morgan	37.9	1.23
Rush	35.5	1.25
Shelby	36.8	1.25
Tipton	46.0	1.24
District 6:	Wheat	
	Projected yield	Rate (dollars per bushel)
Blackford	40.5	1.25
Delaware	41.0	1.23
Fayette	35.5	1.25
Henry	39.1	1.25
Jay	36.4	1.23
Randolph	40.6	1.24
Union	38.0	1.25
Wayne	38.0	1.24
District 7:	Wheat	
	Projected yield	Rate (dollars per bushel)
Daviess	40.0	1.22
Dubois	34.7	1.30
Gibson	37.0	1.26
Greene	38.5	1.23
Knox	44.4	1.24
Martin	36.1	1.23
Pike	36.0	1.26
Posey	34.2	1.26
Spencer	34.5	1.29
Sullivan	41.4	1.26
Vanderburgh	37.4	1.31
Warrick	34.6	1.31
District 8:	Wheat	
	Projected yield	Rate (dollars per bushel)
Brown	27.4	1.25
Crawford	28.0	1.29
Floyd	32.6	1.32
Harrison	31.0	1.25
Lawrence	31.6	1.29
Monroe	28.6	1.31
District 9:	Wheat	
	Projected yield	Rate (dollars per bushel)
Adair	25.8	1.25
Adams	26.4	1.30
Cass	27.8	1.25
Fremont	27.3	1.30
Mills	27.6	1.30
Montgomery	27.3	1.30

## INDIANA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 8—Continued</b>		
Orange	34.1	1.31
Perry	30.0	1.29
Washington	32.4	1.31
<b>District 9:</b>		
Clark	34.7	1.32
Dearborn	30.8	1.25
Franklin	32.0	1.25
Jefferson	31.2	1.26
Jennings	31.4	1.27
Ohio	29.7	1.25
Ripley	32.0	1.26
Scott	31.4	1.29
Switzerland	30.6	1.26
State check yield	38.6	-----
<b>IOWA</b>		
District 1:	Wheat	
	Projected yield	Rate (dollars per bushel)
Buena Vista	25.5	1.31
Cherokee	32.9	1.30
Clay	28.8	1.32
Dickinson	22.4	1.33
Emmet	27.4	1.35
Lyon	23.1	1.31
O'Brien	27.1	1.32
Osceola	24.2	1.33
Palo Alto	29.0	1.33
Plymouth	24.5	1.32
Pocahontas	25.1	1.32
Sioux	27.1	1.33
District 2:	Wheat	
	Projected yield	Rate (dollars per bushel)
Butler	33.3	1.32
Cerro Gordo	28.3	1.34
Floyd	28.9	1.34
Franklin	30.1	1.32
Hancock	27.2	1.34
Humboldt	30.5	1.32
Kossuth	30.5	1.33
Mitchell	26.9	1.35
Winnebago	27.5	1.35
Worth	26.6	1.35
Wright	28.0	1.32
District 3:	Wheat	
	Projected yield	Rate (dollars per bushel)
Allamakee	29.5	1.33
Black Hawk	31.2	1.32
Bremer	28.0	1.32
Buchanan	28.3	1.31
Chickasaw	29.9	1.33
Clayton	31.0	1.31
Delaware	29.6	1.31
Dubuque	32.7	1.30
Fayette	32.9	1.32
Howard	27.1	1.34
Winneshiek	30.3	1.33
District 4:	Wheat	
	Projected yield	Rate (dollars per bushel)
Audubon	27.4	1.27
Calhoun	27.1	1.31
Carroll	31.7	1.30
Crawford	28.3	1.29
Greene	24.7	1.30
Guthrie	27.0	1.29
Harrison	27.6	1.26
Ida	27.3	1.29
Monona	24.2	1.30
Sac	33.2	1.30
Shelby	31.9	1.25
Woodbury	25.2	1.30
District 5:	Wheat	
	Projected yield	Rate (dollars per bushel)
Boone	28.7	1.30
Dallas	30.1	1.30
Grundy	30.3	1.31
Hamilton	30.1	1.32
Hardin	27.8	1.32
Jasper	29.5	1.30
Marshall	33.3	1.31
Polk	30.8	1.30
Powershiek	28.4	1.29
Story	29.5	1.30
Tama	26.4	1.31
Webster	30.2	1.32
District 6:	Wheat	
	Projected yield	Rate (dollars per bushel)
Benton	32.3	1.31
Cedar	31.4	1.30
Clinton	28.9	1.27
Iowa	29.4	1.29
Jackson	30.7	1.28
Johnson	28.0	1.30
Jones	29.2	1.30
Linn	31.8	1.31
Muscatine	32.4	1.28
Scott	32.2	1.27
District 7:	Wheat	
	Projected yield	Rate (dollars per bushel)
Adair	25.8	1.25
Adams	26.4	1.30
Cass	27.8	1.25
Fremont	27.3	1.30
Mills	27.6	1.30
Montgomery	27.3	1.30

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**IOWA—Continued**

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 7—Continued		
Page	26.6	1.30
East Pottawattamie		
Taylor	26.6	1.26
West Pottawattamie		
Pottawattamie	27.2	1.28
District 8:		
Appanoose	29.3	1.24
Clarke	27.0	1.26
Decatur	26.6	1.24
Lucas	23.9	1.25
Madison	27.8	1.27
Marion	29.9	1.28
Monroe	25.3	1.26
Ringgold	24.9	1.25
Union	27.0	1.28
Warren	27.5	1.28
Wayne	27.2	1.25
District 9:		
Davis	30.3	1.25
Des Moines	37.0	1.26
Henry	32.0	1.26
Jefferson	31.0	1.26
Keokuk	27.8	1.27
Lee	34.1	1.24
Louisa	25.0	1.26
Mahaska	30.5	1.28
Van Buren	29.8	1.24
Wapello	30.3	1.26
Washington	31.6	1.27
State check yield	27.8	

**KANSAS**

District 1:		
Cheyenne	28.8	1.16
Decatur	30.1	1.18
Graham	24.2	1.20
Norton	26.8	1.20
Rawlins	30.1	1.17
Sheridan	30.6	1.18
Sherman	31.2	1.16
Thomas	31.2	1.17
District 4:		
Gove	29.9	1.18
Greeley	27.7	1.16
Lane	28.4	1.18
Logan	29.8	1.17
Ness	22.8	1.20
Scott	32.9	1.17
Trego	26.6	1.20
Wallace	26.4	1.16
Wichita	30.5	1.16
District 7:		
Clark	22.3	1.17
Finney	29.3	1.17
Ford	24.3	1.19
Grant	29.2	1.16
Gray	24.7	1.18
Hamilton	27.9	1.16
Haskell	25.1	1.17
Hodgeman	24.1	1.20
Kearny	29.6	1.16
Meade	22.2	1.17
Morton	22.8	1.19
Seward	22.5	1.20
Stanton	28.4	1.14
Stevens	24.7	1.16
District 2:		
Clay	27.4	1.24
Cloud	29.6	1.23
Jewell	28.0	1.22
Mitchell	27.1	1.22
Osborne	23.9	1.22
Ottawa	28.0	1.23
Phillips	25.4	1.20
Republic	28.5	1.23
Rooks	23.1	1.21
Smith	26.7	1.22
Washington	29.1	1.24
District 5:		
Barton	22.4	1.20
Dickinson	30.2	1.23
Ellis	20.5	1.20
Ellsworth	25.2	1.22
Lincoln	26.4	1.22
McPherson	28.4	1.22
Marion	30.3	1.23
Rice	25.8	1.22
Rush	22.3	1.20
Russell	21.7	1.21
Saline	20.0	1.23
District 8:		
Barber	24.4	1.21
Comanche	20.2	1.18
Edwards	23.8	1.20
Harper	26.1	1.22
Harvey	31.8	1.23
Kingman	22.3	1.22

**KANSAS—Continued**

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 8—Continued		
Kiowa	22.7	1.20
Pawnee	24.1	1.20
Pratt	22.1	1.20
Reno	26.7	1.22
Sedwick	28.6	1.23
Stafford	23.3	1.20
Sumner	28.5	1.23
District 3:		
Atchison	28.3	1.30
Brown	32.8	1.30
Doniphan	31.8	1.30
Jackson	29.7	1.29
Jefferson	26.6	1.30
Leavenworth	30.0	1.30
Marshall	29.5	1.27
Nemaha	32.2	1.28
Pottawatomie	28.3	1.27
Riley	28.9	1.27
Wyandotte	34.2	1.30
District 6:		
Anderson	29.7	1.29
Chase	29.9	1.25
Coffey	28.5	1.28
Douglas	31.5	1.30
Franklin	29.3	1.30
Geary	33.4	1.28
Johnson	33.2	1.30
Linn	27.2	1.30
Lyon	25.7	1.27
Miami	30.8	1.30
Morris	29.5	1.25
Osage	29.8	1.28
Shawnee	29.8	1.29
Wabaunsee	29.2	1.27
District 9:		
Allen	26.6	1.27
Bourbon	26.2	1.29
Butler	29.5	1.23
Chautauqua	33.0	1.25
Cherokee	27.8	1.27
Cowley	29.9	1.23
Crawford	26.7	1.27
Elk	27.6	1.25
Greenwood	26.6	1.26
Lafette	30.8	1.27
Montgomery	33.3	1.27
Neosho	28.7	1.27
Wilson	28.4	1.27
Woodson	24.5	1.27
State check yield	26.7	
<b>KENTUCKY</b>		
District 1:		
Ballard	31.4	1.30
Calloway	31.2	1.30
Carlisle	27.8	1.30
Fulton	36.0	1.30
Graves	35.1	1.30
Hickman	35.6	1.30
Livingston	26.3	1.30
Lyon	26.7	1.31
McCracken	34.3	1.30
Marshall	27.6	1.30
Trigg	33.7	1.31
District 2:		
Caldwell	30.8	1.31
Christian	35.0	1.31
Crittenden	29.8	1.30
Daviess	31.4	1.30
Hancock	26.4	1.31
Henderson	36.4	1.30
Hopkins	30.5	1.31
Logan	34.8	1.31
McLean	27.4	1.30
Muhlenberg	26.7	1.31
Ohio	24.7	1.31
Simpson	34.8	1.32
Todd	36.3	1.31
Union	34.2	1.30
Webster	29.7	1.30
District 3:		
Adair	27.0	1.33
Allen	24.9	1.32
Barren	26.4	1.32
Breckinridge	26.8	1.31
Bullitt	26.0	1.33
Butler	24.7	1.31
Casey	23.7	1.34
Clinton	23.5	1.34
Cumberland	21.1	1.33
Edmonson	21.8	1.31
Grayson	23.7	1.32
Hardin	28.0	1.32
Hart	26.2	1.32
Jefferson	31.7	1.33
Larue	29.1	1.33

**KENTUCKY—Continued**

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 3—Continued		
Marion	26.8	1.34
Meade	27.4	1.31
Metcalf	24.1	1.32
Monroe	24.7	1.33
Nelson	25.7	1.34
Russell	22.4	1.33
Taylor	26.7	1.34
Warren	30.1	1.31
District 4:		
Boone	26.0	1.33
Bracken	30.1	1.34
Campbell	27.6	1.33
Carroll	25.3	1.33
Gallatin	26.7	1.33
Grant	28.5	1.34
Henry	31.7	1.33
Kenton	26.6	1.33
Oldham	30.7	1.33
Owen	28.0	1.34
Pendleton	24.9	1.34
Trimble	31.4	1.33
District 5:		
Anderson	22.5	1.34
Bath	24.1	1.34
Bourbon	29.5	1.35
Boyle	24.8	1.35
Clark	30.6	1.35
Fayette	31.8	1.35
Fleming	26.8	1.34
Franklin	26.2	1.34
Garrard	23.7	1.35
Harrison	28.8	1.34
Jessamine	25.5	1.35
Lincoln	23.2	1.35
Madison	26.9	1.35
Mason	28.7	1.34
Mercer	24.5	1.35
Montgomery	27.0	1.34
Nicholas	28.7	1.34
Robertson	25.7	1.34
Scott	27.0	1.34
Shelby	27.8	1.33
Spencer	25.0	1.33
Washington	23.7	1.35
Woodford	31.2	1.35
District 6:		
Bell		
Boyd	24.1	1.35
Breathitt		
Carter	25.5	1.34
Clay	22.6	1.33
Elliott		
Estill	24.0	1.34
Floyd		
Greenup	24.8	1.35
Harlan		
Jackson	24.3	1.33
Johnson		
Knott		
Knox	24.1	1.33
Laurel	24.1	1.34
Lawrence		
Lee	20.9	1.34
Leslie		
Letcher		
Lewis	24.9	1.35
McCreary		
Magoffin		
Martin		
Menifee		
Morgan	20.9	1.33
Owsley		
Perry		
Pike		
Powell	24.0	1.34
Pulaski	26.0	1.35
Rockcastle	26.8	1.35
Rowan	22.8	1.35
Wayne	26.8	1.34
Whitley		
Wolfe	19.3	1.33
State check yield	31.0	
<b>LOUISIANA (PARISHES)</b>		
District 1:		
Bossier	27.6	1.36
Caddo	25.7	1.36
De Soto	22.2	1.36
Red River	28.3	1.36
Webster	20.9	1.36
District 2:		
Bienville	20.9	1.36
Caldwell	27.6	1.36
Claiborne	17.8	1.36
Jackson	18.8	1.36
Lincoln		
Ouachita	27.6	1.36

## RULES AND REGULATIONS

## LOUISIANA (PARISHES)—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 2—Continued		
Union	20.9	1.36
Winn		
District 3:		
East Carroll	27.2	1.36
Franklin	25.3	1.36
Madison	28.0	1.36
Morehouse	24.5	1.36
Richland	24.3	1.36
Tensas	26.2	1.36
West Carroll	26.1	1.36
District 4:		
Natchitoches	22.7	1.36
Sabine		
Vernon		
District 5:		
Avoyelles	23.4	1.36
Catahoula	25.7	1.36
Concordia	26.3	1.36
Evangeline	23.7	1.36
Grant		
La Salle	22.5	1.36
Pointe Coupee	22.8	1.36
Rapides	21.8	1.36
St. Landry	19.4	1.36
West Baton Rouge	23.0	1.36
District 6:		
East Baton Rouge	24.1	1.36
East Feliciana		
Livingston		
St. Helena		
St. Tammany		
Tangipahoa		
Washington		
West Feliciana	24.6	1.36
District 7:		
Acadia	22.0	1.36
Allen	20.9	1.36
Beauregard		
Calcasieu	20.9	1.36
Cameron		
Jefferson Davis	20.1	1.36
Vermillion	20.9	1.36
District 8:		
Assumption		
Iberia		
Iberville		
Lafayette		
St. Martin		
St. Mary		
District 9:		
Ascension		
Jefferson		
Lafourche		
Orleans		
Plaquemines		
St. Bernard		
St. Charles		
St. James	20.9	1.36
St. John the Baptist		
Terrebonne		
State check yield	26.7	

## MAINE

District 1:		
Aroostook	32.0	All
District 2:		
Hancock		1.38
Penobscot	32.0	
Piscataquis		
Somerset	31.6	
Waldo	28.0	
Washington	31.2	
District 3:		
Androscoggin	31.2	
Cumberland	30.1	
Franklin	23.0	
Kennebec	31.2	
Knox		
Lincoln		
Oxford		
Sagadahoc		
York	31.2	
State check yield	31.5	

## MARYLAND

District 1:		
Garrett	25.5	1.38
District 2:		
Washington	28.5	1.37
	29.1	1.42

## MARYLAND—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 3:		
Baltimore	31.6	1.46
Carroll	30.3	1.46
Frederick	28.3	1.45
Harford	35.1	1.47
Howard	29.6	1.50
Montgomery	29.1	1.45
District 4:		
Cecil	34.1	1.46
Kent	33.0	1.47
Queen Anne's	30.9	1.47
Talbot	31.0	1.47
District 5:		
Anne Arundel	20.9	1.46
Calvert	22.9	1.44
Charles	22.1	1.44
Prince Georges	19.7	1.45
St. Marys	23.7	1.45
District 6:		
Caroline	30.3	1.47
Dorchester	31.4	1.46
Somerset	27.8	1.44
Wicomico	27.9	1.46
Worcester	27.9	1.45
State check yield	29.9	

## MASSACHUSETTS

Barnstable		
Berkshire	32.0	1.41
Bristol	30.3	1.41
Dukes		
Essex	31.6	1.41
Franklin	32.0	1.41
Hampden	33.1	1.41
Hampshire	32.2	1.41
Middlesex	28.7	1.41
Nantucket		
Norfolk		
Plymouth	28.3	1.41
Suffolk		
Worcester	30.3	1.41
State check yield	31.9	

## MICHIGAN

District 1:		
Alger	23.9	1.23
Baraga	26.9	1.29
Chippewa	23.9	1.09
Delta	20.9	1.23
Dickinson	20.9	1.23
Gogebic	19.9	1.32
Houghton	22.9	1.25
Iron	19.9	1.26
Keweenaw		
Luce	18.9	1.09
Mackinac	24.9	1.09
Marquette	21.9	1.26
Menominee	26.9	1.23
Ontonagon	19.9	1.24
Schoolcraft	19.9	1.22
District 2:		
Antrim	27.9	1.10
Benzine	18.9	1.19
Charlevoix	25.9	1.10
Emmet	29.8	1.10
Grand Traverse	27.9	1.13
Kalkaska	17.9	1.11
Leelanau	25.9	1.10
Manistee	25.9	1.19
Missaukee	32.8	1.16
Wexford	23.9	1.17
District 3:		
Alcona	29.8	1.12
Alpena	32.8	1.12
Cheboygan	23.9	1.10
Crawford	23.9	1.13
Iosco	29.8	1.13
Montmorency	29.8	1.11
Ogemaw	32.8	1.17
Oscoda	29.8	1.17
Otsego	23.9	1.10
Presque Isle	27.9	1.10
Roscommon	32.8	1.17
District 4:		
Lake	30.8	1.19
Mason	34.8	1.19
Muskegon	35.8	1.19
Newaygo	34.8	1.18
Oceana		
Clare	34.8	1.19
Gladwin	34.8	1.18

## MICHIGAN—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 5—Continued		
Gratiot	42.8	1.21
Isabella	37.8	1.19
Mecosta	35.8	1.19
Midland	40.8	1.19
Monteagle	36.8	1.19
Osceola	31.8	1.19
District 6:		
Arenac	34.8	1.14
Bay	42.8	1.19
Huron	42.8	1.22
Saginaw	42.8	1.21
Sanilac	39.8	1.22
Tuscola	42.8	1.22
District 7:		
Allegan	35.8	1.22
Berrien	34.8	1.21
Cass	33.8	1.26
Kalamazoo	35.8	1.25
Kent	35.8	1.21
Ottawa	35.8	1.22
Van Buren	35.8	1.24
District 8:		
Barry	35.8	1.22
Branch	34.8	1.23
Calhoun	35.8	1.26
Clinton	40.8	1.21
Eaton	39.8	1.22
Hillsdale	35.8	1.23
Ingham	40.8	1.22
Ionia	40.8	1.21
Jackson	35.8	1.26
St. Joseph	34.8	1.25
Shiawassee	40.8	1.22
District 9:		
Genesee	37.8	1.22
Lapeer	38.8	1.22
Lenawee	40.8	1.27
Livington	36.8	1.29
Macomb	37.8	1.26
Monroe	38.8	1.27
Oakland	36.8	1.24
St. Clair	37.8	1.25
Washtenaw	38.8	1.24
Wayne	33.8	1.25
State check yield	38.5	

## MINNESOTA

District 1:		
Becker	25.5	1.39
Clay	28.3	1.38
Clearwater	23.7	1.40
Kittson	24.6	1.33
Mahnomen	26.6	1.38
Marshall	27.2	1.35
Norman	27.1	1.37
Pennington	26.3	1.37
East Polk	27.3	1.37
West Polk	28.1	1.37
Red Lake	25.3	1.38
Rosseau	22.2	1.34
District 2:		
Beltrami	21.3	1.41
Cass	20.7	1.44
Hubbard	21.1	1.41
Itasca	22.0	1.46
Koochiching	22.2	1.39
Lake of Woods	23.2	1.37
District 3:		
Cook		
Lake		
North St. Louis		
South St. Louis		
St. Louis	24.5	1.40
District 4:		
Bigstone	22.6	1.41
Chippewa	22.9	1.44
Douglas	24.3	1.43
Grant	25.1	1.42
Lac Qui Parle	21.6	1.42
East Otter Tail	24.7	1.41
West Otter Tail	25.4	1.41
Pope	22.2	1.44
Stevens	24.1	1.43
Swift	22.1	1.44
Traverse	23.8	1.40
Wilkin	25.8	1.40
Yellow Medicine	22.9	1.43
District 5:		
Benton	22.7	1.45
Carver	28.9	1.45
Kandiyohi	26.2	1.45
McLeod	27.7	1.45
Meeker	26.8	1.45
Morrison	21.2	1.45
Renville	26.8	1.45

## MINNESOTA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 5—Continued</b>		
Scott	28.3	1.45
Sherburne	21.6	1.45
Sibley	27.8	1.45
Stearns	23.3	1.45
Todd	21.8	1.44
Wadena	21.1	1.43
Wright	26.3	1.45
<b>District 6:</b>		
Aitkin	20.5	1.47
Anoka	23.7	1.45
Carlton	22.0	1.47
Chisago	22.7	1.45
Crow Wing	21.7	1.45
Hennepin	24.0	1.45
Isanti	23.7	1.45
Kanabec	23.7	1.45
Mille Lacs	23.4	1.45
Pine	20.9	1.46
Ramsey	24.5	1.45
Washington	27.4	1.45
<b>District 7:</b>		
Cottonwood	24.3	1.42
Jackson	23.7	1.42
Lincoln	22.6	1.40
Lyon	22.8	1.42
Murray	21.4	1.41
Nobles	23.1	1.37
Pipestone	22.4	1.38
Redwood	23.0	1.44
Rock	22.8	1.36
<b>District 8:</b>		
Blue Earth	28.7	1.45
Brown	24.9	1.45
Faribault	29.3	1.44
Freeborn	29.1	1.44
Le Sueur	29.4	1.45
Martin	26.5	1.43
Nicollet	28.0	1.45
Rice	27.2	1.45
Steele	29.4	1.45
Waseca	29.7	1.45
Watonwan	23.4	1.44
<b>State check yield</b>		
	26.2	

## MISSISSIPPI

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 1:</b>		
Bolivar	31.1	1.29
Coahoma	30.2	1.29
Quitman	29.3	1.29
Tallahatchie	31.0	1.29
Tunica	33.2	1.29
<b>District 2:</b>		
Benton	25.3	1.29
Calhoun	26.6	1.29
De Soto	33.1	1.29
Grenada	25.1	1.29
Lafayette	24.9	1.29
Marshall	26.4	1.29
Panola	29.5	1.29
Tate	31.2	1.29
Yalobusha	25.8	1.29
<b>District 3:</b>		
Alcorn	25.0	1.29
Itawamba	27.4	1.29
Lee	27.2	1.29
Pontotoc	25.7	1.29
Prentiss	26.2	1.29
Tippah	24.9	1.29
Tishomingo	24.5	1.29
Union	26.8	1.29
<b>District 4:</b>		
Humphreys	30.9	1.29
Issaquena	31.2	1.29
Leflore	32.2	1.29
Sharkey	32.4	1.29
Sunflower	31.2	1.29
Washington	31.8	1.29
Yazoo	33.0	1.29
<b>District 5:</b>		
Attala	24.0	1.29
Carroll	27.6	1.29
Choctaw	20.7	1.29
Holmes	29.6	1.29
Leake	23.3	1.29
Madison	27.3	1.29
Montgomery	25.8	1.29
Rankin	23.4	1.29

## MISSISSIPPI—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 5—Continued</b>		
Scott	22.8	1.29
Webster	27.2	1.29
<b>District 6:</b>		
Chickasaw	24.7	1.29
Clay	24.7	1.29
Kemper	21.6	1.29
Lowndes	25.7	1.29
Monroe	25.1	1.29
Neshoba	20.7	1.29
Noxubee	27.6	1.29
Oktibbeha	20.9	1.29
Winston	23.1	1.29
<b>District 7:</b>		
Adams	26.6	1.29
Amitie	22.6	1.29
Claiborne	27.0	1.29
Copiah	23.2	1.29
Franklin	18.8	1.29
Hinds	27.3	1.29
Jefferson	25.8	1.29
Lincoln	22.9	1.29
Warren	29.5	1.29
Wilkinson	22.6	1.29
<b>District 8:</b>		
Covington	24.3	1.29
Jefferson Davis	22.8	1.29
Lamar		
Lawrence	20.9	1.29
Marion	21.7	1.29
Pike	23.2	1.29
Simpson	22.0	1.29
Smith	22.0	1.29
Walthall	22.6	1.29
<b>District 9:</b>		
Clarke	23.4	1.29
Forrest	22.2	1.29
George	24.7	1.29
Greene		
Hancock		
Harrison		
Jackson	22.4	1.29
Jasper	22.0	1.29
Jones	23.9	1.29
Lauderdale	21.2	1.29
Newton	22.4	1.29
Pearl River	21.3	1.29
Perry	21.0	1.29
Stone		
Wayne	20.8	1.29
<b>State check yield</b>		
	31.4	

## MISSOURI

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 1:</b>		
Andrew	29.2	1.30
Atchison	27.2	1.29
Buchanan	31.3	1.30
Caldwell	32.0	1.30
Clay	32.4	1.30
Clinton	32.1	1.30
Daviess	29.4	1.29
De Kalb	31.3	1.30
Gentry	30.9	1.30
Harrison	30.1	1.28
Holt	31.3	1.30
Nodaway	31.0	1.30
Platte	32.4	1.30
Ray	33.8	1.30
Worth	27.4	1.30
<b>District 2:</b>		
Adair	31.8	1.28
Carroll	33.3	1.30
Chariton	34.9	1.29
Grundy	28.3	1.28
Linn	32.5	1.28
Livingston	31.2	1.29
Macon	31.5	1.27
Mercer	31.2	1.26
Putnam	28.3	1.25
Randolph	34.3	1.31
Schuylerville	31.9	1.28
Sullivan	29.0	1.27
<b>District 3:</b>		
Audrain	36.0	1.34
Clark	31.3	1.28
Knox	34.2	1.29
Lewis	33.0	1.29
Marion	33.8	1.30
Monroe	32.9	1.31
Pike	33.6	1.34
Ralls	33.1	1.31
Scotland	29.2	1.29
Shelby	32.7	1.30
<b>District 4:</b>		
Bates	28.4	1.30
Cass	28.9	1.30
Cedar	26.3	1.29
Henry	30.0	1.30

## MISSOURI—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 4—Continued</b>		
Jackson	34.4	1.30
Johnson	28.3	1.28
Lafayette	33.3	1.30
St. Clair	25.1	1.29
Vernon	27.4	1.29
<b>District 5:</b>		
Benton	28.2	1.28
Boone	33.5	1.32
Callaway	37.0	1.33
Camden	28.2	1.29
Cole	32.7	1.32
Cooper	35.3	1.30
Dallas	26.5	1.26
Hickory	27.0	1.27
Howard	33.0	1.31
Laclede	30.7	1.28
Maries	29.1	1.35
Miller	30.1	1.32
Moniteau	32.4	1.30
Morgan	31.3	1.29
Osage	33.5	1.33
Pettis	32.0	1.31
Phelps	31.3	1.32
Polk	29.7	1.27
Pulaski	24.1	1.30
Saline	32.0	1.29
<b>District 6:</b>		
Crawford	29.5	1.34
Franklin	34.5	1.36
Gasconade	31.9	1.35
Jefferson	30.4	1.36
Lincoln	35.0	1.36
Montgomery	37.0	1.35
Perry	37.7	1.33
St. Charles	39.0	1.37
St. Francois	32.5	1.34
St. Genevieve	35.9	1.35
St. Louis	38.4	1.37
Warren	37.0	1.37
Washington	33.9	1.35
<b>District 7:</b>		
Barry	29.0	1.25
Barton	27.4	1.27
Christian	25.8	1.25
Dade	29.4	1.27
Greene	27.8	1.26
Jasper	29.8	1.27
Lawrence	27.7	1.25
McDonald	26.4	1.25
Newton	27.2	1.25
Stone	25.5	1.24
<b>District 8:</b>		
Bollinger	32.2	1.32
Carter	30.3	1.30
Dent	24.8	1.31
Douglas	22.4	1.22
Howell	21.5	1.26
Iron	21.8	1.33
Madison	25.0	1.33
Oregon	28.1	1.29
Ozark	25.5	1.24
Reynolds	27.8	1.27
Ripley	23.3	1.34
Shannon	26.1	1.27
Taney	22.9	1.23
Texas	24.4	1.22
Wayne	27.2	1.31
Webster	22.9	1.26
Wright	25.2	1.22
<b>District 9:</b>		
Butler	35.4	1.35
Cape Girardeau	38.4	1.34
Dunklin	36.3	1.36
Mississippi	42.4	1.35
New Madrid	40.8	1.36
Pemiscot	45.3	1.36
Scott	39.0	1.34
Stoddard	38.7	1.34
<b>State check yield</b>		
	32.3	
<b>MONTANA</b>		
<b>District 1:</b>		
Deerlodge	42.1	1.08
Flathead	38.3	1.06
Granite	32.0	1.06
Lake	30.2	1.06
Lincoln	25.1	1.06
Mineral	29.3	1.09
Missoula	29.1	1.09
Powell	30.8	1.08
Ravalli	33.5	1.06
Sanders	26.7	1.09
<b>District 2:</b>		
Blaire	21.5	1.04
Chouteau	26.2	1.04
Glacier	24.0	1.04
Hill	21.7	1.04

## RULES AND REGULATIONS

## MONTANA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 2—Continued</b>		
Liberty	22.0	1.04
Phillips	21.7	1.05
Pondera	24.1	1.04
Teton	25.4	1.04
Toole	21.6	1.04
<b>District 3:</b>		
Daniels	21.6	1.09
Dawson	20.2	1.15
Garfield	18.7	1.13
McCone	20.9	1.14
Richland	22.6	1.14
Roosevelt	21.6	1.13
Sheridan	25.3	1.12
Valley	21.9	1.08
<b>District 5:</b>		
Broadwater	28.0	1.06
Cascade	27.5	1.04
Fergus	29.9	1.04
Golden Valley	24.9	1.04
Judith Basin	28.9	1.04
Lewis and Clark	24.2	1.04
Meagher	26.4	1.03
Musselshell	24.2	1.04
Petroleum	24.2	1.04
Wheatland	24.3	1.04
<b>District 7:</b>		
Beaverhead	25.5	1.02
Gallatin	33.6	1.08
Jefferson	24.3	1.06
Madison	29.1	1.08
Silver Bow	21.2	1.08
<b>District 8:</b>		
Big Horn	28.9	1.03
Carbon	30.0	1.04
Park	28.0	1.06
Stillwater	28.7	1.04
Sweet Grass	22.9	1.04
Treasure	28.2	1.08
Yellowstone	29.9	1.04
<b>District 9:</b>		
Carter	17.6	1.18
Custer	24.7	1.14
Fallon	17.7	1.18
Powder River	23.5	1.12
Prairie	22.1	1.15
Rosebud	24.7	1.09
Wilbaux	19.6	1.18
<b>State check yield</b>		
	24.0	

## NEBRASKA

District 1:		
Banner	26.9	1.11
Box Butte	27.7	1.15
Cheyenne	27.0	1.12
Dawes	26.0	1.12
Deuel	27.7	1.15
Garden	28.3	1.15
Kimball	24.2	1.11
Morrill	24.9	1.14
Scotts Bluff	26.8	1.12
Sheridan	25.2	1.14
Sioux	26.1	1.12
<b>District 2:</b>		
Arthur	18.6	1.16
Blaine		
Boyd	21.5	1.23
Brown	23.7	1.20
Cherry	23.3	1.18
Garfield	23.5	1.24
Grant		
Holt	18.8	1.24
Hooker	14.8	1.18
Keyapaha	21.2	1.20
Logan	24.3	1.20
Loup	27.4	1.23
McPherson	20.5	1.20
Rock	19.0	1.21
Thomas	14.5	1.20
Wheeler	20.6	1.27
<b>District 3:</b>		
Antelope	27.4	1.27
Boone	28.7	1.27
Burt	30.6	1.30
Cedar	21.6	1.25
Cuming	30.6	1.30
Dakota	28.3	1.26
Dixon	26.2	1.27
Knox	25.5	1.24
Madison	29.0	1.28
Pierce	28.4	1.27
Stanton	28.6	1.28
Thurston	27.4	1.29
Wayne	27.9	1.26
<b>District 5:</b>		
Buffalo	26.5	1.25
Custer	26.6	1.22
Dawson	25.6	1.23

## NEBRASKA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 5—Continued</b>		
Greeley	27.3	1.26
Hall	25.8	1.26
Howard	26.5	1.26
Sherman	27.3	1.25
Valley	28.9	1.24
<b>District 6:</b>		
Butler	30.5	1.30
Cass	31.2	1.30
Colfax	31.0	1.30
Dodge	29.9	1.30
Douglas	29.8	1.30
Hamilton	25.7	1.27
Lancaster	30.0	1.30
Merrick	25.1	1.27
Nance	28.4	1.28
Platte	29.4	1.29
Polk	29.9	1.29
Sarpy	29.6	1.30
Saunders	29.7	1.30
Seward	27.5	1.30
Washington	20.4	1.30
York	28.4	1.28
<b>District 7:</b>		
Chase	25.2	1.16
Dundy	26.5	1.16
Frontier	24.3	1.20
Hayes	26.0	1.17
Hitchcock	26.1	1.18
Keith	26.4	1.16
Lincoln	23.8	1.19
Perkins	25.1	1.16
Redwillow	29.0	1.20
<b>District 8:</b>		
Adams	25.3	1.25
Franklin	22.8	1.23
Furnas	26.5	1.21
Gosper	26.0	1.22
Harlan	27.6	1.22
Kearney	24.0	1.23
Phelps	27.3	1.23
Webster	23.0	1.24
<b>District 9:</b>		
Clay	27.3	1.25
Fillmore	26.9	1.27
Gage	28.3	1.29
Jefferson	25.4	1.27
Johnson	27.6	1.29
Nemaha	29.4	1.29
Nuckolls	26.8	1.25
Otoe	29.8	1.30
Pawnee	29.4	1.28
Richardson	30.5	1.28
Saline	27.6	1.29
Thayer	26.6	1.27
<b>State check yield</b>		
	26.8	

## NEVADA

District 1:		
Churchill	42.8	1.20
Douglas	38.7	1.20
Humboldt	42.4	1.20
Lyon	45.4	1.20
Ormsby	35.4	1.20
Pershing	48.6	1.20
Storey	35.4	1.20
Washoe	35.1	1.20
<b>District 3:</b>		
Elko	34.6	1.20
Eureka	25.3	1.20
Lander	31.8	1.20
White Pine	30.5	1.20
<b>District 8:</b>		
Clark	30.9	1.20
Esmeralda	35.4	1.20
Lincoln	29.3	1.20
Mineral	29.3	1.20
Nye	32.4	1.20
<b>State check yield</b>		
	40.2	

## NEW JERSEY

District 2:		
Bergen	31.2	1.46
Essex	31.4	1.46
<b>District 6:</b>		
Hudson	31.2	1.44
Hunterdon	31.6	1.45
Morris	31.4	1.46
Passaic	31.1	1.45
Somerset	33.5	1.45
Sussex	30.3	1.46
Union	36.1	1.43
Warren	33.7	1.41
<b>District 6:</b>		
Burlington	33.7	1.46

## NEW JERSEY—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 5—Continued</b>		
Mercer	33.1	1.46
Middlesex	33.5	1.46
Monmouth	34.3	1.45
Ocean	31.2	1.45
<b>District 8:</b>		
Atlantic	29.5	1.46
Camden	29.1	1.47
Cape May	28.3	1.43
Cumberland	32.0	1.46
Gloucester	30.3	1.47
Salem	35.6	1.47
<b>State check yield</b>		
	33.1	

## NEW MEXICO

District 1:		
Bernalillo	25.0	1.13
McKinley	15.0	.92
Rio Arriba	15.0	.92
Sandoval	18.0	1.13
San Juan	30.0	.92
San Fe	25.0	1.14
Taos	28.0	.93
Valencia	28.0	1.06
<b>District 3:</b>		
Colfax	22.0	1.12
Curry	30.3	1.25
De Baca	33.8	1.19
Guadalupe	20.0	1.18
Harding	15.3	1.22
Mora	24.2	1.13
Quay	18.0	1.23
Roosevelt	20.5	1.23
San Miguel	22.0	1.13
Torrance	15.6	1.15
Union	22.4	1.17
<b>District 7:</b>		
Catron	22.0	1.01
Grant	38.0	.98
Hidalgo	38.0	1.11
Luna	35.0	1.11
Sierra	30.0	1.13
Socorro	22.0	1.13
<b>District 9:</b>		
Chaves	35.0	1.20
Dona Ana	35.0	1.43
Eddy	35.0	1.19
Lea	20.0	1.22
Lincoln	20.0	1.16
Otero	37.5	1.16
<b>State check yield</b>		
	23.7	

## NEW YORK

District 2:		
Jefferson	31.2	1.38
Lewis	31.2	1.39
St. Lawrence	31.4	1.37
<b>District 3:</b>		
Clinton	27.2	1.38
Essex	35.6	1.41
Franklin	27.2	1.35
Hamilton		
Warren		
<b>District 4:</b>		
Erie	35.4	1.39
Genesee	37.8	1.41
Livingston	38.2	1.41
Monroe	37.5	1.41
Niagara	36.9	1.41
Ontario	38.1	1.41
Orleans	38.5	1.41
Seneca	37.7	1.41
Wayne	34.4	1.41
Wyoming	36.2	1.41
Yates	36.6	1.41
<b>District 5:</b>		
Cayuga	37.9	1.41
Chenango	36.6	1.41
Cortland	37.5	1.41
Herkimer	33.9	1.44
Madison	35.6	1.41
Oneida	35.5	1.43
Onondaga	37.2	1.41
Oswego	33.7	1.41
Otsego	34.6	1.43
<b>District 6:</b>		
Albany	29.0	1.48
Fulton	28.7	1.42
Montgomery	32.7	1.47
Rensselaer	31.3	1.47
Saratoga	33.3	1.46
Schenectady	30.1	1.47
Schoharie	30.1	1.45
Washington	30.9	1.45

## NEW YORK—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 7:		
Allegany	31.4	1.41
Cattaraugus	31.8	1.37
Chautauqua	34.2	1.32
Steuben	34.1	1.41
District 8:		
Broome	34.0	1.41
Chemung	32.5	1.41
Schuylerville	32.9	1.41
Tioga	32.3	1.41
Tompkins	37.4	1.41
District 9:		
Columbia	30.3	1.46
Delaware	30.0	1.42
Dutchess	31.4	1.44
Greene	30.6	1.45
Orange	31.1	1.44
Putnam		
Rockland	28.8	1.43
Sullivan	29.9	1.39
Ulster	30.6	1.44
Westchester	30.3	1.46
District 9A:		
Nassau	31.4	1.42
New York City		
Suffolk	34.0	1.43
State check yield		36.3

## NORTH CAROLINA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Allegheny	28.9	1.40
Ashe	27.0	1.40
Avery	26.0	1.40
Caldwell	28.2	1.40
Surry	28.5	1.40
Watauga	27.2	1.40
Wilkes	27.5	1.40
Yadkin	25.1	1.40
District 4:		
Buncombe	27.2	1.40
Burke	25.2	1.40
Cherokee	23.0	1.40
Clay	22.9	1.40
Graham	18.0	1.40
Haywood	24.6	1.40
Henderson	26.2	1.40
Jackson	23.3	1.40
McDowell	25.1	1.40
Macon	24.9	1.40
Madison	24.7	1.40
Mitchell	18.8	1.40
Polk	24.1	1.40
Rutherford	28.3	1.40
Swain	19.9	1.40
Transylvania	25.1	1.40
Yancey	24.7	1.40
District 2:		
Alamance	27.5	1.40
Caswell	24.9	1.40
Durham	26.6	1.40
Forsyth	25.3	1.40
Franklin	25.6	1.40
Granville	23.2	1.40
Guilford	26.1	1.40
Orange	26.2	1.40
Person	23.7	1.40
Rockingham	25.6	1.40
Stokes	24.9	1.40
Vance	23.8	1.40
Warren	22.7	1.40
District 5:		
Alexander	25.7	1.40
Catawba	27.6	1.40
Chatham	24.5	1.40
Davidson	24.1	1.40
Davie	27.1	1.40
Iredell	26.0	1.40
Lee	27.0	1.40
Randolph	25.5	1.40
Rowan	28.2	1.40
Wake	23.4	1.40
District 8:		
Anson	25.2	1.40
Cabarrus	24.5	1.40
Cleveland	26.6	1.40
Gaston	25.4	1.40
Lincoln	28.4	1.40
Mecklenburg	25.1	1.40
Montgomery	21.3	1.40
Moore	21.8	1.40
Richmond	21.2	1.40
Stanly	24.0	1.40
Union	27.4	1.40
District 3:		
Bertie	34.3	1.40
Camden	36.6	1.40
Chowan	35.4	1.40
Currituck	33.7	1.40

## NORTH CAROLINA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 3—Continued		
Dare	33.7	1.40
Edgecombe	28.6	1.40
Gates	30.2	1.40
Halifax	29.3	1.40
Hertford	34.7	1.40
Martin	32.5	1.40
Nash	31.2	1.40
Northampton	36.8	1.40
Perquimans	33.1	1.40
Tyrrell	33.8	1.40
Washington	35.8	1.40
District 6:		
Beaufort	32.8	1.40
Carteret	32.5	1.40
Craven	32.4	1.40
Greene	35.8	1.40
Hyde	33.7	1.40
Johnston	31.7	1.40
Jones	29.8	1.40
Lenoir	32.9	1.40
Pamlico	36.2	1.40
Pitt	35.8	1.40
Wayne	33.9	1.40
Wilson	37.3	1.40
District 9:		
Bladen	30.3	1.40
Brunswick	28.8	1.40
Columbus	30.2	1.40
Cumberland	27.2	1.40
Duplin	29.5	1.40
Harnett	29.5	1.40
Hoke	26.4	1.40
New Hanover	29.1	1.40
Onslow	27.0	1.40
Pender	28.4	1.40
Robeson	28.0	1.40
Sampson	29.9	1.40
Scotland	29.5	1.40
State check yield		26.7

## NORTH DAKOTA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Burke	24.9	1.19
Divide	24.1	1.17
Mountrail	25.7	1.19
Renville	26.9	1.19
Ward	27.8	1.20
Williams	23.8	1.18
District 2:		
Benson	26.1	1.25
Bottineau	26.9	1.20
McHenry	22.1	1.22
Pierce	23.9	1.24
Rolette	26.2	1.23
District 3:		
Cavalier	27.4	1.27
Grand Forks	29.2	1.34
Nelson	30.1	1.31
Pembina	26.7	1.31
Ramsey	28.0	1.28
Towner	27.5	1.24
Walsh	29.7	1.32
District 4:		
Dunn	20.7	1.22
McKenzie	20.8	1.16
McLean	24.9	1.23
Mercer	21.3	1.23
Oliver	18.7	1.24
District 5:		
Eddy	25.0	1.28
Foster	26.8	1.30
Kidder	17.2	1.27
Sheridan	21.5	1.25
Stutsman	22.1	1.30
Wells	26.4	1.27
District 6:		
Barnes	24.0	1.33
Cass	26.5	1.35
Griggs	26.8	1.32
Steele	31.1	1.33
Traill	30.0	1.34
District 7:		
Adams	18.9	1.24
Billings	18.4	1.22
Bowman	19.0	1.23
Golden Valley	20.0	1.19
Hettinger	20.2	1.24
Slope	19.3	1.23
Stark	21.0	1.23
District 8:		
Burleigh	18.5	1.25
Emmons	16.2	1.27
Grant	17.0	1.25
Morton	19.6	1.25
Sioux	17.0	1.26

## NORTH DAKOTA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 9:		
Dickey	20.4	1.34
LaMoure	20.4	1.31
Logan	16.4	1.29
McIntosh	15.9	1.29
Ransom	20.3	1.35
Richland	23.8	1.38
Sargent	22.4	1.37
State check yield		23.7
OHIO		
Allen	38.7	1.26
Defiance	38.3	1.25
Fulton	40.6	1.25
Hancock	38.6	1.27
Henry	40.1	1.25
Lucas	39.6	1.26
Paulding	35.3	1.25
Putnam	37.9	1.25
Van Wert	41.4	1.25
Williams	38.6	1.25
Wood	39.1	1.27
District 2:		
Ashland	32.7	1.28
Crawford	36.4	1.27
Erie	37.8	1.27
Huron	37.0	1.27
Lorain	33.8	1.28
Ottawa	38.5	1.27
Richland	33.9	1.28
Sandusky	38.0	1.27
Seneca	38.2	1.27
Wyandot	37.8	1.27
District 3:		
Ashtabula	33.5	1.31
Columbiana	34.4	1.29
Cuyahoga	31.2	1.28
Geauga	32.0	1.31
Lake	30.3	1.29
Mahoning	35.5	1.30
Medina	32.0	1.28
Portage	33.2	1.28
Stark	35.0	1.28
Summit	32.7	1.28
Trumbull	33.1	1.31
Wayne	35.5	1.28
District 4:		
Anglia	39.2	1.25
Champaign	40.0	1.25
Clark	39.8	1.25
Darke	39.1	1.25
Hardin	38.3	1.27
Logan	37.9	1.25
Mercer	38.9	1.25
Miami	39.5	1.25
Shelby	39.2	1.25
District 5:		
Delaware	34.1	1.27
Fairfield	32.9	1.27
Fayette	38.2	1.25
Franklin	33.1	1.27
Knox	31.4	1.27
Licking	31.1	1.27
Madison	38.2	1.26
Marion	38.2	1.27
Morrow	32.9	1.27
Pickaway	34.3	1.26
Ross	32.8	1.26
Union	36.0	1.27
District 6:		
Belmont	32.0	1.28
Carroll	31.4	1.28
Coshecton	30.1	1.28
Harrison	29.5	1.28
Holmes	32.4	1.28
Jefferson	32.7	1.29
Tuscarawas	32.0	1.28
District 7:		
Butler	32.0	1.25
Clermont	28.9	1.25
Clinton	35.2	1.25
Green	36.2	1.25
Hamilton	32.1	1.25
Montgomery	35.6	1.25
Preble	36.0	1.25
Warren	32.0	1.25
District 8:		
Adams	26.8	1.25
Brown	26.2	1.25
Gallia	27.6	1.25
Highland	29.2	1.25
Jackson	28.5	1.25
Lawrence	29.7	1.25
Pike	28.7	1.25
Scioto	30.1	1.25

## RULES AND REGULATIONS

## OHIO—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 9:		
Athens	28.7	1.27
Guernsey	28.9	1.28
Hocking	28.0	1.27
Melts.	28.0	1.25
Monroe	27.6	1.28
Morgan	27.8	1.28
Muskingum	29.3	1.28
Noble	29.5	1.28
Perry	29.5	1.27
Vinton	28.9	1.27
Washington	27.6	1.28
State check yield.	35.8	-----

## OKLAHOMA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Beaver	18.2	1.22
Cimarron	17.8	1.20
Ellis	17.1	1.23
Harper	17.1	1.23
Texas	18.4	1.22
District 2:		
Alfalfa	27.0	1.24
Garfield	27.0	1.25
Grant	27.0	1.24
Kay	31.5	1.24
Major	23.7	1.25
Noble	28.9	1.25
Woods	23.0	1.23
Woodward	18.4	1.23
District 3:		
Craig	25.3	1.26
Delaware	25.7	1.25
Mayes	27.4	1.24
Newata	27.8	1.26
Osage	28.8	1.23
Ottawa	26.4	1.26
Pawnee	28.3	1.25
Rogers	26.5	1.24
Tulsa	30.1	1.24
Wagoner	27.1	1.24
Washington	29.5	1.26
District 4:		
Beckham	21.8	1.25
Blaine	25.6	1.25
Custer	24.6	1.25
Dewey	19.9	1.25
Roger Mills	18.5	1.24
Washita	24.2	1.25
District 5:		
Canadian	28.7	1.25
Cleveland	26.0	1.25
Creek	20.5	1.25
Grady	29.9	1.25
Kingfisher	25.3	1.25
Lincoln	23.1	1.25
Logan	28.3	1.25
McClain	30.3	1.25
Okfuskee	23.9	1.25
Oklahoma	29.2	1.25
Payne	27.5	1.25
Pottawatomie	28.7	1.25
Seminole	24.7	1.25
District 6:		
Ada	26.6	1.25
Cherokee	23.0	1.25
Haskell	28.4	1.25
Hughes	25.6	1.25
McIntosh	24.9	1.25
Muskogee	25.7	1.25
Oklmulgee	25.0	1.25
Pittsburg	22.0	1.25
Sequoyah	27.8	1.25
District 7:		
Caddo	27.7	1.25
Comanche	23.3	1.25
Cotton	27.8	1.25
Greer	23.4	1.25
Harmon	23.4	1.25
Jackson	25.2	1.25
Kiowa	24.7	1.25
Tillman	27.8	1.25
District 8:		
Atoka	22.8	1.25
Bryan	24.8	1.25
Carter	24.1	1.25
Coal	23.1	1.25
Garvin	27.2	1.25
Jefferson	26.4	1.25
Johnston	26.6	1.25
Love	23.9	1.25
Marshall	22.0	1.25
Murray	28.3	1.25
Pontotoc	24.4	1.25
Stephens	26.5	1.25
District 9:		
Choctaw	27.0	1.25
Latimer	25.7	1.25

## OKLAHOMA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 9—Continued		
Le Flore	29.9	1.25
McCurtain	27.2	1.25
Pushmataha	26.2	1.25
State check yield.	24.0	-----

## OREGON

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Benton	47.1	1.28
Clackamas	44.4	1.30
Clatsop	42.3	1.26
Columbia	44.7	1.24
Lane	39.8	1.28
Linn	47.5	1.31
Marion	41.0	1.31
Multnomah	48.1	1.30
Polk	48.6	1.32
Tillamook	47.6	1.31
Washington	35.0	1.19
Yamhill	32.2	1.29
District 2:		
Hood River	23.9	1.33
Morrow	30.2	1.28
Sherman	36.1	1.30
Wasco	36.0	1.33
District 3:		
Baker	35.2	1.20
Umatilla	37.1	1.27
Union	42.9	1.22
Wallowa	35.0	1.19
District 7:		
Coos	33.2	1.18
Douglas	35.2	1.18
Jackson	36.8	1.18
District 8:		
Crook	50.1	1.27
Deschutes	41.2	1.27
Grant	25.7	1.27
Hayne	19.0	1.12
Jefferson	45.4	1.30
Klamath	42.6	1.26
Lake	28.5	1.25
Malheur	53.6	1.15
Wheeler	28.8	1.27
State check yield.	37.2	-----

## PENNSYLVANIA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Crawford	29.9	1.31
Erie	29.9	1.31
Forest	24.0	1.32
Mercer	31.8	1.31
Venango	28.0	1.31
Warren	29.0	1.31
District 2:		
Bradford	28.4	1.40
Cameron	24.4	1.36
Clinton	30.8	1.37
Elk	27.3	1.36
Lycoming	28.1	1.38
McKean	31.6	1.36
Potter	31.8	1.35
Sullivan	27.2	1.41
Tioga	30.5	1.40
Lackawanna	28.9	1.40
Susquehanna	31.8	1.40
Wayne	32.7	1.39
Wyoming	26.3	1.41
District 4:		
Armstrong	28.1	1.32
Beaver	29.0	1.31
Butler	31.8	1.33
Clarion	26.0	1.33
Indiana	27.2	1.35
Jefferson	24.5	1.35
Lawrence	31.8	1.33
District 5:		
Blair	31.4	1.36
Cambria	29.0	1.35
Centre	29.0	1.37
Clearfield	25.0	1.35
Columbia	29.9	1.41
Dauphin	32.4	1.41
Huntingdon	27.0	1.38
Juniata	29.0	1.39
Mifflin	29.7	1.39
Montour	28.1	1.39
Northumberland	30.7	1.39
Perry	29.9	1.41

## PENNSYLVANIA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 5—Continued		
Snyder	29.9	1.39
Union	29.0	1.39
District 6:		
Carbon	28.6	1.42
Lehigh	32.7	1.44
Luzerne	29.9	1.40
Monroe	28.6	1.42
Northampton	34.5	1.44
Pike	26.0	1.38
Schuylkill	28.1	1.41
District 7:		
Allegheny	27.2	1.34
Fayette	28.0	1.35
Greene	29.0	1.33
Somerset	28.0	1.36
Washington	29.0	1.31
Westmoreland	28.0	1.33
District 8:		
Adams	29.0	1.44
Bedford	28.0	1.37
Cumberland	32.4	1.42
Franklin	32.5	1.42
Fulton	24.0	1.40
York	35.0	1.44
District 9:		
Berks	32.8	1.44
Bucks	31.8	1.46
Chester	36.3	1.45
Delaware	33.6	1.46
Lancaster	37.0	1.44
Lebanon	34.2	1.42
Montgomery	34.5	1.46
Philadelphia	31.3	-----
State check yield.	31.3	-----

## RHODE ISLAND

Bristol	-----	
Kent	-----	
Newport	29.8	1.42
Providence	-----	
Washington	29.8	1.42
State check yield.	29.8	-----

## SOUTH CAROLINA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Anderson	26.2	1.38
Cherokee	24.8	1.38
Greenville	25.3	1.38
Laurens	27.6	1.38
Oconee	21.8	1.38
Pickens	22.0	1.38
Spartanburg	25.6	1.38
Union	20.6	1.38
District 2:		
Chester	25.4	1.38
Fairfield	27.6	1.38
Kershaw	28.9	1.38
Lancaster	26.6	1.38
York	24.5	1.38
District 3:		
Chesterfield	25.0	1.38
Darlington	29.1	1.38
Dillon	27.2	1.38
Florence	26.8	1.38
Georgetown	21.0	1.38
Horry	30.1	1.38
Marion	26.6	1.38
Marlboro	26.8	1.38
Williamsburg	26.7	1.38
District 4:		
Abbeville	28.5	1.38
Aiken	24.3	1.38
Edgefield	28.9	1.38
Greenwood	28.5	1.38
McCormick	28.3	1.38
Newberry	33.3	1.38
Saluda	31.0	1.38
District 5:		
Calhoun	32.4	1.38
Clarendon	27.4	1.38
Lee	31.2	1.38
Lexington	23.8	1.38
Orangeburg	28.0	1.38
Richland	29.1	1.38
Sumter	28.0	1.38
District 8:		
Allendale	29.9	1.38
Bamberg	30.3	1.38
Barnwell	27.6	1.38
Beaufort	30.6	1.38
Berkeley	28.5	1.38
Charleston	28.6	1.38
Colleton	27.2	1.38

## SOUTH CAROLINA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 8—Continued		
Dorchester	27.8	1.38
Hampton	30.0	1.38
Jasper	28.7	1.38
State check yield	27.2	-----

## SOUTH DAKOTA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Butte	19.5	1.21
Corson	15.2	1.27
Dewey	15.1	1.26
Harding	16.3	1.23
Perkins	15.3	1.25
Ziebach	15.4	1.26
District 2:		
Brown	17.6	1.35
Campbell	15.6	1.28
Edmunds	15.8	1.32
Faulk	17.1	1.34
McPherson	15.0	1.31
Potter	18.1	1.33
Spink	16.3	1.35
Walworth	17.9	1.30
District 3:		
Clark	16.3	1.36
Codington	17.2	1.38
Day	18.5	1.37
Deuel	18.7	1.35
Grant	18.5	1.40
Hamlin	18.0	1.38
Marshall	18.8	1.36
Roberts	19.0	1.38
District 4:		
Haakon	26.1	1.28
Jackson	26.6	1.28
Lawrence	21.0	1.22
Meade	21.3	1.23
Pennington	22.9	1.25
Stanley	24.8	1.31
District 5:		
Aurora	19.2	1.29
Beadle	15.7	1.35
Brule	22.0	1.32
Buffalo	20.0	1.32
Hand	18.7	1.33
Hughes	19.7	1.32
Hyde	18.7	1.32
Jerauld	16.3	1.31
Sully	20.2	1.32
District 6:		
Brookings	18.6	1.36
Davison	19.6	1.30
Hanson	19.5	1.29
Kingsbury	17.6	1.36
Lake	19.0	1.34
McCook	19.5	1.30
Miner	16.7	1.32
Minnehaha	19.0	1.34
Moody	20.7	1.37
Sanborn	15.7	1.31
District 7:		
Bennett	29.8	1.16
Custer	17.7	1.13
Fall River	23.7	1.10
Shannon	27.5	1.14
Washabaugh	28.7	1.28
District 8:		
Gregory	23.2	1.22
Jones	24.4	1.30
Lyman	26.0	1.31
Mellette	24.4	1.19
Todd	25.2	1.19
Tripp	27.0	1.20
District 9:		
Bon Homme	17.9	1.26
Charles Mix	19.9	1.24
Clay	21.3	1.30
Douglas	19.9	1.25
Hutchinson	17.9	1.26
Lincoln	19.2	1.33
Turner	19.5	1.30
Union	20.9	1.32
Yankton	18.8	1.28
State check yield	18.7	-----

## TENNESSEE

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1:		
Dyer	32.0	1.30
Lake	38.9	1.30
Lauderdale	33.9	1.30
Obion	31.6	1.30
Shelby	26.8	1.30

## TENNESSEE—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1—Continued		
Tipton	30.5	1.30
District 2:		
Carroll	24.2	1.31
Chester	25.2	1.31
Crockett	26.8	1.30
Fayette	26.6	1.30
Gibson	25.3	1.30
Hardeman	29.8	1.31
Haywood	26.6	1.30
Henderson	26.2	1.32
Henry	27.8	1.31
McNairy	23.4	1.31
Madison	28.0	1.30
Weakley	26.2	1.30
District 3:		
Benton	24.5	1.32
Cheatham	27.8	1.33
Decatur	18.2	1.32
Dickson	24.5	1.33
Hardin	22.0	1.32
Hickman	22.8	1.33
Houston	23.2	1.32
Humphreys	23.9	1.32
Lawrence	26.5	1.34
Lewis	19.9	1.34
Montgomery	34.8	1.32
Perry	18.0	1.33
Robertson	30.8	1.32
Stewart	25.0	1.32
Wayne	22.8	1.33
District 4:		
Bedford	23.9	1.35
Cannon	22.3	1.34
Clay	23.0	1.34
Davidson	25.2	1.33
De Kalb	24.1	1.34
Giles	24.1	1.35
Jackson	19.6	1.34
Lincoln	22.8	1.36
Marshall	21.7	1.35
Maury	27.2	1.34
Moore	23.2	1.35
Rutherford	25.5	1.34
Smith	20.0	1.34
Sumner	26.0	1.32
Trousdale	21.9	1.33
Williamson	26.0	1.34
Wilson	21.1	1.33
District 5:		
Bledsoe	22.8	1.36
Coffee	28.9	1.35
Cumberland	21.9	1.36
Fentress	21.9	1.36
Franklin	32.7	1.36
Grundy	30.3	1.35
Marion	26.4	1.36
Morgan	22.3	1.37
Overton	24.4	1.35
Pickett	24.4	1.35
Putnam	24.1	1.35
Scott	24.1	1.36
Sequatchie	24.1	1.36
Van Buren	25.7	1.35
Warren	26.3	1.35
White	27.6	1.35
District 6:		
Anderson	22.2	1.38
Blount	25.3	1.39
Bradley	22.8	1.38
Campbell	23.8	1.38
Carter	23.5	1.41
Claiborne	23.7	1.40
Cooke	24.3	1.39
Grainger	24.5	1.39
Greene	23.3	1.40
Hamblen	27.6	1.40
Hamilton	23.0	1.37
Hancock	22.2	1.41
Hawkins	25.6	1.42
Jefferson	26.6	1.39
Johnson	26.2	1.41
Knox	24.9	1.39
London	24.4	1.38
McMinn	22.2	1.38
Meigs	22.2	1.37
Monroe	23.7	1.39
Polk	21.8	1.39
Rhea	19.0	1.37
Roane	21.1	1.37
Sevier	23.0	1.39
Sullivan	23.8	1.42
Unicoi	25.7	1.40
Union	24.1	1.39
Washington	25.3	1.41
State check yield	26.7	-----

## TEXAS

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 1-N:		
Armstrong	20.4	1.25
Briscoe	21.9	1.25
Carson	21.1	1.25
Castro	33.7	1.25
Dallam	15.6	1.22
Deaf Smith	28.9	1.25
Floyd	27.1	1.25
Gray	20.0	1.24
Hale	33.9	1.25
Hansford	23.3	1.22
Hartley	18.1	1.23
Hemphill	16.2	1.23
Hutchinson	26.9	1.23
Lipscomb	18.7	1.23
Moore	26.3	1.23
Ochiltree	20.0	1.23
Oldham	19.0	1.25
Parmer	35.0	1.25
Potter	19.4	1.25
Randall	21.3	1.25
Roberts	18.8	1.23
Sherman	22.9	1.22
Swisher	29.6	1.25
District 1-S:		
Andrews	29.7	1.25
Bailey	26.7	1.25
Cochran	27.1	1.25
Crosby	23.9	1.25
Dawson	24.7	1.25
Gaines	16.2	1.25
Glasscock	16.2	1.25
Hockley	24.3	1.25
Howard	16.1	1.25
Lamb	29.1	1.25
Lubbock	25.5	1.25
Lynn	20.3	1.25
Martin	17.0	1.24
Midland	16.7	1.22
Terry	21.3	1.25
Yoakum	23.9	1.25
District 2-N:		
Borden	14.7	1.25
Childress	19.2	1.25
Collingsworth	18.9	1.25
Cottle	17.9	1.25
Dickens	17.1	1.25
Donley	18.6	1.25
Foard	17.9	1.25
Garza	16.0	1.25
Hall	18.3	1.25
Hardeman	19.9	1.25
Kent	15.3	1.25
King	17.0	1.25
Motley	18.1	1.25
Wheeler	17.0	1.24
Wichita	20.4	1.25
Wilbarger	21.0	1.25
District 2-S:		
Baylor	19.8	1.25
Coleman	16.3	1.31
Fisher	16.8	1.25
Haskell	18.6	1.25
Jones	18.3	1.25
Knox	19.7	1.25
Mitchell	14.5	1.25
Nolan	16.6	1.25
Rummel	16.1	1.29
Scurry	14.2	1.25
Stonewall	16.8	1.25
Taylor	17.6	1.27
District 3:		
Archer	18.5	1.25
Brown	15.4	1.34
Callahan	17.0	1.25
Clay	19.8	1.27
Comanche	15.7	1.28
Eastland	15.2	1.26
Erath	14.4	1.30
Hood	18.8	1.33
Jack	17.6	1.29
Mills	15.2	1.34
Montague	18.4	1.29
Palo Pinto	17.6	1.29
Parker	17.7	1.32
Shackelford	19.0	1.25
Somervell	15.6	1.34
Stephens	16.8	1.29
Throckmorton	19.8	1.27
Wise	18.8	1.31
Young	19.6	1.29
District 4:		
Bell	18.2	1.38
Bosque	18.0	1.36
Collin	22.2	1.34
Cooke	21.6	1.29

## RULES AND REGULATIONS

## TEXAS—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 4—Continued</b>		
Coryell	17.9	1.34
Dallas	20.8	1.34
Delta	20.6	1.31
Denton	22.0	1.34
Ellis	19.9	1.36
Falls	17.9	1.38
Fannin	22.0	1.29
Grayson	21.6	1.29
Hamilton	17.4	1.30
Hill	19.2	1.37
Hunt	21.1	1.33
Johnson	19.0	1.36
Kaufman	19.3	1.35
Lamar	21.8	1.29
Limestone	18.0	1.38
McLennan	18.6	1.38
Milam	17.9	1.40
Navarro	19.3	1.37
Rockwall	20.5	1.34
Tarrant	20.5	1.35
Williamson	17.3	1.38
<b>District 5—N:</b>		
Bowie	24.8	1.29
Camp		
Cass	15.7	1.39
Cherokee		
Franklin		
Gregg		
Harrison		
Henderson	18.2	1.38
Hopkins	20.9	1.31
Houston	15.7	1.39
Marion		
Morris		
Nacogdoches		
Panola		
Rains	19.4	1.34
Red River	18.7	1.29
Rusk		
Shelby		
Smith		
Titus		
Upshur		
Van Zandt	18.5	1.34
Wood		
<b>District 5—S:</b>		
Angelina		
Brazos	22.0	1.39
Freestone		
Grimes		
Hardin		
Jasper		
Leon	16.7	1.39
Madison	16.7	1.39
Montgomery		
Newton		
Polk		
Robertson		
Sabine		
San Augustine		
San Jacinto		
Trinity		
Tyler		
Walker	15.2	1.40
Waller	18.9	1.51
<b>District 6:</b>		
Brewster		
Crane	20.9	1.17
Culberson		
Ector		
El Paso	20.9	1.16
Hudspeth		
Jeff Davis		
Loving	20.9	1.17
Pecos	26.2	1.15
Presidio	22.6	1.17
Reeves		
Terrell	15.7	1.17
Ward		
Winkler		
<b>District 7:</b>		
Bandera	17.0	1.34
Blanco	16.7	1.37
Burnet	16.5	1.34
Coke	16.1	1.25
Concho	15.6	1.31
Crockett		
Edwards	15.7	1.25
Gillespie	17.3	1.33
Irion	15.7	1.22
Kendall	17.0	1.34
Kerr	15.3	1.32
Kimble	15.5	1.32
Kimney		
Lampasas	16.5	1.34
Llano	15.7	1.34
McCulloch	10.0	1.33
Mason	16.1	1.34
Menard	15.7	1.31
Reagan	15.7	1.22

## TEXAS—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 7—Continued</b>		
Real	15.5	1.34
San Saba	15.0	1.22
Schleicher	15.2	1.30
Sterling	16.0	1.25
Sutton	15.3	1.30
Tom Green		
Upton		
Uvalde		
Val Verde		
<b>District 8—N:</b>		
Austin		
Bastrop	17.4	1.38
Bee	15.5	1.36
Bexar	17.7	1.38
Burleson		
Caldwell	18.4	1.38
Colorado	19.0	1.46
Comal	15.9	1.38
De Witt	18.2	1.38
Fayette		
Goliad	16.7	1.38
Gonzales	18.6	1.38
Guadalupe	19.3	1.38
Hays	16.1	1.38
Karnes	18.7	1.36
Lavaca	16.7	1.41
Lee		
Medina	18.8	1.36
Travis	16.8	1.38
Washington	16.7	1.46
Wilson	19.7	1.36
<b>District 8—S:</b>		
Aransas		
Kleberg		
Nueces		
Refugio		
San Patricio		
<b>District 9:</b>		
Brazoria		
Calhoun		
Chambers		
Fort Bend		
Galveston		
Harris		
Jackson	17.0	1.41
Jefferson		
Liberty		
Matagorda		
Orange		
Victoria	14.9	1.38
Wharton	18.4	1.49
<b>District 10—N:</b>		
Atascosa	17.4	1.36
Brooks		
Dimmit	15.7	1.27
Duval		
Frio	17.2	1.31
Jim Hogg		
Jim Wells		
Kenedy		
La Salle		
Live Oak	17.6	1.36
McMullen		
Maverick	15.7	1.23
Starr		
Webb		
Zapata		
Zavala	17.8	1.27
<b>District 10—S:</b>		
Cameron		
Hidalgo		
Willacy		
State check yield		
	22.2	
<b>UTAH</b>		
<b>District 1:</b>		
Box Elder	27.7	1.13
Cache	33.3	1.13
Davis	55.8	1.14
Morgan	37.3	1.14
Rich	22.4	.96
Salt Lake	32.2	1.14
Tooele	17.2	1.14
Weber	50.0	1.14
<b>District 5:</b>		
Juab	24.4	1.14
Millard	24.0	1.16
Sanpete	29.2	.95
Sevier	57.9	.95
Utah	37.9	1.14
<b>District 6:</b>		
Carbon	44.6	.95
Daggett	36.1	.92
Duchesne	44.8	1.02
Emery	37.3	.95
Grand	32.8	.95
San Juan	17.5	.96

## UTAH—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
<b>District 6—Continued</b>		
Summit	40.6	1.14
Uintah	33.3	.99
Wasatch	56.9	1.02
<b>District 7:</b>		
Beaver	47.8	1.16
Garfield	32.0	.96
Iron	34.0	1.14
Kane	26.0	.96
Pintle	48.1	.96
Washington	25.6	1.14
Wayne	47.9	.96
State check yield		
	28.4	
<b>VERMONT</b>		
Addison	32.4	
Bennington	32.4	
Caledonia	32.4	1.40
Chittenden	32.4	
Essex	32.4	
Franklin	32.4	
Grand Isle	32.4	
Lamoille	32.4	
Orange	32.4	
Orleans	32.4	
Rutland	32.4	
Washington	32.4	
Windham	32.4	
Windsor	32.4	
State check yield		
	32.4	
<b>VIRGINIA</b>		
<b>District 2:</b>		
Clarke	27.0	1.40
Culpeper	28.2	1.40
Fairfax	29.4	1.40
Fauquier	28.7	1.40
Frederick	26.5	1.40
Loudoun	29.1	1.40
Madison	27.2	1.40
Page	26.9	1.40
Prince William	26.5	1.40
Rappahannock	27.0	1.40
Rockingham	28.7	1.40
Shenandoah	27.6	1.40
Stafford	28.3	1.41
Warren	26.8	1.40
<b>District 4:</b>		
Alleghany	24.1	1.38
Augusta	27.8	1.40
Bath	24.2	1.38
Bute Court	28.0	1.39
Craig	26.7	1.38
Highland	26.6	1.38
Roanoke	27.5	1.39
Rockbridge	26.0	1.40
<b>District 5:</b>		
Albermarle	27.7	1.40
Amelia	28.3	1.41
Amherst	24.0	1.40
Appomattox	26.6	1.41
Bedford	26.6	1.40
Buckingham	26.4	1.41
Campbell	25.6	1.40
Caroline	26.3	1.41
Chesterfield	26.0	1.41
Cumberland	27.6	1.41
Fluvanna	27.0	1.40
Goochland	25.4	1.41
Greene	23.1	1.40
Hanover	26.1	1.41
Henrico	27.7	1.41
Louisa	27.6	1.40
Nelson	24.9	1.40
Orange	27.9	1.40
Powhatan	28.5	1.41
Prince Edward	27.0	1.41
Spotsylvania	26.4	1.41
<b>District 6:</b>		
Accomac	29.3	1.41
Charles City	30.1	1.41
Essex	26.6	1.41
Gloucester	25.7	1.41
Hampton (Elizabeth City)	26.2	1.41
James City	32.0	1.41
King and Queen	25.7	1.41
King George	28.3	1.41
King William	29.3	1.41
Lancaster	28.4	1.41
Mathews	27.5	1.41
Middlesex	27.7	1.41
New Kent	26.5	1.41
Newport News (Warwick)	26.2	1.41
Northampton	29.2	1.41

## VIRGINIA—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 6—Continued		
Northumberland	29.5	1.41
Richmond	29.1	1.41
Westmoreland	29.5	1.41
York	26.9	1.41
District 7:		
Bland	25.6	1.38
Buchanan	23.0	1.38
Carroll	25.8	1.39
Dickenson	23.5	1.38
Floyd	27.4	1.39
Giles	24.9	1.38
Grayson	25.6	1.39
Lee	27.2	1.39
Montgomery	27.8	1.38
Pulaski	26.0	1.39
Russell	24.0	1.39
Scott	24.3	1.39
Smyth	25.1	1.39
Tazewell	25.0	1.38
Washington	26.0	1.39
Wise	23.5	1.39
Wythe	27.4	1.39
District 8:		
Charlotte	26.5	1.41
Franklin	26.0	1.39
Halifax	24.9	1.40
Henry	23.9	1.39
Lenoir	26.7	1.41
Nottaway	28.0	1.41
Patrick	24.9	1.39
Pittsylvania	24.9	1.40
District 9:		
Brunswick	25.5	1.40
Chesapeake (Norfolk)	30.5	1.40
Dinwiddie	27.1	1.41
Greensville	25.6	1.40
Isle of Wight	28.0	1.40
Mecklenburg	24.8	1.40
Nansemond	27.4	1.40
Prince George	27.6	1.41
Southampton	26.2	1.40
Surry	26.6	1.40
Sussex	25.3	1.40
Virginia Beach (Princess Anne)	31.7	1.40
State check yield	27.0	—

## WASHINGTON

County		
	Projected yield	Rate (dollars per bushel)
District 1:		
Cowlitz	51.5	1.15
Clark	40.0	1.31
Grays Harbor	38.7	1.28
Island	34.6	1.23
Jefferson	64.8	1.26
King	47.9	1.17
Kitsap	30.7	1.30
Lewis	40.4	1.24
Mason		
Pacific		
Pierce	33.1	1.29
San Juan	43.8	1.26
Skagit	60.3	1.26
Skamania	28.3	1.32
Snōhomish	41.9	1.27
Thurston	37.9	1.25
Wahkiakum		
Whatcom	38.5	1.25
District 2:		
Benton	29.0	1.28
Chelan	24.3	1.26
Kittitas	47.1	1.31
Klickitat	34.5	1.31
Okanogan	23.2	1.24
Yakima	45.6	1.30
District 3:		
Ferry	38.8	1.04
Pend Oreille	30.3	1.00
Spokane	43.2	1.21
Stevens	36.6	1.17
District 5:		
Adams	34.4	1.25
Douglas	26.4	1.25
Franklin	41.1	1.27
Grant	35.7	1.26
Lincoln	37.0	1.24
District 9:		
Asotin	33.9	1.21
Columbia	49.6	1.26
Garfield	46.5	1.24
Walla Walla	47.8	1.27
Whitman	46.2	1.22
State check yield	38.9	—

## WEST VIRGINIA

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 2:		
Barbour	26.4	1.35
Brooke	29.4	1.32
Doddridge	25.1	1.32
Hancock	25.5	1.32
Harrison	26.2	1.34
Lewis	24.7	1.34
Marion	25.4	1.33
Marshall	25.3	1.32
Monongalia	25.8	1.33
Ohio	29.3	1.32
Pleasants	26.6	1.31
Preston	29.0	1.35
Ritchie	26.1	1.32
Taylor	27.0	1.35
Tyler	26.5	1.31
Upshur	24.7	1.35
Wetzel	26.6	1.32
Wood	25.7	1.31
District 4:		
Boone	23.0	1.34
Braxton	25.4	1.34
Cabell	27.3	1.32
Calhoun	25.6	1.33
Clay	24.5	1.34
Fayette	24.7	1.36
Gilmer	25.7	1.33
Jackson	22.1	1.31
Kanawha	24.4	1.33
Lincoln	23.9	1.33
Logan		
Mason	26.8	1.32
McDowell		
Mercer	25.3	1.37
Mingo	23.7	1.34
Nicholas	25.5	1.36
Putnam	22.2	1.32
Raleigh	21.1	1.35
Roane	21.6	1.32
Wayne	23.8	1.33
Webster	22.8	1.36
Wirt	24.5	1.32
Wyoming	22.8	1.35
District 6:		
Berkeley	31.1	1.39
Grant	28.3	1.37
Greenbrier	27.2	1.38
Hampshire	27.6	1.38
Hardy	29.4	1.38
Jefferson	27.2	1.40
Mineral	28.0	1.37
Monroe	29.0	1.37
Morgan	20.9	1.38
Pendleton	27.4	1.38
Pocahontas	30.3	1.38
Randolph	30.8	1.37
Summers	27.3	1.38
Tucker	23.8	1.37
State check yield	27.6	—
District 1:		
Barron	25.6	1.40
Bayfield	24.4	1.37
Burnett	22.6	1.45
Chippewa	24.6	1.41
Douglas	22.1	1.43
Polk	25.4	1.44
Rusk	24.3	1.42
Sawyer	22.6	1.39
Washburn	23.2	1.37
District 2:		
Ashland	22.4	1.43
Clark	25.2	1.38
Iron	22.2	1.38
Lincoln	26.5	1.28
Marathon	26.8	1.35
Oneida	23.7	1.30
Price	23.2	1.40
Taylor	23.9	1.40
Vilas	22.8	1.27
District 3:		
Florence	23.0	1.26
Forest	23.4	1.36
Langlade	26.6	1.28
Marinette	25.7	1.26
Menominee	29.3	1.30
Oconto	27.2	1.26
Shawano	29.0	1.30
District 4:		
Buffalo	28.5	1.36
Dunn	26.4	1.41
Eau Claire	26.5	1.38
Jackson	24.8	1.34
La Crosse	27.0	1.33
Monroe	26.7	1.32

## WISCONSIN—Continued

County	Wheat	
	Projected yield	Rate (dollars per bushel)
District 4—Continued		
Pepin	28.5	1.38
Pierce	26.8	1.39
St. Croix	27.0	1.41
Trempealeau	28.0	1.34
District 5:		
Adams	22.8	1.30
Green Lake	27.0	1.30
Juneau		
Marquette	23.0	1.29
Portage	23.9	1.33
Waupaca	25.6	1.30
Waushara	24.5	1.28
Wood	25.0	1.38
District 6:		
Brown	33.9	1.28
Calumet	37.6	1.30
Door	30.1	1.23
Fon du Lac	35.3	1.31
Kewaunee	36.8	1.25
Manitowoc	37.5	1.30
Outagamie	33.9	1.29
Sheboygan	38.3	1.32
Winnebago	36.2	1.30
District 7:		
Crawford	36.8	1.31
Grant	36.6	1.27
Iowa	35.0	1.30
Lafayette	33.7	1.30
Richland	32.8	1.29
Sauk	32.5	1.31
Vernon	38.4	1.32
District 8:		
Columbia	36.2	1.31
Dane	38.1	1.32
Dodge	38.1	1.32
Green	36.4	1.33
Jefferson	38.5	1.33
Rock	38.3	1.34
District 9:		
Kenosha	40.8	1.35
Milwaukee	37.0	1.35
Ozaukee	38.1	1.33
Racine	40.9	1.35
Walworth	40.4	1.35
Washington	40.7	1.33
Waukesha	37.0	1.34
State check yield	35.2	—
District 1:		
Big Horn	40.8	0.94
Fremont	41.7	.94
Hot Springs	39.8	.94
Park	43.3	.94
Washakie	40.6	.94
District 2:		
Campbell	23.5	1.02
Crook	24.1	1.04
Johnson	21.7	1.00
Sheridan	26.6	1.00
Weston	21.9	1.06
District 3:		
Lincoln	20.9	.92
Sublette		
Teton	38.4	1.05
Uinta	29.2	.92
District 4:		
Albany	17.9	.99
Carbon	15.3	.93
Natrona	25.6	.97
Sweetwater	25.5	.92
District 5:		
Converse	20.0	1.03
Goshen	22.6	1.11
Laramie	24.2	1.11
Niobrara	21.1	1.07
Platte	24.1	1.11
State check yield	23.5	—
§ 728.417 Establishment of 1966 projected farm yields.		
Projected farm yields for the 1966 program have been determined and are on file in the ASCS county offices and are available for inspection. Notice of such yields will be issued to operators at the earliest practicable date.		

## RULES AND REGULATIONS

*Effective date.* Upon filing with the Director, Office of the Federal Register.

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

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-14017; Filed, Dec. 30, 1965; 12:45 p.m.]

[Amdt. 3]

## PART 728—WHEAT

### Subpart—Farm Wheat Certificate Program for 1964 and 1965

#### PRODUCER'S FAILURE TO FULLY COMPLY

The regulations governing the Farm Wheat Certificate Program for 1964 and 1965, 29 F.R. 5510, as amended, are hereby further amended, as follows:

Section 728.102 is amended by adding a new paragraph (c) to read as follows:

#### § 728.102 Requirements for eligibility.

(c) In any case in which the failure of a producer to comply fully with the terms and conditions of the regulations in this subpart and the regulations governing the Wheat Diversion Program for 1964 and 1965 precludes the issuance of marketing certificates, the Deputy Administrator may, nevertheless, authorize the issuance of such certificates in such amounts as he determines to be equitable in relation to the seriousness of the default. The provisions of this paragraph shall be applicable only to producers who made a good faith effort to comply fully with the terms and conditions of the program and rendered substantial performance. Any person who feels that he is entitled to consideration under the provisions of this paragraph may file a request therefor with the county committee.

(Sec. 379, 76 Stat. 630)

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

Signed at Washington, D.C., on January 3, 1966.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-203; Filed, Jan. 6, 1966; 8:48 a.m.]

#### SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 9]

## PART 775—FEED GRAINS

### Subpart—1964 and 1965 Feed Grain Program Regulations

#### MISCELLANEOUS AMENDMENTS

The regulations governing the 1964 and 1965 Feed Grain Program, 29 F.R. 590, as amended, are hereby further amended as follows:

1. Section 775.318 is amended by adding a new paragraph (h) to read as follows:

#### § 775.318 Final diversion payment and price support payment.

(h) In any case in which the failure of a producer to comply fully with the terms and conditions of the regulations in this subpart precludes the making of a price support payment or diversion payment, the Deputy Administrator may, nevertheless, authorize the making of such price support payment or diversion payment in such amount as he determines to be equitable in relation to the seriousness of the default. The provisions of this paragraph shall be applicable only to producers who made a good faith effort to comply fully with the terms and conditions of the program and rendered substantial performance. Any person who feels that he is entitled to consideration under the provisions of this paragraph may file a request therefor with the county committee.

#### § 775.327 [Amended]

2. Section 775.327(b) is amended as follows:

a. Add the following county average yields and rates for use under the 1965 Feed Grain Program:

County	Barley		Corn		Grain sorghum	
	Average yield	Rate	Average yield	Rate	Average yield	Rate
District 3: Dixie					36.0	1.14
GEORGIA						
District 5: Bleckley	29.0	1.05				
MINNESOTA						
District 9: Dodge					53.0	1.03

b. Correct the corn rate for Clallam County, Wash., for 1965 from "\$1.35" to "\$1.37."

(Sec. 16(h), 77 Stat. 45, 16 U.S.C. 590p(h); secs. 105(a), 105(d), 105(e), 77 Stat. 44, 79 Stat. 1188, 7 U.S.C. 1441 note)

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

Signed at Washington, D.C., on January 3, 1966.

H. D. GODFREY,  
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-204; Filed, Jan. 6, 1966; 8:48 a.m.]

[Amdt. 7]

## PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

#### Miscellaneous Amendments

*Basis and purpose.* The following amendment is issued pursuant to the

Agricultural Adjustment Act of 1938, as amended (Secs. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations. Consideration has been given to the views and suggestions resulting from the 10-day notice given the public pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003).

The amendment implements a provision included in the Food and Agriculture Act of 1965 which amended the statute governing The Processor Wheat Certificate Program to provide an exemption from certificate requirements for wheat processed into flour second clears not used for human consumption as determined by the Secretary. The statute provides in part as follows:

The Secretary may at his election administer the exemption for wheat processed into flour second clears through refunds either to processors of such wheat or to the users of such clears. For the purpose of such refunds, the wheat equivalent of flour second clears may be determined on the basis of conversion factors authorized by section 379f of the Agricultural Adjustment Act of 1938, even though certificates had been surrendered on the basis of the weight of the wheat.

The amendment provides for administration of the exemption through refunds to users of clears in accordance with this authority.

It is believed that the provisions of the amendment represent the most reasonable and practicable method of administering the exemption. Since the amendment must be acted upon immediately, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and that the amendment shall be effective at the time provided below.

The amendment reads as follows:

#### § 777.3 [Amended]

1. Section 777.3 (b)(1)(i) is amended to read as follows:

(b) "Food product" means:

(1) \* \* \*

(i) Flour, as defined herein. (See §§ 777.18 and 777.19 for special provisions on flour second clears which are not used for human consumption.)

2. Section 777.3(g) is changed by adding subparagraph (4) to read as follows: "(4) any such unit in which flour second clears are used in the manufacture of products which are not used for human consumption shall be considered a separate plant."

3. Section 777.3 is amended by adding paragraphs (u), (v), and (w) to read as follows:

(u) "Flour second clears," means a coproduct of patent flours (including Durum patent flour) which is produced in a 72 percent extraction rate type of milling operation in the United States from wheat produced in the United States and which meets the requirements of this paragraph. Flour second

clears produced from Soft Red Winter wheat or White wheat (except the sub-class Hard White wheat) or from a mixture which includes at least 80 percent Soft Red Winter or White wheat (except Hard White wheat) shall have an ash content of 0.75 percent or more. Flour second clears produced from Durum wheat, or from a mixture which includes more than 20 percent Durum wheat, shall have an ash content of 1.25 percent or more. Flour second clears produced from any other class or other mixtures shall have an ash content of 1.0 percent or more. The ash content shall be calculated to 14 percent moisture basis. Flour second clears shall be a product of the initial milling process and shall not be a product reconstituted by the mixing or blending of the normal byproducts of 72 percent extraction type flour milling operation such as mill run, bran, shorts, middlings or red dog.

(v) "Industrial user" means any person who uses flour second clears in the United States in the production of any products not used for human consumption.

(w) "Nonqualifying clears" means clears which do not comply with the requirements of paragraph (u) of this section.

#### § 777.16 [Amended]

4. Section 777.16 is amended by the addition of the following: "CCC shall make refund to an industrial user to the extent of the value of certificates acquired and surrendered on wheat used in producing flour second clears when it is established to the satisfaction of the Administrator that flour second clears acquired by the industrial user were destroyed or rendered unfit for human consumption as a result of a fire, casualty, or act of God."

5. Sections 777.18, 777.19, and 777.20 are added to read as follows:

#### § 777.18 Food processors manufacturing flour second clears.

(a) The food processor is required to purchase and surrender certificates for the wheat used in processing flour second clears in accordance with the other provisions of these regulations. Refunds of the cost of such certificates shall be made only to industrial users of flour second clears as provided in § 777.19. The processor shall upon request from the buyer, distributor, or other transferee of flour second clears execute and furnish a Form CCC-165, Processor Certification, Flour Second Clears, to establish that the flour second clears produced by him and sold to the buyer meet the definition of flour second clears. A separate invoice and a separate Form CCC-165 is required for each separate railroad car, truckload, or other applicable shipment unit of flour second clears. The processor shall issue only one original Form CCC-165 for each such unit.

(b) The processor shall retain a copy of all Forms CCC-165, laboratory reports, and mill records which identify production runs in which the flour second clears were processed (including,

among other things, date of processing, lot number, and type of wheat processed) and which can be identified to the flour second clears covered by a specific certification. The forms and records required of processors of flour second clears shall be retained and be subject to examination as provided in § 777.15.

#### § 777.19 Industrial users of flour second clears.

(a) *General.* Refunds of the certificate cost for wheat used in processing flour second clears shall be made to industrial users who use the flour second clears in producing products not used for human consumption as provided in this section. The refund shall be based on the hundredweight of flour second clears used to produce a product not for human consumption, determined as provided in paragraph (h) of this section, multiplied by the refund rate determined as provided in paragraph (e) of this section.

(b) *Registration of industrial users of flour second clears.*—(1) *Requirement.* Refunds will be paid only to industrial users registered with the Director.

(2) *Method of registration.* Industrial users who wish to register shall submit to the Director, Form CCC-149, Industrial User Registration Form, in an original and two copies. Each plant must be registered separately. Forms may be obtained from either the Director or the Kansas City Commodity Office.

(3) *Notification of registration by the Director.* The Director will assign an industrial user number and return one copy of the Form CCC-149 to notify the industrial user that he is registered and of the number assigned to his plant.

(c) *Reports and claims for refund.* The industrial user shall submit claims for refund to the Commodity Office on Form CCC-161, Industrial Users Production Report and Claim for Refund. This form shall be used by the industrial user to report all products manufactured from flour second clears and nonqualifying clears in a plant during a reporting period. Production reports on Form CCC-161 must be submitted for each reporting period after the period covered by the first claim for refund even though the period may not involve a claim for refund. Payment will not be made for any claim until the Commodity Office has received from the industrial user Forms CCC-161 covering all prior reporting periods for which the user must file a report.

(d) *Reporting periods.* (1) The period of processing operations which Form(s) CCC-161 must cover shall be one of the following:

- (i) Each calendar or fiscal month.
- (ii) Each 4- or 5-week period in combination, or

(iii) Each 4 weeks.

(2) The first report shall cover the first processing report period beginning on or after 12:01 a.m., January 1, 1966, for which the industrial user wishes to file a claim for refund. If an industrial user elects to use a reporting period other than the calendar month, the first reporting period shall end at such time

short of 5 weeks as will make the second report coincide with the established fiscal month or 4- or 5-week reporting period.

(3) The industrial user of flour second clears shall report to the Commodity Office the reporting periods which he proposes using, by listing specific reporting period ending dates for the entire marketing year. If such list is not submitted, the industrial user shall report on a calendar month basis.

(4) Once a reporting period has been established, it shall not be changed except with the approval of the Administrator in writing for good cause shown.

(e) *Refund rate.* The refund rate shall be determined on the basis of the conversion factor for flour (72 percent extraction operation) shown in § 777.14 (c) multiplied by the applicable certificate cost rounded to the nearest cent.

(f) *Basis for claiming refund.* Refund of certificate costs may be claimed on flour second clears as provided in this section if the flour second clears were received into the industrial user's plant on and after the effective date of this amendment and were sold by the processor or shipped from the processor's plant on or after November 3, 1965. The industrial user may claim the refund only after the flour second clears are used in or manufactured into products which can only be used for other than human consumption or at such time as the nonfood use of the products manufactured has been established by labeling, by identification on the invoice of a product sold or removed from the plant in bulk, or by use. If a product produced from flour second clears for which an industrial user has received a refund is diverted to food use, the industrial user shall reimburse CCC in the amount of the refund involved and file a corrected Form CCC-161.

(g) *Invoicing requirement.* Industrial user's invoices covering a product(s) produced from flour second clears on which a refund is requested and which can be utilized as either food or non-food must include the statement: "This product is not for human consumption."

(h) *Determination of quantity of flour second clears not used for human consumption.* The quantity of flour second clears eligible for a refund shall be determined as provided in this paragraph, unless otherwise specified in this section.

(1) If during a reporting period an industrial user produces only products not used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be the total number of hundredweight of flour second clears so used.

(2) If, during a reporting period, an industrial user produces both products not used for human consumption and products used for human consumption and uses flour second clears either alone or in combination with nonqualifying clears or other ingredients in such production, the quantity of flour second clears eligible for a refund shall be determined by prorating the flour second

## RULES AND REGULATIONS

clears used between the products produced for human consumption and the products produced for other than human consumption.

(3) If any processing involving flour second clears, nonqualifying clears or other ingredients, either alone or in combination with one another is accomplished separately from any other processing, and such separate processing is supported (in a manner satisfactory to the Administrator) by production records which identify the products to the materials used in such separate processing operation, the industrial user may report the production from such processing operation separately on Form CCC-161. (If the processing involves only other ingredients and no flour second clears or nonqualifying clears are used, such processing need not be reported.) Any period in which such separate processing operation is accomplished is referred to as a "production period" on Form CCC-161. If separate processing is claimed for any period when in fact there was not a physical separation in the production line, from the preceding and succeeding periods, of materials used and products produced, the entire claim is invalid and the industrial user submitting such claim may be subject to penalties under Federal civil and criminal statutes.

(i) *Records.* In submitting Form CCC-161 for a refund, the industrial user agrees:

(1) That he shall maintain accurate records and documents which support the information shown on Form CCC-161 and establish that he is eligible for a refund as claimed. Documents necessary shall include, among other things, Forms CCC-165 received from the processor who produced the flour second clears or Forms CCC-165-1 received from the distributor of the flour second clears which establish that the flour second clears on which a refund is requested meet the requirements of the definition as provided in § 777.3(u), production records which show the quantity of clears utilized and products produced therefrom, and records which establish that the products obtained from the flour second clears for which a refund is claimed were not used for human consumption or were disposed of other than for human consumption.

(2) That representatives of the USDA may examine such records and documents at any time during normal business or working hours.

(3) That all refunds by CCC are subject to verification that the flour second clears for which such refunds are made were produced into products not used for human consumption.

(4) That all such records and documents shall be retained for a period of 3 years.

(j) *Corrected claims for refund.* If an incorrect Form CCC-161 has been submitted to the Commodity Office, the industrial user shall promptly prepare and submit a corrected Form CCC-161. Such report shall be identified by the original report number and transmitted with a letter of explanation. If the in-

dustrial user is entitled to additional refund, payment will be made by the Commodity Office. If an amount is due CCC, the industrial user shall include payment with the corrected claim.

(k) *Performance security.* If requested by the Administrator, the industrial user shall furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages resulting from action by the industrial user.

**S 777.20 Sales of flour second clears by distributors.**

(a) *General.* If flour second clears are sold to an industrial user by a distributor, broker, or agent (herein referred to as a distributor) and the distributor elects not to furnish the industrial user with the Form CCC-165 issued by the processor, the industrial user may qualify for a refund on such clears only if the industrial user has obtained in lieu thereof a Form CCC-165-1 properly executed by a distributor who is registered with the Director.

(b) *Time of registration.* A distributor must be registered prior to issuing to an industrial user any Form CCC-165-1 which is used to support a claim for refund.

(c) *Method of registration.* A distributor who wishes to be registered must submit an application to the Director in writing that he wishes approval to issue to buyers of flour second clears properly executed Forms CCC-165-1 which may be used in lieu of Form CCC-165 as a basis for a claim for refund.

(d) *Conditions for registration.* The distributor shall agree in his application for registration:

(1) That he will properly execute Forms CCC-165-1 and shall maintain accurate records and documents (including Forms CCC-165 and a copy of each related Form(s) CCC-165-1) which verify that the flour second clears shipped to an industrial user for which a Form CCC-165-1 was issued are the flour second clears which he had received supported by a Form CCC-165.

(2) That any pertinent records and documents will be retained for a period of 3 years and that representatives of USDA may examine them at any time during normal business or working hours.

(3) That he will, if requested by the Administrator, furnish a bond or letter of credit in such form and amount as may be specified by the Administrator to protect the Department from any damages that may result from action by the distributor.

(e) *Notification of registration by the Director.* The Director will assign a distributor registration number and notify the distributor in writing that he is registered and give the number assigned to him unless it is determined that to permit such distributor to be registered is not in the best interest of the United States.

*Effective date.* This amendment is effective with respect to flour second clears received into the industrial user's plant on and after January 1, 1966, provided

such flour second clears were shipped from the processor's plant on and after November 3, 1965.

Signed at Washington, D.C., on January 4, 1966.

ORVILLE L. FREEMAN,  
Secretary.

Appendix IV is added to read as follows:

**APPENDIX IV—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS**

**INSTRUCTIONS TO INDUSTRIAL USERS FOR PREPARATION OF INDUSTRIAL USERS PRODUCTION REPORT AND CLAIM FOR REFUND FORMS**

Industrial Users wishing to claim refund of the cost of domestic certificates purchased by processors to cover wheat used in processing flour second clears used in a product not for human consumption shall submit such claims on Form CCC-161, Industrial Users Production Report and Claim for Refund, to the Kansas City Commodity Office as provided in § 777.19. A copy of each Form CCC-161 shall be retained by the industrial user. Instructions for the completion of Form CCC-161 are as follows: (The numbers and letters listed below correspond with the numbers and letters on the form.)

(1) *Heading.* (A) Enter name and mailing address.

(B) Enter the industrial user number assigned on registration Form CCC-149.

(C) Enter the marketing year. Prepare separate Forms CCC-161 for each marketing year. July 1 begins the marketing year. The marketing year shown on Form CCC-165 and/or CCC-165-1 shall determine the marketing year under which the flour second clears are to be reported.

(D) Enter the reporting period dates. (See § 777.19(d).)

(2) *Inventory of flour second clears.* Enter in hundredweights.

(A) Enter the quantity on hand at the end of the preceding reporting period. Bring forward from Item 2I of the preceding Form CCC-161.

(B) Enter the quantity received at the plant during the reporting period covered by the report. Such quantity must not be in excess of the quantity shown on Forms CCC-165 and/or CCC-165-1. If during one reporting period there are involved flour second clears identifiable to more than one marketing year, separate Forms CCC-161 for each marketing year must be prepared.

(C) Enter the total of Items 2A and 2B.

(D) Enter the quantity of shipments which did not enter production.

(E) Enter the quantity used during no-refund production periods as shown in applicable Items 4F.

(F) Enter the quantity of flour second clears used as an additive to products shown in Item 4A. Flour second clears so used must be entered in this item. (Example, addition of flour second clears to gluten.)

(G) Enter quantity of flour second clears used as an additive to products shown in Item 4C. Flour second clears so used must be entered in this item. (Example, addition of flour second clears to animal feed manufactured from starch.)

(H) Enter the quantity which was a casualty loss and did not enter production. (See § 777.16.)

(I) Enter the quantity on hand at the end of the reporting period.

(J) Enter the total of Items 2D through 2I.

(K) Enter the difference between Items 2C and 2J.

(3) *Kind of clears used.* Enter in hundredweight the kind of clears used dur-

ing the reporting period. If more than one Form CCC-161 is submitted because of the use (during the same reporting period) of clears identified to more than one marketing year, prorate the quantity of each kind of clears used between the marketing years according to the percentage relationship between the quantities shown in Item 2K of each separate marketing year report. Enter the prorated quantities.

(A) Enter the quantity of flour second clears produced from (1) hard wheat, (2) soft wheat, (3) durum, and (4) the total thereof on the basis of information as to type of wheat shown on the Forms CCC-165 and CCC-165-1. The total must agree with the sum of Items 2E, 2F, 2G, and 2K.

(B) Enter the quantity of (1) imported clears and (2) other non-qualifying clears.

(4) *Products manufactured from clears—production periods.* Check appropriate box to indicate whether refund or nonrefund period. See § 777.19(h)(3). If more than one production period is reported, also use reverse side of form and show the beginning and ending dates of each production period. If flour second clears used during the reporting period had been processed from wheat in more than one marketing year, prorate the hundredweight of product produced during the reporting period between the Forms CCC-161 prepared for the different marketing years. Use the same percentage as used to distribute the quantities required to be entered in Item 3 of each Form CCC-161.

(A) List the food products produced during the production period in whole or in part from flour second clears and non-qualifying clears. Enter the weight of the food products produced. Determine such weight by subtracting from the gross weight of each food product produced (i) the weight of all ingredients other than clears added to the product produced from clears such as an additive to gluten, (ii) the weight of flour second clears used as an additive (Item 2F), and (iii) the weight of nonqualifying clears used as an additive determined in the same manner as in Item 2F for flour second clears; and adjusting the remainder to a 12% moisture basis.

(B) Enter the total of the weights entered under Item 4A.

(C) List the products not for human consumption produced during the production period in whole or in part from flour second clears and nonqualifying clears. Enter the weight of the products not for human consumption produced. Determine such weight by subtracting from the gross weight of each product not for human consumption produced (i) the weight of all ingredients other than clears added to the product produced from clears such as an additive to starch, (ii) the weight of flour second clears used as an additive (Item 2G), and (iii) the weight of nonqualifying clears used as an additive determined in the same manner as in Item 2G for flour second clears; and adjusting the remainder to a 12% moisture basis.

(D) Enter the total of the weights entered under Item 4C.

(E) Enter the total of Items 4B and 4D.

(F) Enter quantity of flour second clears used for the production period. Total of items 4F for all refund production periods reported on form must equal the quantity shown in Item 2K. Total of items 4F for all no-refund production periods reported on form must equal the quantity shown in Item 2E.

(G) Enter the percentage relationship of products not for human consumption to all products produced during the refund period. Item 4D divided by Item 4E.

(H) Enter the quantity of flour second clears for which refund is being applied. Multiply Item 4F by 4G. For refund periods

II through V, if applicable, bring the entries forward to applicable period shown under Item 4H of period I on face of form.

(I) Enter quantity shown in Item 2G.

(J) Enter the quantity shown in Item 2H.

(K) Enter total of Items 4H, 4I, and 4J.

(5) *Amount of refund claimed.* Enter amount determined by multiplying Item 4K by the refund rate. The refund rate for the marketing year beginning July 1, 1965, is \$1.71 per hundredweight.

(6) *Certification.* The certificate shall be dated and executed by an authorized official of the industrial user.

[F.R. Doc. 66-220; Filed, Jan. 6, 1966; 8:49 a.m.]

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

### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.4]

#### PART 814—ALLOTMENT OF SUGAR QUOTA, MAINLAND CANE SUGAR AREA

1966

*Basis and purpose.* This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), and as further amended by Public Law 89-331 enacted November 8, 1965, hereinafter called the "Act", for the purpose of establishing preliminary allotments of a portion of the 1966 sugar quota for the Mainland Cane Sugar Area for the period January 1, 1966, until the date allotments of such quota are prescribed for the full calendar year 1966 on the basis of a subsequent hearing.

*Omission of recommended decision and effective date.* The record of the hearing regarding the subject of this order shows that approximately 665,000 tons of 1965-crop sugar will remain to be marketed after January 1, 1966. This quantity of sugar, along with production of sugar from 1966-crop sugarcane, will result in a supply of sugar available for marketing in 1966 sufficiently in excess of the 1966 quota that disorderly marketing may occur and some interested persons may be prevented from having equitable opportunities to market sugar (R. 11). The inventories of sugar on January 1, 1966, together with production in early 1966, may make it possible for some allottees to market shortly after January 1, 1966, a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments, to be effective, be in effect on January 1, 1966. In view thereof and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding.

It is hereby further found that compliance with the 30-day effective date requirement of the Administrative

Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1966.

*Preliminary statement.* Section 205(a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on November 17, 1965 (30 F.R. 14380), of a public hearing to be held at Washington, D.C., in Room 2-W, Administration Building, on November 23, 1965, beginning at 10 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify or revoke the preliminary finding of necessity for allotment, and (2) to establish fair, efficient and equitable allotments of a portion of the 1966 quota for the Mainland Cane Sugar Area for the period January 1, 1966, until the date the Secretary prescribes allotments of such quota for the calendar year 1966 based on a subsequent hearing.

The hearing was held at the time and place specified in the notice of hearing and testimony was received with respect to the subject and issues referred to in the hearing notice. In arriving at the findings, conclusions and the regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

*Basis for findings and conclusions.* Section 205(a) of the act reads in pertinent part as follows:

\* \* \* Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments, whenever there is involved any allotment that pertains to a new sugarbeet processing

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plant or factory serving a locality having a substantial sugarbeet acreage for the first time or that pertains to an existing sugarbeet processing plant or factory with substantial sugarbeet acreage for the first time, to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need of establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such new processing plant or factory or expanded facilities during each of the first 2 years of its operation. The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any non-affiliated single plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That the marketing allotment of any such processor of sugarbeets shall not be increased under this provision above an allotment of 25,000 short tons, raw value, and the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made, except that the marketing allotment for 1965 of any processor of sugarcane, other than a processor-refiner, may, in the discretion of the Secretary, be increased by an additional 6,200 short tons of sugar, raw value: *Provided further*, That the total increases in marketing allotments made pursuant to this sentence to processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year and to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. \* \* \*

The necessity for allotment of the 1966 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1966 exceeds the quota that may be established and that in the absence of allotments disorderly marketing would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R. 11).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1966 until most allottees have completed processing of 1965-crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1966, because inventories of sugar on January 1, 1966, together with production of sugar in early 1966 may make it possible for some allottees to market shortly after January 1, 1966, a quantity of sugar larger than eventually may be allotted to them (R. 11).

The Department of Agriculture proposed at the hearing that for the period January 1, 1966, to the date an order is made effective based on a subsequent hearing that for the Mainland Cane Sugar Area, preliminary 1966 allotments be established at 75 percent of the allotments of the 1965 quota for the area which are in effect on December 15, 1965, except that the allotment in effect for Wm. T. Burton Industries, Inc., on December 15, 1965, for purposes of determining preliminary 1966 allotments shall be reduced by 6,200 short tons, raw value (R. 12, 21).

The government's proposal was concurred in by representatives of seven of the eight Florida processor-allottees. The other Florida processor proposed that preliminary 1966 allotments be established at 75 percent of the 1965 allotments in effect on December 1, 1965.

The witness representing 41 Louisiana processors proposed that preliminary 1966 allotments be established at 80 percent of the 1965 allotments as set forth in Sugar Regulation 814.3 Amendment 6 (30 F.R. 14261), provided the amended order is delayed until late in the year so the Secretary could make sure preliminary allotments would not exceed final 1966 allotments for any processor. This witness also proposed that preliminary 1966 allotments be established at a level so that all Louisiana processors would be permitted to market their January 1, 1966 physical inventories of sugar which were not permitted to be marketed under 1965 allotments.

The method for determining preliminary allotments of a portion of the 1966 Mainland Cane Sugar Area quota set forth in the accompanying findings and conclusions, follows the proposal of the Department except that no allottee shall be prevented from marketing its January 1, 1966, physical inventory which could not have been marketed within its 1965 marketing allotments as proposed by the witness for the Louisiana processors.

The hearing record contains proposals to include in the order to become effective January 1, 1966, paragraphs essentially the same as paragraphs (b), (c), and (d) of Sugar Regulation 814.3, (30 F.R. 207) which established initial allotments for 1965 (R. 15).

*Findings and conclusions.* On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1966 Mainland Cane Sugar processors will have available for marketing from 1965-crop sugarcane approximately 665,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1966-crop sugarcane, will result in a supply of sugar available for marketing in 1966 sufficiently in excess of the anticipated 1966 quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1966 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable

opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1966 calendar year sugar quota for the Mainland Cane Sugar Area until proceedings from 1965-crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1966 quota effective January 1, 1966 to prevent some allottees from marketing a quantity of sugar larger than eventually may be allotted to them when the entire 1966 quota is allotted.

(4) The findings in (3), above, require that effective for the period January 1, 1966, until the date allotments of the 1966 calendar year Mainland Cane Sugar Area quota are prescribed on the basis of a subsequent hearing, the preliminary allotment of the 1966 Mainland Cane Sugar Area quota for each allottee shall be established at 75 percent of its 1965 allotments which became effective at 10:56 a.m., on December 15, 1965, by Sugar Regulation 814.3, Amendment 7 (30 F.R. 15576), except that the allotment established for Wm. T. Burton Industries, Inc. shall be 75 percent of the 7,512 short tons, raw value, allotment established for such processor by Sugar Regulation 814.3, Amendment 6 (30 F.R. 14261): *Provided*, That any allotments established by this order shall not be less than the respective allottee's January 1, 1966 physical inventory, which could not be marketed within its 1965 marketing allotment. Official notice will be taken of production reports received from such processors of their estimated January 1, 1966, physical inventories by letters postmarked not later than December 28, 1965, when they become official records of the Department.

(5) The January 1, 1966, physical inventories of sugar in short tons, raw value, as estimated by the Secretary which could not be marketed under 1965 allotments, are 21,586 tons for Cajun Sugar Coop., Inc., and 2,518 tons for Louisiana State Penitentiary and allotments established for these processors in this order are not less than these quantities. The individual preliminary allotments for all other allottees exceeds their respective January 1, 1966, physical inventories as estimated by the Secretary.

(6) Consideration has been given to the statutory factors "processings," "past marketings," and "ability to market" in establishing allotments of the 1966 sugar quota for the Mainland Cane Sugar Area as set forth in Finding (4) above.

(7) Harry L. Laws and Co., Inc., shall succeed to all rights of Catherine Sugar Co. incident to allotments of the Mainland Cane Sugar Area quota. Talisman Sugar Corp. shall succeed to all rights of South Florida Sugar Co., Inc., incident to allotments of the Mainland Cane Sugar Area quota.

(8) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(9) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of

interest, and under circumstances involving an allottee becoming unable to process sugarcane and such cane as he would normally process, if operating, is processed by other allottees.

(10) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1966 Mainland Cane Sugar Area quota.

(11) For the period January 1, 1966, until the date allotments of the Mainland Cane Sugar Area quota for the 1966 calendar year are prescribed on the basis of a subsequent hearing, the allotments established in the foregoing manner provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205(a) of the Act.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act; It is hereby ordered:

**§ 814.3 Allotment of the 1966 sugar quota for the mainland cane sugar area.**

(a) *Allotments.* For the period January 1, 1966, until the date allotments of the 1966 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, on the basis of a subsequent hearing, the 1966 quota of 1,100,000 tons for the Mainland Cane Sugar Area is hereby allotted in part, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Co.	7,204
Alma Plantation, Ltd.	7,244
J. Aron & Co., Inc.	11,518
Billeaud Sugar Factory	7,622
Breaux Bridge Sugar Coop.	6,592
Wm. T. Burton Ind., Inc.	5,634
Caire & Graignard	4,403
Cajun Sugar Coop., Inc.	21,586
Caldwell Sugars Coop., Inc.	10,463
Columbia Sugar Co.	5,794
Cora-Texas Manufacturing Co., Inc.	5,233
Dugas & LeBlanc, Ltd.	10,100
Duhe & Bourgeois Sugar Co.	8,080
Erath Sugar Co., Ltd.	5,449
Evan Hall Sugar Coop., Inc.	16,130
Frisco Cane Co., Inc.	2,285
Glenwood Coop., Inc.	11,300
Helvetia Sugar Coop., Inc.	8,476
Iberia Sugar Coop., Inc.	13,805
LaFourche Sugar Co.	13,240
Harry L. Laws & Co., Inc.	13,352
Levert-St. John, Inc.	10,906
Louisiana Sugar Coop., Inc.	8,274
Louisiana State Pen.	2,518
Louisiana State University	112
Meeker Sugar Coop., Inc.	7,944
Milliken & Farwell, Inc.	9,578
M. A. Patout & Son, Ltd.	11,244
Poplar Grove Planting & Refining Co.	6,527
Reserve Sugar Co.	3,084
Savoie Industries	10,085
St. James Sugar Coop., Inc.	12,998
St. Mary Sugar Coop., Inc.	10,206
South Coast Corp.	54,352

	Allotments (short tons, raw value)
Processors	
Southdown, Inc.	30,819
Sterling Sugars, Inc.	18,496
J. Supple's Sons Planting Co., Inc.	3,992
Valentine Sugars, Inc.	9,401
Vida Sugars, Inc.	4,152
A. Wilbert's Sons Lumber & Shipping Co.	6,801
Young's Industries, Inc.	5,883
Louisiana subtotal	422,882
Atlantic Sugar Association	20,310
Florida Sugar Corp.	9,103
Glades County Sugar Growers Co-op, Association	28,535
Okeelanta Sugar Refinery, Inc.	56,372
Osceola Farms Co.	31,877
Sugarcane Growers Coop. of Florida	71,219
Talisman Sugar Corp.	27,625
U.S. Sugar Corp.	161,632
Florida subtotal	406,673
Total, mainland cane	829,555

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this Chapter (23 F.R. 1943).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other person, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1966-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it has been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

*Effective date.* January 1, 1966.

Signed at Washington, D.C., this 5th day of January 1966.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 66-243; Filed, Jan. 5, 1966;  
12:41 p.m.]

**SUBCHAPTER I—DETERMINATION OF PRICES**  
[Sugar Determination 877.18]

**PART 877—SUGARCANE;  
PUERTO RICO**

**Fair and Reasonable Prices—  
1965-66 Crop**

Pursuant to the provisions of section 301(c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, P.R., on November 5, 1965, the following determination is hereby issued:

**§ 877.18 Fair and reasonable prices for the 1965-66 crop of Puerto Rican sugarcane.**

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1965-66 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term: (1) "Raw sugar" means raw sugar as made converted to 96% basis.

(2) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the period January 1, 1966, through December 31, 1966, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the *Saccharum Spontaneum* or *Saccharum Sinense* variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield

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period in accordance with the formulae set forth in Schedule A attached hereto and made a part hereof.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops, soil, stones, and all other extraneous material.

(8) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Post Office Box 8037, Fernandez Juncos Station, San Juan, P.R., 00910.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting  $3\frac{1}{2}$  pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1965-66 crop processed at each mill or shall pay to the producer

the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash such settlement shall be based upon the average gross sales price of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1965-66 crop molasses by the time he is required to submit to the Area office a statement as required by paragraph (g)(2) of this section, he shall make a provisional molasses payment to producers of not less than 75 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1965-66 crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1965-66 crop molasses has been sold, based upon the average gross proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by paragraph (g)(2) of this section.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over 5 percent, and the same adjustment as determined above shall be applied to the

gross weight of all other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(2) With respect to the sample taken as provided in subparagraph (1) of this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed \$2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1966, and shall bear the costs thereof.

(2) Allowances made to producers by the processor for the 1964-65 crop shall be made for the 1965-66 crop at the rates which were effective under comparable conditions in 1964-65; the costs of services which were borne by the processor for the 1964-65 crop shall be borne for the 1965-66 crop: *Provided*, That the processor shall not be required to bear the cost of ocean transportation of sugarcane: *And provided further*, That nothing in this subparagraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

(g) *Reporting requirements.* (1) The processor shall submit to the Area office a statement as to whether settlement with producers are made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(2) If the processor makes settlement in cash he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1967, except that if the Director

of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(h) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

#### STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1965-66 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugar cane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1965-66 price determination.* This determination continues the provisions of the 1964-65 crop determination, except that the sugar yield formula in Schedule A is modified to provide that the percentage of extraneous matter corresponding to the weight of soil in sugarcane that has been washed prior to milling shall be excluded in determining trash correction factors.

A public hearing was held in San Juan, P.R., on November 5, 1965, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1965-66 crop of sugarcane. A representative of the Puerto Rico Farm Bureau recommended that the producers' share of sugar be increased 1.7 percentage points at all levels of sugar yields. The witness stated that although the value of sugar per ton of cane in 1964 was about the same as in 1951, the producers' share decreased 1.7 percentage points—from 65.7 percent in 1951 to 64 percent in 1964. The witness said that raw sugar recoveries had decreased during the past several years; that in 1951 the raw sugar yield was 11.7 percent as compared to 9.98 percent in 1964; and that the lower yields reduced the producers' share which has brought great economic distress to producers. A representative of the Puerto Rico Sugar Producers Association recommended that no changes be made in the sharing relationship and other provisions of the determination. The witness testified that any increase in payments to producers would destroy the balance established over a long period of time between the costs and returns to producers and processors. He stated

growers had received substantial aid from the Commonwealth Government not available to processors; that mill margins were small; and that any further decrease might result in the closing of additional mills.

Consideration has been given to the recommendations made at the public hearing and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Puerto Rico, obtained through field survey for recent years have been recast in terms of prospective price and production conditions for the 1965-66 crop. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns between producers and processors.

The recommendation of the Farm Bureau for an increase in the producers' share of sugar has not been adopted. In determining a fair and reasonable sharing relationship between producers and processors consideration is given to several standards. Foremost among these is the sharing of total proceeds from sugar, byproducts, and Sugar Act payments, in the same proportion as the total costs of production and processing are shared by producers and processors. Another major factor is the ability of the processor to pay. A fair and reasonable price for sugarcane must recognize the need of the processing enterprise for the return of operating costs at anticipated volume levels. This factor is of major importance in instances where prices indicated by other standards may endanger the continuing operation of the processing facility. A change in the present sharing relationship would not be beneficial, in the long term, to independent producers as a group or to the industry as a whole. Therefore, this determination continues the sharing relationship of the prior determination.

A provision of prior price determinations and a regulation of the Sugar Board of Puerto Rico pertaining to the application of a trash correction factor in determining the yields of raw sugar for each producer contained conflicting requirements. The Sugar Board regulation provides that a correction factor shall not be applied to the percentage of extraneous matter corresponding to the weight of soil in the cane that has been washed prior to milling. The fair price determination did not provide this exception. As a result a few processors who washed sugarcane and also made trash deductions encountered difficulties in determining the sugar yields for such sugarcane to comply with both regulations. In order to eliminate this conflict, Schedule A of this determination provides that where sugarcane has been subjected to a washing process prior to milling, that portion of the trash that is soil shall be excluded in determining the trash correction factor.

On the basis of an examination of all pertinent factors, the provisions of this

determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; Sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132).

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

*Effective date.* This determination shall become effective on January 7, 1966.

Signed at Washington, D.C., on January 4, 1966.

ORVILLE L. FREEMAN,  
Secretary.

#### SCHEDULE A—FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be:

$$R = TI(S - 0.3B)F$$

Where:

$R$  = Yield of raw sugar, 96° basis;

$S$  = Polarization of the crusher juice obtained from the sugarcane of each producer;

$B$  = Brix of the crusher juice obtained from the sugarcane of each producer;

$T$  = Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 30 percent: *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.

$I$  = Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity,  $P$ , (where  $P = 100 S \div B$ ), of the crusher juice of sugarcane is equal to 75 or more, the factor  $I = 0.9$ ; or

(b) When the purity,  $P$ , (where  $P = 100 S \div B$ ), of the crusher juice of such sugarcane is less than 75, the factor,  $I = 0.9 - 0.02 (75 - P)$ ;

$F$  = Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar," 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula  $(S - 0.3B)$ , the number of hundredweights of net sugarcane, the applicable trash correction factor,  $T$ ; and where applicable the inferior sugarcane correction factor,  $I$ ; and

(b) Divide the pounds of raw sugar 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor,  $F$ .

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and Brix of the resulting dilute crusher juice of such sugarcane shall be converted to an undiluted crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

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Brix DCF =	Brix of undiluted crusher juice sample
	Brix of diluted crusher juice sample
Pol DCF =	Pol of undiluted crusher juice sample
	Pol of diluted crusher juice sample

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office for approval.

(B) Where the "Core Sampler" method of sampling sugarcane delivered by producers is used the formula for determining the yield of raw sugar shall be:

$$R = FJ (S - 0.3B)$$

Where:

$R$  = Yield 96% percent of cane;

$J = 1.00 - 0.006 (f - 12.5)$

(where  $f$  = fibre percent in cane);

$S$  = Pol % cane;

$B$  = Brix % cane;

$F$  = Factor calculated with the values obtained during the settlement period weighted on the basis of net weight of cane and substituted on the right side of the following:

$$F = \frac{R}{J (S - 0.3B)}$$

A written description of core sampling procedures to be used shall be submitted by the processor to the Area office for approval.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under either (A) or (B) above, subject to the written approval of the Area office. A written description of the sampling procedure to be used shall be submitted by the processor to the Area office for approval.

The sugar yield of sugarcane which is commingled while being loaded or transported from the Islands of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined by applying either formula (A) or (B) prescribed by this Schedule A to the sugarcane of each barge load without segregating the cane of each producer; and the producer's share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Islands of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the difference in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

**SCHEDULE B—ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR**

Admissible deductions for selling and delivery expenses on 1965-66 crop raw sugar are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper; and

(6) An allowance of 7.0 cents per hundred-weight of 96% raw sugar, in lieu of the following expenses:

(i) Reclaiming, weighing, and loading at mill or where stored;

(ii) Shore risk, marine and war risk insurance;

(iii) Brokerage or commission and exchange;

(iv) Weighing, testing, and sampling at destination;

(v) All other expenses not itemized herein.

When any of the necessary services included in items (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers less than 33 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall not exceed the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1965-66 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners.

(2) If the processor delivers 33 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

## CERTIFICATION

I, hereby certify that as a result of the audit performed of the books of Central \_\_\_\_\_ as of \_\_\_\_\_, the deductions set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1965-66 crop of Puerto Rican sugarcane.

## SCHEDULE C—ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1965-66 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of water front facilities such as pipelines (including fees paid for right-of-way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for facilities used;

(3) Taxes and insurance assessed or charged to the processors on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

## CERTIFICATION

I, hereby certify that, as the result of the audit performed of the books of Central

as of \_\_\_\_\_, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1965-66 crop of Puerto Rican sugarcane.

[F.R. Doc. 66-206; Filed, Jan. 6, 1966; 8:48 a.m.]

## Title 42—PUBLIC HEALTH

### Chapter II—Children's Bureau, Welfare Administration, Department of Health, Education, and Welfare

#### PART 200—MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S PROGRAM

##### Terms

In accordance with administrative changes in the organization of the Department, the following amendments are made:

1. The chapter heading for Chapter II of Title 42 is changed to read as set forth above.

2. The following change is made in Part 200 of Chapter II:

Paragraph (e) of § 200.1 is revised to read as follows:

##### § 200.1 Terms.

(e) "Commissioner" means the Commissioner of Welfare in the Department of Health, Education, and Welfare; (28 F.R. 4209)

Dated: December 16, 1965.

[SEAL] **ELLEN WINSTON,**  
Commissioner of Welfare.

Dated: December 28, 1965.

Approved: **WILBUR J. COHEN,**  
Acting Secretary.

[F.R. Doc. 66-175; Filed, Jan. 6, 1966; 8:45 a.m.]

#### PART 203—SPECIAL PROJECT GRANTS FOR HEALTH OF SCHOOL AND PRESCHOOL CHILDREN

These regulations establish standards of comprehensiveness, as required by section 532(b) of the Social Security Act, as amended, for projects for children and youth of school age, under the program of special project grants for health of school and preschool children.

##### § 203.1 Comprehensiveness.

For purposes of approving special projects under section 532 of the Social Security Act, as amended, the following standards will be applied in determining whether a special project for health of children and youth of school age is of a comprehensive nature:

(a) The project includes screening, diagnosis, preventive services, treatment, correction of defects, and aftercare.

(b) The items specified in paragraph (a) of this section are provided with respect to dental and medical needs. For

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this purpose, medical needs include emotional as well as physical problems.

(c) The care and services furnished are the best available for the attainment of the objectives of the program.

(d) The scope and content of the care and services provided with respect to each of the items specified in paragraph (a) of this section are in accordance with generally recognized medical standards, e.g., preventive services include periodic check-ups and necessary immunizations; diagnosis includes thorough medical examination and indicated laboratory tests and specialty examinations; treatment includes services of medical and paramedical practitioners, inpatient and outpatient hospital services, and such other care and services as are medically indicated.

(e) Care and services are provided promptly. There are procedures to ensure coordination and continuity of care and services, including active followup of cases.

(f) Within the geographical area of the project, screening, diagnosis and preventive services are made available to all children and youth of school age. Active efforts are made to reach the children, through such methods as publicity, and the furnishing of screening services in schools, community centers and other places where there are groups of children.

(g) Treatment, correction of defects, or aftercare are available only to children who would not otherwise receive them because they are from low-income families or for other reasons beyond their control. However, where specific income standards are used, they are applied flexibly, with due regard for the medical needs of the child and total family needs in the particular case.

(h) No otherwise eligible child is excluded from the project because of a requirement unrelated to medical need, e.g., a durational residence requirement.

(i) The project provides for the coordination of health care and services provided under it with, and utilization (to the extent feasible) of, other State or local health, welfare, and education programs for the children. However, reliance is not placed upon other programs where the care and services are of lesser quality than if directly provided under the project or where there is a significant delay in the furnishing of care and services.

(j) To the extent that funds are otherwise inadequate for the project to be of a comprehensive nature, the project is reduced in terms of area served or similar factors and not in terms of the comprehensiveness of the care and services furnished to children included in the project.

The determination of whether the project is of a comprehensive nature will be made through evaluation of the overall conformity of the project with the foregoing standards in the light of the purpose of section 532 of the Social Security Act.

(Sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 1302. Interpret or apply sec. 205, 79 Stat. 354; 42 U.S.C. 729-1)

Dated: December 16, 1965.

[SEAL] **ELLEN WINSTON,**  
Commissioner of Welfare.

Approved: December 28, 1965.

**WILBUR J. COHEN,**  
Acting Secretary.

[F.R. Doc. 66-174; Filed, Jan. 6, 1966; 8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-SO-71]

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

##### Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign VOR Federal airway No. 115 between Montgomery, Ala., and Birmingham, Ala.

V-115 presently is designated, in part, from the Montgomery VORTAC via the intersection of the Montgomery 028° and the Birmingham VORTAC 139° True radials to Birmingham. This portion of V-115 is common with a combination of VOR Federal airways Nos. V-20N and V-159.

This action will realign V-115 via the intersection of the Montgomery 308° and the Birmingham 180° True radials to Birmingham. This realignment will overlie the present VOR Federal airway No. 7 between Montgomery and Birmingham and will simplify flight planning and clearance procedures and will be 8 miles shorter.

Since this amendment does not involve designation or revocation of additional controlled airspace or airways, and is essentially a renumbering of existing airways, notice and public procedure hereon are unnecessary.

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.

In § 71.123 (29 F.R. 17509, 30 F.R. 6241, 14425), V-115 is amended by deleting "Montgomery, Ala.; INT of Montgomery 028° and Birmingham, Ala., 139° radials; Birmingham;" and substituting "Montgomery, Ala.; INT Montgomery 308° and Birmingham, Ala., 180° radials (Jones INT); Birmingham (4 miles on the E side and 3 miles on the W side and within 4.5° each side of the centerline from Jones INT to Birmingham);" therefor. (Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

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

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

[F.R. Doc. 66-165; Filed, Jan. 6, 1966; 8:45 a.m.]

## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7042; Amdt. 458]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

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

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

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

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

## LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

From—	To—	Transition		Condition	Ceiling and visibility minimums		
		Course and distance	Minimum altitude (feet)		2-engine or less	More than 2-engine, more than 65 knots	
65 knots or less	More than 65 knots						
Fox RBn.	FI LFR.	Direct.	4000	T-dn.	300-1	300-1	200-1½
FAVOR	FI LFR	Direct.	4000	C-dn*	700-2	700-2	700-2
				A-dn.	800-2	800-2	800-2

Radar available.

Procedure turn S side of E crs, 060° Outbnd, 240° Inbnd, 2400' within 10 miles.

Nonstandard due to terrain.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 233°—9.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing FI LFR, turn left, climb to 2400', proceeding directly to FI LFR, continue on E crs of FI LFR to Chena Int.

\*CAUTION: All maneuvering E of airport, 900' terrain within 1.7 miles W rising to 1000'—1.9 miles W.

MSA within 25 miles of facility: NE, 6000'; SE, 5000'; NW, 5200'; SW, 5000'.

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434'; Fac. Class., SBRAZ; Ident., FI; Procedure No. 1, Amdt. 4; Eff. date, 1 Jan. 66; Sup. Amdt. No. 3; Dated, 21 Dec. 57

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

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

From—	To—	Transition		Condition	Ceiling and visibility minimums		
		Course and distance	Minimum altitude (feet)		2-engine or less	More than 2-engine, more than 65 knots	
65 knots or less	More than 65 knots						
Dallas VORTAC.	DCV RBn.	Direct.	3000	T-dn.	300-1	300-1	200-1½
GSW VORTAC.	DCV RBn.	Direct.	3000	C-dn.	500-1	500-1	500-1½
				A-dn.	800-2	800-2	800-2

Radar available.

Procedure turn E side of crs, 151° Outbnd, 231° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 348°—1.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing RBn, turn right return to DCV RBn climbing to 3000'.

Other changes: Deletes transition from Dallas RBn. Deletes caution note.

MSA within 25 miles of facility: 000°—090°—200°; 090°—180°—2500'; 180°—270°—3300'; 270°—360°—2700'.

City, Dallas; State, Tex.; Airport name, Redbird; Elev., 659'; Fac. Class., MHW; Ident., DCV; Procedure No. 1, Amdt. 4; Eff. date, 1 Jan. 66; Sup. Amdt. No. 3; Dated, 14 Dec. 63

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Transition		Condition	Ceiling and visibility minimums		
		Course and distance	Minimum altitude (feet)		2-engine or less	More than 2-engine, more than 65 knots	
65 knots or less	More than 65 knots						
Dayton VOR	DA LOM	Direct	2700	T-dn	300-1	300-1	200-1½
Tipp City RBN	DA LOM	Direct	2700	C-dn	400-1	500-1	500-1½
Trotwood Int	DA LOM (final)	Direct	2200	S-dn-6	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Radar available. Procedure turn W side SW crs, 236° Outbnd, 056° Inbnd, 2700' within 10 miles. Minimum altitude over facility on final approach crs, 2200'. Crs and distance, facility to airport, 056°—3.7 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing DA LOM, climb to 2000' on 056° crs, make left-climbing turn to 3000', proceed to Dayton VOR. Hold W, 1-minute right turns, 082° Inbnd. NOTE: Nonstandard procedure turn. Other change: Delete Lewisburg and Camden transition. MSA within 25 miles of facility: 090°-180°—3100'; 180°-090°—2400'.							
City, Dayton; State, Ohio; Airport name, James M. Cox Dayton Municipal; Elev., 1008'; Fac. Class., LOM; Ident., DA; Procedure No. 1, Amdt. 18; Eff. date, 1 Jan. 66; Sup. Amdt. No. 17; Dated, 17 Mar. 62							
Dayton VOR	TPC RBn	Direct	2700	T-dn	300-1	300-1	200-1½
Springfield RBN	TPC RBn	Direct	2700	C-dn	400-1	500-1	500-1½
Alcony Int	TPC RBn (final)	Direct	2200	S-dn-24	400-1	400-1	400-1
DA LOM	TPC RBn	Direct	2700	A-dn	800-2	800-2	800-2
Radar available. Procedure turn N side NE crs, 056° Outbnd, 236° Inbnd, 2700' within 10 miles. Minimum altitude over facility on final approach crs, 2200'. Crs and distance, Tipp City RBn to Runway 24, 236°—3.9 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TPC RBn, climb to 2000' on 236° crs, make right-climbing turn to 3000' and proceed to DAY VOR. Hold W, 1-minute right turns, 082° Inbnd. MSA within 25 miles of facility: 180°-270°—3100'; 270°-180°—2500'.							
City, Dayton; State, Ohio; Airport name, James M. Cox Dayton Municipal; Elev., 1008'; Fac. Class., MHW; Ident., TPC; Procedure No. 2, Amdt. 6; Eff. date, 1 Jan. 66; Sup. Amdt. No. 5; Dated, 17 Mar. 62							
FI LFR	Fox RBn	Direct	4000	T-dn	300-1	300-1	200-1½
Chena Int	Fox RBn	Direct	4000	C-dn	1200-2	1200-2	1200-2
FAI VOR	Fox RBn	Direct	4000	S-dn-19	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2
If simultaneous ADF tracking on LOM and LMM utilized, the following minimums apply: C-dn 700-1 700-1 700-1½ S-dn-19 700-1 700-1 700-1½ A-dn 800-2 800-2 800-2 If 3.3-mile Radar Fix received, the following minimums apply: C-dn 400-1 500-1 500-1½ S-dn-19 400-1 400-1 400-1 A-dn 800-2 800-2 800-2							
*Radar required. Procedure turn W side of crs, 009° Outbnd, 189° Inbnd, 4000' within 10 miles of Fox RBn. Minimum altitude over facility on final approach crs. Descent below 4000' not authorized until past Fox RBn Inbnd, descent below 2300' not authorized until passed FAI LOM Inbnd. Crs and distance, facility to airport, 190°—5.6 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, turn left, climb to 2400', proceeding direct to FI LFR. Continue on E crs of LFR to Chena Int or, when directed by ATC, climb to 4000' on S crs, I-FAI ILS within 20 miles. CAUTION: (1) All maneuvering E of airport, 90° terrain, 1.7 miles W rising to 1000' at 1.9 miles W. (2) 1531' hill, 1.6 miles W of LOM. Other changes: Deletes transitions from Fox RBn and Alder RBn to LOM. MSA within 25 miles of facility: 000°-090°—6000'; 090°-180°—5000'; 180°-270°—5000'; 270°-360°—5200'.							
City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434'; Fac. Class., LOM; Ident., FA; Procedure No. 1, Amdt. 9; Eff. date, 1 Jan. 66; Sup. Amdt. No. 8; Dated, 1 Aug. 64							
Hazen INT	SGT RBn (final)	Direct	1300	T-dn	300-1	300-1	200-1½
PBF VOR	SGT RBn	Direct	2000	C-dn	500-1	600-1	600-1½
				S-dn-18	500-1	500-1	500-1
				A-dn	NA	NA	NA
The following minimums authorized when Stuttgart altimeter setting is received before commencing approach: C-dn 400-1 500-1 500-1½ S-dn-18 400-1 400-1 400-1 400-1 400-1 400-1							
Procedure turn E side of crs, 344° Outbnd, 164° Inbnd, 2000' within 10 miles. Nonstandard due to ATC requirements. Minimum altitude over facility on final approach crs, 1300'. Crs and distance, facility to airport, 164°—3.7 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing SGT RBn, turn left, climbing to 2000', return to SGT RBn. NOTE: Private facility. Authorized for public use. No weather service available. MSA within 25 miles of facility: 000°-360°—1600'.							
City, Stuttgart; State, Ark.; Airport name, Stuttgart Municipal; Elev., 224'; Fac. Class. and Ident., MHSGT; Procedure No. 1, Amdt. Orig.; Eff. date, 1 Jan. 66							

## RULES AND REGULATIONS

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

## VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
					2-engine or less		More than 2-engine, more than 65 knots
				T-dn.....	300-1	300-1	NA
				C-d.....	700-1	700-1	NA
				C-n.....	700-2	700-2	NA
				A-dn.....	NA	NA	NA

Radar available.

Procedure turn W side of crs, 205° Outbnd, 025° Inbnd, 3000' within 10 miles. Nonstandard procedure turn.

Minimum altitude over facility on final approach crs, 3000'.

Crs and distance, facility to airport, 025°—9.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles after passing DAY VOR, climb to 2800' and proceed to the ROD VOR via DAY, R 025° and ROD, R 262°. Hold W, 1-minute right turns, 082° Inbnd.

MSA within 25 miles of facility: 180°—090°—2300'; 090°—180°—3000'.

City, Piqua; State, Ohio; Airport name, Piqua; Elev., 1001'; Fac. Class., BVORTAC; Ident., DAY; Procedure No. 1, Amdt. 4; Eff. date, 1 Jan 66; Sup. Amdt. No. 3; Dated, 17 Mar. 62

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

## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
					2-engine or less		More than 2-engine, more than 65 knots
				T-dn.....	300-1	300-1	200-1½
				C-dn.....	600-1	600-1	600-1½
				S-dn-17.....	600-1	600-1	600-1
				A-dn.....	NA	NA	NA

Following minimums apply for aircraft equipped with operating dual omnireceivers and the Sergeant Int received:

C-dn..... 500-1 500-1 500-1½

S-dn-17..... 400-1 400-1 400-1

Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 1837'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of AUM VOR, climb to 3000' on R 165° within 10 miles. Return to VOR, hold on R 345°, 1-minute right turns.

NOTE: Obtain altimeter setting from Rochester, Minn., FSS.

Other change: Deletes caution note.

MSA within 25 miles of facility: 000°—090°—2900'; 090°—180°—3800'; 180°—270°—2800'; 270°—360°—2700'.

City, Austin; State, Minn.; Airport name, Austin Municipal; Elev., 1237'; Fac. Class., BVOR (State-owned); Ident., AUM; Procedure No. TerVOR-17, Amdt. 4; Eff. date, 1 Jan. 66; Sup. Amdt. No. 3; Dated, 10 Oct. 64

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
					2-engine or less		More than 2-engine, more than 65 knots
				T-dn.....	300-1	300-1	200-1½
				C-dn.....	600-1	600-1	600-1½
				S-dn-35.....	600-1	600-1	600-1
				A-dn.....	NA	NA	NA

Following minimums apply for aircraft equipped with operating dual omnireceivers and the London Int received:

C-dn..... 500-1 500-1 500-1½

S-dn-35..... 500-1 500-1 500-1

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach, 1837'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of the AUM VOR, climb to 3000' on R 350° within 10 miles. Return to VOR and hold on R 170°, 1-minute right turns.

NOTE: Obtain altimeter setting from Rochester, Minn., FSS.

Other change: Deletes caution note.

MSA within 25 miles of facility: 000°—090°—2900'; 090°—180°—3800'; 180°—270°—2800'; 270°—360°—2700'.

City, Austin; State, Minn.; Airport name, Austin Municipal; Elev., 1237'; Fac. Class., BVOR (State-owned); Ident., AUM; Procedure No. TerVOR-35, Amdt. 4; Eff. date, 1 Jan. 66; Sup. Amdt. No. 3; Dated, 10 Oct. 64

## RULES AND REGULATIONS

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### TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Transition		Condition	Ceiling and visibility minimums			
		Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Chapman Int.	MHK VOR (final)	Direct	1856	T-dn.....	300-1	300-1	300-1	
				Minumums when control zone effective:				
				C-dn*.....	800-1	800-1	800-1½	
				S-dn-3*.....	800-1	800-1	800-1	
				A-dn*.....	900-2	900-2	900-2	
				Following minimums apply if Whitside Int identified:				
				C-d*.....	600-1	600-1	600-1½	
				C-n*.....	600-2	600-2	600-2	
				S-dn-3*.....	500-1	500-1	500-1	
				Minumums when control zone not effective:				
				C-dn.....	1000-1	1000-1	1000-1½	
				S-dn-3.....	1000-1	1000-1	1000-1	
				A-dn.....	NA	NA	NA	
				Following minimums apply if Whitside Int identified:				
				C-dn.....	800-1	800-1	800-1½	
				S-dn-3.....	700-1	700-1	700-1	
				A-dn.....	NA	NA	NA	

Procedure turn not authorized. Depart Chapman Int from holding pattern, descending to 1856' MSL on final approach crs, 024° Inbnd. Minimum altitude over Chapman Int, 3000'.

Minimum altitude over Whitside Int on final approach crs, 1856'.

Facility on airport. Breakoff point to Runway 3, 020°—0.9 NM; Whitside Int to airport, 024°—3 NM.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MHK VOR, make right turn climbing to 3000' on R 138°, MHK VOR and proceed to Alma Int.

NOTE: Altimeter setting from SLN FSS when control zone not effective.

CAUTION: Restricted area, 1.5 miles W of airport.

Other changes: Deletes transitions Chapman to Whitside, Alma to MHK VOR, Fort Riley to MHK VOR.

\* These minimums apply at all times for those air carriers with approved weather reporting service.

MSA within 25 miles of facility: 000°—360°—2800'.

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Fac. Class., T-BVOR; Ident., MHK; Procedure No. TerVOR-3, Amdt. 1; Eff. date, 1 Jan. 66; Sup. Amdt. No. Orig.; Dated, 16 Oct. 65

ALMA Int.	MHK VOR (final)	Transition		Condition	Ceiling and visibility minimums			
		Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
		Direct	1956	T-dn.....	300-1	300-1	300-1	
				Minumums when control zone effective:				
				C-dn*.....	900-1	900-1	900-1½	
				S-dn-31*.....	900-1	900-1	900-1	
				A-dn*.....	1000-2	1000-2	1000-2	
				Following minimums apply if Ashland Int identified:				
				C-d*.....	600-1	600-1	600-1½	
				C-n*.....	600-2	600-2	600-2	
				S-dn-31*.....	500-1	500-1	500-1	
				Minumums when control zone not effective:				
				C-dn.....	1100-1	1100-1	1100-1½	
				A-dn.....	NA	NA	NA	
				Following minimums apply if Ashland Int identified:				
				C-dn.....	800-1	800-1	800-1½	
				S-dn-31.....	700-1	700-1	700-1	
				A-dn.....	NA	NA	NA	

Procedure turn not authorized. Depart Alma Int from holding pattern descending to 1956' MSL on final approach crs, 318° Inbnd. Minimum altitude over Alma Int, 3000'.

Minimum altitude over Ashland Int on final approach crs, 1956'.

Facility on airport. Crs and distance, breakoff point to Runway 31, 313°—0.9 mile Ashland Int to airport 318°—3.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MHK VOR, make right turn climbing to 3000' on R 138°, MHK VOR and proceed to Alma Int.

NOTE: Altimeter setting from SLN FSS when control zone not effective.

CAUTION: Restricted area 1.5 miles W of airport.

Other change: Deletes transitions Alma to Ashland and Chapman to MHK VOR.

\* These minimums apply at all times for those air carriers with approved weather reporting service.

MSA within 25 miles of facility: 000°—360°—2800'.

City, Manhattan; State, Kans.; Airport name, Manhattan Municipal; Elev., 1056'; Fac. Class., T-BVOR; Ident., MHK; Procedure No. TerVOR-31, Amdt. 1; Eff. date, 1 Jan. 66; Sup. Amdt. No. Orig.; Dated, 16 Oct. 65

SCK VOR	MOD VOR	Transition		Condition	Ceiling and visibility minimums			
		Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Woodward Int.	MOD VOR	Direct	2000	T-dn.....	300-1	300-1	200-1½	
SCK VOR	MOD VOR	Direct	2000	C-dn.....	500-1	500-1	500-1½	
Salida Int.	Salida Int.	Direct	2000	A-dn#.....	NA	NA	NA	
Salida Int.	MOD VOR (final)	Direct	600					

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 600'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MOD VOR, climb to 1500' in a holding pattern on R 102° (102° Outbnd, 282° Inbnd), right turns.

#Alternate minimum of 800-2 authorized for air carriers with weather reporting service available at the airport.

MSA within 25 miles of facility: 000°—090°—3000'; 090°—180°—2500'; 180°—270°—4700'; 270°—360°—2000'.

City, Modesto; State, Calif.; Airport name, Modesto City-County; Elev., 96'; Fac. Class., T-BVOR; Ident., MOD; Procedure No. TerVOR-11L, Amdt. 1; Eff. date, 1 Jan. 66; Sup. Amdt. No. Orig.; Dated, 11 Apr. 64

SCK VOR	MOD VOR	Transition		Condition	Ceiling and visibility minimums			
		Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Woodward Int.	MOD VOR	Direct	2000	T-dn.....	300-1	300-1	200-1½	
SCK VOR	MOD VOR	Direct	2000	C-dn.....	500-1	500-1	500-1	
Salida Int.	Salida Int.	Direct	2000	S-dn-29R.....	500-1	500-1	500-1	
Salida Int.	MOD VOR	Direct	2000	A-dn*.....	NA	NA	NA	

Procedure turn S side of crs, 102° Outbnd, 282° Inbnd, 1500' within 10 miles. Procedure turn S side of crs to provide separation from Castle AFB traffic.

Minimum altitude over facility on final approach crs, 600'.

Facility on airport. Crs and distance, breakoff point to approach end of runway, 287°—0.2 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MOD VOR, make right-climbing turn and climb to 1500' in a holding pattern on R 102° (102° Outbnd, 282° Inbnd), right turns.

\*Alternate minimum of 800-2 authorized for air carriers with weather reporting service available at the airport.

MSA within 25 miles of facility: 000°—090°—3000'; 090°—180°—2500'; 180°—270°—4700'; 270°—360°—2000'.

City, Modesto; State, Calif.; Airport name, Modesto City-County; Elev., 96'; Fac. Class., T-BVOR; Ident., MOD; Procedure No. TerVOR-29R, Amdt. 3; Eff. date, 1 Jan. 66; Sup. Amdt. No. 2; Dated, 11 Apr. 64

## RULES AND REGULATIONS

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

## VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

From—	To—	Transition		Condition	Ceiling and visibility minimums			
		Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Opal Int.	12-mile DME Fix, MSY, R 079°	Direct	1500	T-dn. C-dn. A-dn.	300-1 500-1 NA	300-1 500-1 NA	200-1½ 500-1½ NA	

Radar available.

Procedure turn not authorized.

Minimum altitude over 12-mile DME Fix on final approach crs, 1500'.

Crs and distance, 12-mile DME Fix to airport, 25°—4.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.7-mile DME Fix, turn right, climb to 1500' on MSY VOR R 064° within 20 miles.

MSA within 25 miles of facility: 000°—090°—1500'; 090°—180°—2100'; 180°—270°—1500'; 270°—360°—1500'.

City, New Orleans; State, La.; Airport name, New Orleans Lakefront; Elev., 10'; Fac. Class., BVORTAC; Ident., MSY; Procedure No. 1, Amdt. 1; Eff. date, 1 Jan. 66; Sup. Amdt. No. Orig.; Dated, 30 Nov. 63

T-dn.	300-1	300-1	200-1½
C-dn.	600-1	600-1	600-1½
C-n.	600-2	600-2	600-2
A-dn.*	NA	NA	NA
If aircraft equipped with dual VOR or VOR/DME receivers and Fairfax Int/DME Fix identified, the following minimums apply:			
C-dn.	500-1	500-1	500-1½

Procedure turn N side of crs, 296° Outbnd, 118° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1700'; over Fairfax Int/DME Fix 700'.

Crs and distance, facility to airport 099°—8.1 miles. Fairfax Int/DME Fix 099°—5.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing the VOR or 5.4 miles after passing Fairfax Int/DME Fix, make climbing left turn to 2200', return to the VOR and hold NW, 116° Inbnd, 296° Outbnd, 1-minute left turns.

NOTES: (1) This procedure usable only between the hours of 0600 and 2200 when Alma FSS is in operation, except scheduled air carrier with approved communication service. (2) \*Alternate minimums 800-2 authorized for air carriers only; provided such air carriers have approval of their arrangements for weather service at this airport. Weather service not available to the general public.

Other change: Deletes caution note regarding night takeoffs Runway 18 and night landings Runway 36.

MSA within 25 miles of facility: 000°—090°—1600'; 090°—180°—1800'; 180°—270°—2300'; 270°—360°—1600'.

City, Waycross; State, Ga.; Airport name, Waycross-Ware County; Elev., 142'; Fac. Class., L-BVORTAC; Ident., AYS; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 1 Jan. 66; Sup. Amdt. No. 2; Dated, 25 Dec. 65

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

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

From—	To—	Transition		Condition	Ceiling and visibility minimums			
		Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Dayton VOR Tipp City RBN Trotwood Int.	DA LOM DA LOM DA LOM (final)	Direct Direct Direct	2700 2700 2200	T-dn. C-dn. S-dn-6* A-dn.	300-1 400-1 200-1½ 600-2	300-1 500-1 200-1½ 600-2	200-1½ 500-1½ 200-1½ 600-2	

Radar available.

Procedure turn W side SW crs, 236° Outbnd, 056° Inbnd, 2700' within 10 miles.

Minimum altitude at glide slope interception Inbnd, 2200'.

Altitude of glide slope and distance to approach end of runway at OM, 2121'—3.7 miles; at MM, 1220'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on NE crs, ILS, make left-climbing turn, to 3000', proceed to Dayton VOR. Hold W 1-minute right turns, 082° Inbnd.

NOTE: Nonstandard procedure turn.

Other change: Deletes transitions from Lewisburg Int and Camden Int.

\*400-½ required with glide slope inoperative. 400-½ authorized with operative ALS except for 4-engine turbojets.

City, Dayton; State, Ohio; Airport name, James M. Cox Dayton Municipal; Elev., 1008'; Fac. Class., ILS; Ident., I-DAY; Procedure No. ILS-6, Amdt. 18; Eff. date, 1 Jan. 66; Sup. Amdt. No. 17; Dated, 28 Apr. 62

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Transition		Condition	Ceiling and visibility minimums		
		Course and distance	Minimum altitude (feet)		2-engine or less	More than 2-engine, more than 65 knots	
65 knots or less	More than 65 knots						
Dayton VOR	TPC RBn	Direct	2700	T-dn	300-1	300-1	200-1½
Springfield RBn	TPC RBn	Direct	2700	C-dn	400-1	500-1	500-1½
DA LOM	TPC RBn	Direct	2700	S-dn-24*	400-1	400-1	400-1
Rosewood VOR	Alcony Int	Via ROD R 180° and LOC crs.	2700	A-dn	800-2	800-2	800-2
Alcony Int	TPC RBn (final)	Direct	2200				

Radar available.  
 Procedure turn N side NE crs, 056° Outbnd, 236° Inbnd, 2700' within 10 miles of Tipp City RBn.  
 Minimum altitude over TPC RBn on final approach crs, 2200'.  
 Crs and distance, TPC RBn to airport 236°—3.9 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TPC RBn, climb to 2000' on SW crs, ILS, make right-climbing turn, to 3000' proceed to DAY VOR. Hold W, 1-minute right turns, 082° Inbnd.  
 \*400-1/4 authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Dayton; State, Ohio; Airport name, James M. Cox Dayton Municipal; Elev., 1008'; Fac. Class., ILS; Ident., I-DAY; Procedure No. ILS-24 (back crs), Amdt. 7; Eff. date, 1 Jan. 66; Sup. Amdt. No. 6; Dated, 17 Mar. 62

FI LFR	Cache INT	Direct	2400	T-dn	300-1	300-1	200-1½
AI LMM	Cache INT	Direct	2400	C-dn*	400-1	500-1	500-1½
FAI VOR	Cache Int	Direct	2600	S-dn-1#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 190° Outbnd, 010° Inbnd, 2400' within 10 miles of Cache Int.  
 No glide slope, outer marker or middle marker.  
 Minimum altitude over Cache Int, 1800'; over Ester Int, 1000'.  
 Crs and distance, Cache Int to airport, 010°—5.2 miles; Ester Int to airport, 010°—1.8 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing Ester INT, turn right, climb to 2400' proceeding direct to FI LFR, then on E crs, 060° to Chena INT.  
 Other change: Deletes transitions from Alder RBn to Cache Int, Beaver Int to Cache Int, Hadley Int to Cache Int.  
 \*400-1/4 authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.  
 \*All maneuvering E of airport: 800' terrain within 1½ miles W of airport rising to 1000' within 2 miles.

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434'; Fac. Class., ILS; Ident., I-FAI; Procedure No. ILS-1 (back crs), Amdt. 4; Eff. date, 1 Jan. 66; Sup. Amdt. No. 3; Dated, 28 Aug. 65

FI LFR	LOM	Direct	4000	T-dn	300-1	300-1	200-1½
Fox RBn	LOM	Direct	2300	C-dn* **	400-1	500-1	500-1½
Chena Int	LOM	Direct	4000	S-dn-19***	200-1½	200-1½	200-1½
FAI VOR	LOM	Direct	4000	A-dn	600-2	600-2	600-2
FI LFR	Fox RBn	Direct	4000				
Chena Int	Fox RBn	Direct	4000				
FAI VOR	Fox RBn	Direct	4000				

Radar required.\*\*\*  
 Procedure turn W side of N crs, 010° Outbnd, 190° Inbnd, 4000\*\*\* within 10 miles of Fox RBn.  
 Minimum altitude at glide slope Int Inbnd, 3000'.  
 Altitude of glide slope and distance to approach end of runway at OM, 2265'—5.6 miles; at MM, 660'—0.6 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2400', proceeding direct to FI LFR, then on E crs, 060° to Chena Int or, when directed by ATC, climb to 4000' on S crs, ILS within 20 miles.  
 \*CAUTION: (1) All maneuvering E of airport, 900' terrain within 1.7 miles W, rising to 1000' at 1.9 miles W. \*\*(2) Do not descend below 4000' until past Fox RBn Inbnd on final approach.  
 \*\*\*With glide slope inoperative, straight-in minimums for runway 19 are 400-1 and descent below 2300' not authorized until past LOM Inbnd on final approach. Positive radar position required over 764' radio tower, 3.3 miles N of Runway 19, descent below 1164' not authorized until past tower, without positive radar position over tower, ceiling minimum becomes 700'.  
 Other change: Deletes transition from Alder RBn.

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434'; Fac. Class., ILS; Ident., I-FAI; Procedure No. ILS-19, Amdt. 9; Eff. date, 1 Jan. 66; Sup. Amdt. No. 8; Dated, 28 Nov. 64

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

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

From—	To—	Transition		Minimum altitude (feet)	Condition	Ceiling and visibility minimums				
		Course and distance				2-engine or less		More than 2-engine, more than 65 knots		
		65 knots or less	More than 65 knots							
All directions	Radar site	Within: 25 miles	*1500			Surveillance approach				
				T-dn	300-1	300-1	200-1½			
				C-dn 10, 23, 28	400-1	500-1	500-1½			
				C-dn-19	700-1	700-1	700-1½			
				C-dn 1, 5	500-1	500-1	500-1½			
				S-dn-10, 28%	400-1	400-1	400-1			
				S-dn-23	400-1	400-1	400-1			
				S-dn-1, 5	500-1	500-1	500-1			
				S-dn-19	700-1	700-1	700-1			
				A-dn	800-2	800-2	800-2			

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' straight ahead, then proceed to New Orleans, VOR or proceed to New Orleans H-SAB (LOM).

CAUTION: 400' radio tower, 2.3 miles N of airport and 452' electric transmission towers, 4.3 miles SE of airport.

\*Radar control must provide 3-mile lateral or 1000' vertical separation from 1040' radio tower located 12 miles ESE of airport and from 1049' TV tower, 16 miles E of airport.

¾ 400-1½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

¾ 400-1½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

#Reduction in landing visibility not authorized.

City, New Orleans; State, La.; Airport name, New Orleans International (Moirsant); Elev., 3'; Fac. Class. and Ident., New Orleans-Radar; Procedure No. 1, Amdt. 5; Eff. date, 1 Jan. 66; Sup. Amdt. No. 4; Dated, 5 June 65

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums		
From	To	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots									
													65 knots or less	More than 65 knots	Precision radar	
													T-dn%	300-1	300-1	*300-1
													C-dn	600-2	600-2	600-2
													S-dn-24R	300-¾	300-¾	300-¾
													A-dn	600-2	600-2	600-2

Instrument approach to be conducted in accordance with USN radar standard instrument approach procedure. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on a heading of 280°, intercept OCN VOR R 162° and proceed to Redfin Int.

CAUTION: High terrain N through southeast of airport.

NOTE: Military authority required.

AIR CARRIER NOTE: Reductions in visibility for takeoff Runways 6L/R, 10 not authorized below 1 mile. Reduction in visibility by local conditions provisions not authorized.

\*200-1½ authorized for takeoff Runways 24L/R, 28.

¾ Northeast bound (340° thru 130°) IFR departures: Unless otherwise directed by ATC, to insure adequate terrain and obstruction clearance, published SID's should be used.

City, San Diego; State, Calif.; Airport name, Miramar NAS; Elev., 477'; Fac. Class. and Ident., Miramar Radar; Procedure No. 1, Amdt. 1; Eff. date, 1 Jan. 66; Sup. Amdt. No. Orig.; Dated, 12 Dec. 64

These procedures shall become effective on the dates specified therein.

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

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

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

[F.R. Doc. 66-219; Filed, Jan. 6, 1966; 8:49 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Released 34-7775]

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

#### Proxy Rules

The Securities and Exchange Commission has adopted certain amendments to its proxy rules contained in Regulation 14A under the Securities Exchange Act of 1934 (17 CFR 240.14a-1 to 240.14a-102). That regulation is applicable to the solicitation of proxies, authorizations and consents with respect to securities registered pursuant to section 12 of the above Act. Rules adopted under the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940 make the regulation applicable also to the solicitation of proxies, authorizations and consents with respect to the securities of certain companies subject to those statutes.

Notice of the proposed amendments was published December 24, 1964, in Securities Exchange Act Release No. 7481 (29 F.R. 18386) and all comments and suggestions received in response to that notice have been considered in the preparation of the final draft of the rules adopted by the Commission. The principal changes made in the rules are briefly described below.

**Rule 14a-2 (17 CFR 240.14a-2).** The proposed amendment to this rule, making Regulation 14A applicable to solicitations with respect to securities registered pursuant to the new section 12(g) of the Act, was adopted by the Commission as announced in Securities Exchange Act Release No. 7566, published April 8, 1965 (30 F.R. 4752).

**Rule 14a-4 (17 CFR 240.14a-4).** This rule, which sets forth certain requirements with respect to the form of proxy, has been amended to require that where a proxy is solicited for elections to office and for other specified matters, provision shall be made whereby the security holder may withhold authority to vote for elections to office. This provision would not apply, however, in cases of a merger, consolidation or other plan involving elections to office where such elections are part of the plan and are not to be separately voted upon. The purpose of the new provision is to enable security holders to vote upon proposals submitted to them without thereby authorizing the use of the proxy for elections to office.

**Rule 14a-9 (17 CFR 240.14a-9).** This rule, which relates to false or misleading statements in proxy solicitations, has been amended to state specifically that the filing of proxy material with the Commission or the examination of such material by the Commission is not to be deemed a finding by the Commission that such material is accurate or com-

plete or not false or misleading or that the Commission has passed upon the merits of the statements contained therein or any matter to be acted upon by security holders. Representations to the contrary are prohibited. The purpose of the new requirement is to forestall representations that the Commission by its review and "clearing" of proxy material has approved the material or the proposals contained therein. The new provision merely makes explicit the Commission's long-standing construction of the proxy rules.

**Rule 14a-11 (17 CFR 240.14a-11).** This rule contains special provisions applicable to election contests. Under the previously existing rule, any person who takes the initiative in organizing, directing or financing any committee or group which solicits proxies was included in the definition of the term "participant" contained in paragraph (b). This provision has been amended to include in the definition any person who engages in organizing, directing or arranging for the financing of such a committee or group, even though such person may not have taken the initiative in so doing. In addition, certain clarifying changes have been made in paragraph (d) of the rule.

**Rule 14a-12 (17 CFR 240.14a-12).** The proxy rules provide, in general, that no solicitation may be made prior to furnishing to security holders a written proxy statement containing certain specified information pertinent to the solicitation. However, Rule 14a-11 provides an exception to this requirement in the case of contests involving elections to office. The new Rule 14a-12 also provides an exception in the case of contests involving matters other than elections to office.

#### SCHEDULE 14A (17 CFR 240.14a-101)

Schedule 14A specifies the information required to be set forth in the proxy statement required by Rule 14a-3 (17 CFR 240.14a-3). The following items of the schedule have been amended in the respects indicated below.

**Item 2.** This item requires a description of dissenters' rights of appraisal in connection with any matter to be acted upon. An instruction has been added which requires an indication whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal rights and whether a vote against a proposal will satisfy any notice requirements. This instruction would codify current administrative practice in requiring such information.

**Item 5.** This item requires certain information as to the voting securities of the issuer and the principal holders thereof. The item has been amended to require the disclosure of a change in control of the issuer and with respect to contractual arrangements, including the pledging of securities, which may subsequently result in a change in control of the issuer.

**Item 7.** Item 7(a) has been amended to provide that in initial filings under the proxy rules by new registrants under section 12 of the Act, the individual remuneration of directors and officers who

ceased to be such prior to the time of filing for such registration need not be disclosed unless the same information must otherwise be disclosed in other material filed with the Commission. The item has also been clarified in certain respects and provides that in showing the aggregate remuneration of all directors and officers as a group the number of persons in the group shall be stated.

Item 7(f) calls for a description of any material interest, direct or indirect, of directors, officers, nominees for election as directors, and certain other specified persons in material transactions with the issuer or its subsidiaries. The proposed amendments published in Release No. 7481, referred to above, contained a proposed revision of this item. In view of the numerous comments received, the Commission is giving separate consideration to this item.

**Items 9, 10, and 11.** These items specify the information to be furnished where the matter to be acted upon pursuant to the proxy is a bonus, profit sharing or other remuneration plan, a pension or retirement plan or the granting of options, warrants or rights. These items have been amended to provide that in describing provisions already made for directors, officers and employees, information is to be given not only with respect to plans currently in effect but also with respect to plans in effect within the last 5 years.

Item 11(a) has been amended to require, in the case of options, warrants or rights to be granted or extended, a statement as to the Federal income tax consequences of the issuance and exercise thereof to the recipient and to the issuer. This proposed amendment codifies current administrative practice in requiring such disclosure.

**Item 12.** This item specifies the information to be furnished where proxies are solicited with respect to the authorization or issuance of securities. Among other things, the item requires a description of the transaction in which the securities are to be issued. The item has been amended to provide that where it is impracticable to describe the transaction there shall be stated the reason for the claimed impracticability, the purpose of the authorization and whether further authorization for the issuance will be submitted to a vote of security holders prior to the time the securities are issued.

**Item 14.** This item specifies the information to be furnished where proxies are solicited in regard to a proposed merger, consolidation, acquisition or similar matter. The item previously required certain information to be furnished with respect to each person, other than the issuer, involved in the proposed transaction. It has been amended to codify present administrative practice in requiring that such information be furnished for the issuer also in order that security holders may have a complete picture of the nature and effect of the proposed transaction. The amended item also codifies present administrative practice in requiring information with respect to the existing and pro forma capitalization

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and appropriate summaries of earnings on an historical and pro forma basis for the persons involved in the proposed transaction.

*Item 15.* This item previously required the furnishing of certified financial statements of the issuer and its subsidiaries, and uncertified statements for other persons involved in proposed transactions to be voted upon by security holders. The item has been amended to require that the financial statements furnished for persons other than the issuer shall also be certified where practicable. This is in accord with the present administrative practice of asking for certified statements of such persons where they are available or can be furnished without undue effort or expense.

Item 15 has also been amended to provide more flexibility in permitting the omission of required financial statements or in requiring additional financial statements where they are necessary to the exercise of prudent judgment in regard to any matter to be acted upon.

*Item 17.* This item specifies the information to be furnished when proxies are solicited with respect to a restatement of the accounts of the issuer. It has been amended to require a tabular presentation of amounts when appropriate, particularly in the case of a re-capitalization.

*Item 22.* Items 12(d), 13(c), 14(a), and 20 have been amended to delete the requirement for stating the vote needed for approval of the matter to be acted upon. This information is now required by a new Item 22 which calls for the vote required for approval of each matter to be submitted to a vote of security holders, other than elections of office. The new item codifies the current administrative practice of calling for such information with respect to all proposals, other than elections to office.

## SCHEDULE 14B (17 CFR 240.14a-102)

Schedule 14B specifies the information to be included in statements required by Rule 14a-11 (17 CFR 240.14a-11) to be filed for each participant in a contest involving elections to office. This schedule has been amended to require that where the participant filing the schedule is a partnership, corporation, association or other business entity, the information required by certain items of the schedule shall be given with respect to each partner, officer and director of the organization and each person controlling the organization who is not a participant and is not required to file a schedule.

*Item 3.* This item calls for information with respect to a participant's interest in securities of the issuer. Among other things, this item requires information as to whether the participant is a party to any contract, arrangement or understanding with any person with respect to any securities of the issuer. The item has been amended to inquire also whether the participant was a party to any such contract, arrangement or understanding within the past year.

*Item 4.* This item calls for a description of certain additional matters in-

volving the participant. The item has been amended to call also for a statement of the total amount contributed or proposed to be contributed in furtherance of the solicitation if such amount exceeds or will exceed \$500 in the aggregate.

*Commission action.* The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly sections 14(a) and 23 (a) thereof, hereby amends §§ 240.14a-4, 240.14a-9, 240.14a-11, 240.14a-101, and 240.14a-102 and adopts § 240.14a-12 of Title 17 of the Code of Federal Regulations to read as set forth below. The foregoing action shall apply to any solicitation of proxies, authorizations or comments commenced after February 5, 1966.

By the Commission, December 22, 1965.

[SEAL] ORVAL L. DUBoIS,  
Secretary.

## § 240.14a-4 Requirements as to proxy.

(b) (1) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified provided the form of proxy states in bold-face type how it is intended to vote the shares represented by the proxy in each such case.

(2) A form of proxy which provides both for elections to office and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for elections to office. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for elections to office shall be deemed to grant such authority, provided the form of proxy so states in bold-face type.

*Instruction.* Paragraph (2) does not apply (i) in the case of a merger, consolidation or other plan if the elections to office are an integral part of the plan and are not to be separately voted upon or (ii) if the only matter to be acted upon, other than elections to office, is the selection or approval of auditors.

## § 240.14a-9 False or misleading statements.

(a) No solicitation subject to this regulation shall be made by means of any proxy statement, form of proxy, notice of meeting or other communication, written or oral, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy

for the same meeting or subject matter which has become false or misleading.

(b) The fact that a proxy statement, form of proxy or other soliciting material has been filed with or examined by the Commission shall not be deemed a finding by the Commission that such material is accurate or complete or not false or misleading, or that the Commission has passed upon the merits of or approved any statement contained therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

## \* \* \* \* § 240.14a-11 Special provisions applicable to election contests.

(b) *Participant or participant in a solicitation.* For purposes of this rule the terms "participant" and "participant in a solicitation" include the following:

- (1) The issuer;
- (2) Any director of the issuer, and any nominee for whose election as a director proxies are solicited;

- (3) Any committee or group which solicits proxies, any member of such committee or group, and any person whether or not named as a member who, acting alone or with one or more other persons directly or indirectly takes the initiative, or engages, in organizing, directing, or arranging for the financing of, any such committee or group;

- (4) Any person who finances or joins with another to finance the solicitation of proxies, except persons who contribute not more than \$500 and who are not otherwise participants;

- (5) Any person who lends money or furnishes credit or enters into any other arrangements, pursuant to any contract or understanding with a participant, for the purpose of financing or otherwise inducing the purchase, sale, holding or voting of securities of the issuer by any participant or other persons, in support of or in opposition to a participant; except that such terms do not include a bank, broker or dealer who, in the ordinary course of business, lends money or executes orders for the purchase or sale of securities and who is not otherwise a participant, and

- (6) Any other person who solicits proxies: *Provided, however,* That such terms do not include (i) any person or organization retained or employed by a participant to solicit security holders, or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties; (ii) any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment; (iii) any person regularly employed as an officer or employee of the issuer or any of its subsidiaries who is not otherwise a participant; or (iv) any officer or director of, or any persons regularly employed by, any other participant, if such officer, director, or employee is not otherwise a participant.

(d) *Solicitations prior to furnishing required written proxy statement.* Notwithstanding the provisions of Rule 14a-3(a) (§ 240.14a-3(a)), a solicitation subject to this section may be made prior to furnishing security holders a written proxy statement containing the information specified in Schedule 14A (§ 240.14a-101) with respect to such solicitation: *Provided, That—*

(1) The statements required by paragraph (c) of this section are filed by or on behalf of each participant in such solicitation.

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by Rule 14a-3(a) (§ 240.14a-3(a)) is furnished to security holders: *Provided, however, That this subparagraph (2) shall not apply where a proxy statement then meeting the requirements of Schedule 14A (§ 240.14a-101) has been furnished to security holders by or on behalf of the person making the solicitation.*

(3) At least the information specified in Items 2(a) and 3(a) of the statement required by paragraph (c) of this section to be filed by each participant, or an appropriate summary thereof, is included in each communication sent or given to security holders in connection with the solicitation.

(4) A written proxy statement meeting the requirements of this regulation is sent or given to security holders at the earliest practicable date.

\* \* \* \* \*

**§ 240.14a-12 Solicitation prior to furnishing required proxy statement.**

(a) Notwithstanding the provisions of Rule 14a-3(a) (§ 240.14a-3(a)), a solicitation (other than one subject to Rule 14a-11 (§ 240.14a-11)) may be made prior to furnishing security holders a written proxy statement containing the information specified in Schedule 14A (§ 240.14a-101) with respect to such solicitation if—

(1) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by Rule 14a-3(a) (§ 240.14a-3(a)) is furnished to security holders: *Provided, however, That this subparagraph (2) shall not apply where a proxy statement then meeting the requirements of Schedule 14A (§ 240.14a-101) has been furnished to security holders by or on behalf of the person making the solicitation;*

(3) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation, and

(4) A written proxy statement meeting the requirements of this regulation

is sent or given to security holders at the earliest practicable date.

(b) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by Rule 14a-3(a) (§ 240.14a-3(a)) shall be filed with the Commission in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as the Commission may authorize upon a showing of good cause therefor.

**§ 240.14a-101 Schedule 14A. Information required in proxy statement.**

\* \* \* \* \*

*Item 2. Dissenters' rights of appraisal.* Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of adoption of a proposal, the filing of a charter amendment or other similar act, state whether the persons solicited will be notified of such date.

*Instruction.* Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to these matters.

\* \* \* \* \*

*Item 5. Voting securities and principal holders thereof.*

(e) If a change in control of the issuer has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the issuer now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the issuer or any of its parents, the operation of the terms of which may at a subsequent date result in a change in control of the issuer.

\* \* \* \* \*

*Item 7. Remuneration and other transactions with management and others.*

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the issuer and its subsidiaries during the issuer's last fiscal year to the following persons for services in all capacities:

(1) Each director of the issuer whose aggregate direct remuneration exceeded \$30,000, and each of the three highest paid officers of the issuer whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the issuer as a group, stating the number of persons in the group without naming them.

Name of individual or number of persons in group (A)	Capacities in which remuneration was received (B)	Aggregate direct remuneration (C)

*Instructions.* 1. Except as provided in Instruction 2, paragraph (a) of this item

applies to any person who was a director or officer of the issuer at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer of the issuer.

2. Paragraph (a)(1) of this item does not apply to any person who was not named as a director or officer of the issuer in answer to Item 7 of Form 10 in the first registration statement filed on that form for the registration of a class of securities pursuant to section 12 of the Act, provided (i) such person has not been a director or officer of the issuer since the filing of such statement and (ii) the same information is not otherwise required to be disclosed in material filed with the Commission.

3. The information is to be given on an accrual basis if practicable. The tables required by this paragraph (a) and paragraph (b) below may be combined if the issuer so desires.

4. Do not include remuneration paid to a partnership to which any director or officer was a partner, but see paragraph (f) below.

\* \* \* \* \*

*Item 9. Bonus, profit sharing and other remuneration plans.* If action is to be taken with respect to any bonus, profit sharing or other remuneration plan, furnish the following information:

\* \* \* \* \*

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing or other remuneration or officer named in answer to Item 7(a) who within the past 5 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

\* \* \* \* \*

*Instructions.* 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b).

2. If action is to be taken with respect to the amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

3. The following instructions shall apply to paragraph (d):

(a) Information need only be given with respect to benefits received or set aside within the past 5 years.

(b) Information need not be included as to payments made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar group payments or benefits.

(c) Paragraph (d) applies to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation or other remuneration or incentive plans.

4. If the plan to be acted upon is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of Rule 14a-6 (17 CFR 240.14a-6).

*Item 10. Pension and retirement plans.* If action is to be taken with respect to any pension or retirement plan, furnish the following information:

\* \* \* \* \*

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all

## RULES AND REGULATIONS

bonus, profit sharing or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

\* \* \* \* \*

*Instructions.* 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b). Instruction 2 to Item 9 shall apply to this item.

2. The information called for by paragraph (b) (3) or (c) (2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

3. Instruction 3 to Item 9 shall apply to paragraph (d) of this item.

4. If the plan to be acted upon is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of Rule 14a-6 (17 CFR 240.14a-6).

*Item 11. Options, warrants or rights.* If action is to be taken with respect to the granting or extension of any options, warrants or rights to purchase securities of the issuer or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised; (iii) the consideration received or to be received by the issuer or subsidiary for the granting of extension of the options, warrants or rights; (iv) the market value of the securities called for or to be called for by the options, warrants or rights as of the latest practicable date, and (v) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the issuer.

\* \* \* \* \*

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing or other remuneration or incentive plans, now in effect or in effect within the past five years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

*Instructions.* 1. The term "plan" as used in this item means any plan as defined in Instruction 1 to Item 7(b).

2. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

3. Instruction 3 to Item 9 shall apply to paragraph (c) of this item.

4. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 5 years through the exercise of options granted during the period or prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

5. If the options described in answer to

this item are issued pursuant to a plan which is set forth in a written document, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of Rule 14a-6 (17 CFR 240.14a-6).

*Note:* The Commission should be informed, as supplemental information, when the proxy statement in preliminary form is filed, as to when the options, warrants or rights and the shares called for thereby will be registered under the Securities Act of 1933, or if such registration is not contemplated the section of the Act or rule of the Commission under which exemption from such registration is claimed and the facts relied upon to make the exemption available.

*Item 12. Authorization or issuance of securities otherwise than for exchange.* If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

\* \* \* \* \*

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose so far as determinable for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, state the reason, indicate the purpose of the authorization of the securities, and state whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance and the general effect thereof upon the rights of existing security holders.

*Item 13. Modification or exchange of securities.* If action is to be taken with respect to the modification of any class of securities of the issuer, or the issuance or authorization for issuance of securities of the issuer in exchange for outstanding securities of the issuer, furnish the following information:

\* \* \* \* \*

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

\* \* \* \* \*

*Item 14. Mergers, consolidations, acquisitions and similar matters.* Furnish the following information if action is to be taken with respect to any plan for (i) the merger or consolidation of the issuer into or with any other person or of any other person into or with the issuer, (ii) the acquisition by the issuer or any of its security holders of securities of another issuer, (iii) the acquisition by the issuer of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the issuer, or (v) the liquidation or dissolution of the issuer:

(a) Outline briefly the material features of the plan. State the reasons therefor and the general effect thereof upon the rights of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a-6(a) (17 CFR 240.14a-6(a)).

(b) Furnish the following information as to the issuer and each person (other than

totally held subsidiaries of the issuer) which is to be merged into the issuer or into or with which the issuer is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer. What is required is information essential to an investor's appraisal of the action proposed to be taken.

\* \* \* \* \*

(4) Furnish a tabulation in columnar form showing the existing and the pro forma capitalization.

(5) Furnish in columnar form for each of the last 5 fiscal years a historical summary of earnings and show per share amounts of net earnings, dividends declared for each year and book value per share at the end of the latest period.

(6) Furnish in columnar form for each of the last 5 fiscal years a combined pro forma summary of earnings, as appropriate in the circumstances, indicating the aggregate and per share earnings for each such year and the pro forma book value per share at the end of the latest period. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) To the extent material for the exercise of prudent judgment in regard to the matter to be acted upon, furnish the historical and pro forma earnings data specified in (5) and (6) above for interim periods of the current and prior fiscal years, if available.

*Instructions.* 1. The earnings per share and dividends per share amounts required by paragraphs (b) (5) and (6) shall be presented in tabular form where appropriate and equated to a common basis in exchange transactions.

2. Include comparable data for any additional fiscal years necessary to keep the summary from being misleading. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes; net income; special items, and net income and special items. The summary shall reflect the retroactive adjustment or any material items affecting the comparability of the results.

3. In connection with any unaudited summary for an interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable unaudited prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

\* \* \* \* \*

*Item 15. Financial statements.*

\* \* \* \* \*

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the issuer, financial statements such as would currently be required in an original registration statement for registration of securities of such person pursuant to section 12 of the Act. Such statements shall be certified if practicable. Notwithstanding the foregoing, the following may be omitted: (1)

All schedules other than schedules of supplementary profit and loss information; (2) statements for any totally held subsidiary of the issuer which is included in the consolidated statement of the issuer and its subsidiaries, and (3) statements for a person which is to succeed to the issuer, or to the issuer and one or more of its totally held subsidiaries, provided the capital structure and balance sheet of the successor immediately after the succession will be substantially the same as those of the issuer or the combined capital structures and balance sheets of the issuer and its totally held subsidiaries, as the case may be.

**Instruction.** Such statements shall be prepared in accordance with Regulation S-X (17 CFR Part 210) and, if certified, shall be certified in accordance with that regulation.

(c) The Commission may, upon the request of the issuer, permit the omission of any of the statements herein required where such statements are not necessary for the exercise of prudent judgment in regard to any matter to be acted upon, or may permit the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise material for the exercise of prudent judgment in regard to any matter to be acted upon. In the usual case, financial statements are deemed material to the exercise of prudent judgment where the matter to be acted upon is the authorization or issuance of a material amount of senior securities, but are not deemed material where the matter to be acted upon is the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition or similar transaction.

**Item 17. Restatement of accounts.** If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the issuer, furnish the following information:

(c) State the name and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereon. Tabular presentation of the amounts shall be made when appropriate, particularly in the case of re-capitalizations.

**Item 20. Amendment of charter, bylaws or other documents.** If action is to be taken with respect to any amendment of the issuer's charter, bylaws or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

**Item 22. Vote required for approval.** As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

**§ 240.14a-102 Schedule 14B. Information to be included in statements filed by or on behalf of a participant (other than the issuer) pursuant to § 240.14a-11(c) (Rule 14a-11(c)).**

**Instructions.** 1. The item numbers and captions of the items shall be included but the text of the items may be omitted if the answers thereto are so prepared as to indicate clearly the coverage of the items. Answer every item. If an item is inapplicable

or the answer is in the negative, so state. The information called for by Items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary solicitings by Rule 14a-11(d)(3).

2. If the participant is a partnership, corporation, association or other business entity, the information called for by Item 2, 3 and 4 (b) and (c) shall be given with respect to each partner, officer and director of such entity, and each person controlling such entity, who is not a participant.

\* \* \* \* \* *Item 3. Interests in securities of the issuer.* \* \* \* \* \*

(e) State whether or not you are, or were within the past year, a party to any contract, arrangements or understandings with any person with respect to any securities of the issuer, including, but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profit, division of losses or profits, or the giving or withholding of proxies. If so, name the parties to such contracts, arrangements or understandings and give the details thereof.

\* \* \* \* \* *Item 4. Further matters.* \* \* \* \* \*

(d) State the total amount contributed and proposed to be contributed by you in furtherance of the solicitation, directly or indirectly, if such amount exceeds or will exceed \$500 in the aggregate.

(Secs. 14 and 23; 48 Stat. 895 and 901, as amended; 15 U.S.C. 78n and 78w)

[F.R. Doc. 66-181; Filed, Jan. 6, 1966; 8:46 a.m.]

## Title 18—CONSERVATION OF POWER AND WATER RESOURCES

### Chapter I—Federal Power Commission

#### SUBCHAPTER A—GENERAL RULES [Docket No. R-296; Order 316]

### PART 2—GENERAL POLICY AND INTERPRETATIONS

#### Budget-type Certificate Applications

DECEMBER 30, 1965.

By Order No. 185 issued February 8, 1956, 15 FPC 793; 21 F.R. 1485, the Commission prescribed amendments to its regulations under the Natural Gas Act relating to the filing of rate schedules and tariffs under Part 154 and applications for certificates of public convenience and necessity under Part 157 of said regulations (18 CFR 154.1 et seq., and 157.5, et seq.).

By Order No. 247 issued June 7, 1962, 27 FPC 1119; 27 F.R. 5606, as amended by Order No. 281 issued April 21, 1964, 31 FPC 971; 29 F.R. 5544, the Commission prescribed § 2.58 (18 CFR 2.58) announcing its policy on budget-type certificate applications under section 7 of the Natural Gas Act.

The recitals in Order No. 185 respecting our policy on budget-type certificate applications should be included in § 2.58 (18 CFR 2.58) of our rules. By this order we are prescribing the pertinent part of

such recitals as part of our statements of policy and interpretations.

The Commission finds:

(1) The amendments herein prescribed are for purposes of codification of pronouncements heretofore made.

(2) The amendments are of a clarifying nature and represent matters of policy and procedure which do not require notice or hearing under section 4(a) of the Administrative Procedure Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o), orders, Part 2, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is amended as follows:

(A) Delete from the first paragraph of § 2.58 the following: "In accordance with the Commission's advice in Order No. 185, issued February 8, 1956 (15 FPC 793 at 794)" and insert in lieu thereof the following: "In accordance with the Commission's advice set forth in paragraph (e) of this section".

(B) Insert to follow paragraph (d) of § 2.58 the following new paragraph (e):

(e) In its Order No. 185, issued February 8, 1956, 15 FPC 793, 794; 21 F.R. 1485, the Commission advised any interested natural-gas company subject to the Natural Gas Act that it may file under § 157.6 of this chapter a single certificate application covering in general outline along the lines of a budget estimate the proposed routine construction intended to be undertaken by it during the current or ensuing fiscal year. A hearing could then be held on such a proposal and a certificate issued in accordance with the general application. At the end of the period, a statement shall be filed showing the actions taken under the certificate and any authority thereunder which was not exercised.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-171; Filed, Jan. 6, 1966; 8:46 a.m.]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 121—FOOD ADDITIVES

###### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

###### RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1861) filed by Dow Corning Corp., Midland, Mich., 48641, and other relevant material, has concluded that the food additive regulations should be

## RULES AND REGULATIONS

amended to provide for the safe use of stannous oleate as an accelerator for the vulcanization of silicone elastomers employed in the manufacture of rubber articles intended for repeated use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2562 (c)(4)(ii)(b) is amended by inserting alphabetically in the list of accelerators a new item as follows:

**§ 121.2562 Rubber articles intended for repeated use.**

\* \* \* \* \*

(c) \* \* \*

(4) \* \* \*

(ii) \* \* \*

(b) *Accelerators (total not to exceed 1.5 percent by weight of rubber product).* \* \* \*

Stannous oleate for use only as an accelerator for silicone elastomers.

\* \* \* \* \*

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the *FEDERAL REGISTER* file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on the date of its publication in the *FEDERAL REGISTER*.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 29, 1965.

J. K. KIRK,  
Assistant Commissioner  
for Operations.

[F.R. Doc. 66-176; Filed, Jan 6, 1966;  
8:46 a.m.]

**PART 121—FOOD ADDITIVES**

**Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food**

**SURFACE LUBRICANTS USED IN MANUFACTURE OF METALLIC ARTICLES**

*Correction*

In F.R. Doc. 66-15, appearing at page 9 of the issue for Tuesday, January 4, 1966, the matter immediately following the first sentence of § 121.2531(f) is not a portion of paragraph (f) and should be paragraphed. Section 121.2531(f) should read as follows:

(f) Any substance that is listed in this section and the subject of a regulation in this Subpart F shall comply with any applicable specifications prescribed by such regulation.

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 170 ]

### MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

#### Notice of Proposed Rule Making

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 final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, 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 Director within the 30-day period. In such a 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 (1) provide procedures for the deferred payment of taxes on distilled spirits, withdrawn from internal revenue bond under section 5174(a)(2) of the Internal Revenue Code, after operations incidental to the rectification and bottling of such spirits have been completed, and (2) discontinue the optional three-day period (provided for in Subpart W of 26 CFR Part 170 as added by Treasury Decision 6848, 30 F.R. 11599) for the filing of returns by proprietors of distilled spirits plants, for both bonded premises and bottling premises, the regulations in 26 CFR Part 170 are amended by adding new Subpart C, as follows:

#### Subpart C—Regulations Respecting the Filing of Returns and Payment of Taxes on Distilled Spirits and Rectified Products by Return

**Preamble.** These regulations in this subpart shall not affect any liability accruing or accrued, or any suit commenced before the effective date of the regulations in this subpart.

Sec.	
170.41	Scope of subpart.
170.42	Other regulations applicable.
170.43	Meaning of terms.
	<b>PAYMENT OF TAXES ON DISTILLED SPIRITS AND RECTIFIED PRODUCTS</b>
170.44	General.
170.45	Deferred payment of distilled spirits tax by proprietor of bonded premises.
170.46	Deferred payment of distilled spirits tax by proprietor of bottling premises.
170.47	Deferral denied under certain conditions.
170.48	Deferred payment of tax on rectified products.
170.49	Return periods and times for filing.
170.50	Computation of amount of tax to be paid by proprietor of bottling premises.
170.51	Default in payment of taxes.
	<b>CONTROL PREMISES</b>
170.52	Control premises.
170.53	Segregation of stocks.
	<b>BONDS AND CONSENTS OF SURETY</b>
170.54	Bonds.
170.55	Consents of surety.
	<b>OPERATIONS BY ALTERNATING PROPRIETORS</b>
170.56	Procedure for alternating proprietors.
	<b>DISCONTINUANCE OF BUSINESS</b>
170.57	Permanent discontinuance of business.
	<b>INVENTORIES AND RECORDS</b>
170.58	Establishment of controlled stock inventory.
170.59	Inventories of controlled stock.
170.60	Record of inventories.
170.61	Summary records.
170.62	Record of tax liability.
170.63	Credits against assumed liability.

#### § 170.41 Scope of subpart.

This subpart provides regulations respecting (a) the deferred payment, by proprietors of distilled spirits plants, of taxes on distilled spirits pursuant to returns on Form 2522 and Form 4077, and of taxes on rectified products and wines pursuant to returns on Form 2527, (b) the periods to be covered by such returns, and (c) the times for filing such returns, with remittances.

#### § 170.42 Other regulations applicable.

All provisions of Part 201 of this chapter not inconsistent with the provisions of this subpart shall remain in full force and effect, and all such provisions applicable to returns, remittances, bonds and consents of surety (other than the provisions of § 201.194 of this chapter relating to powers of attorney), operations by alternate proprietors, and inventories and records, shall be applicable to returns, remittances, bonds and consents of surety, operations by alternate proprietors, and inventories and records under this subpart. The provisions of Subpart B of this part shall be applicable to powers of attorney authorizing agents

or officers to execute bonds and consents of surety given under this subpart.

#### § 170.43 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in Part 201 of this chapter and in this subpart.

**Control premises.** The premises, as provided in § 170.52, on which controlled stock is rectified, bottled, packaged, or stored.

**Controlled stock.** Stock on control premises, comprising:

(a) Tax-determined domestic spirits received for rectification or bottling;

(b) Tax-determined imported spirits received from internal revenue bond (as authorized by section 5232, I.R.C.) for rectification or bottling;

(c) Other tax-determined imported spirits dumped and reported on batch record Form 122 for use in production of rectified distilled spirits product;

(d) Alcoholic flavoring materials, wines, and products made with wine, dumped and reported on batch record Form 122 for use in production of a rectified distilled spirits product;

(e) Distilled spirits products received and dumped for reprocessing or re-bottling;

(f) Any mixture of, or product made from, the preceding;

(g) Any of the preceding (1) on the control premises of a proprietor on the commencement of business under the provisions of this subpart, or (2) received from an outgoing proprietor as controlled stock under the provisions of § 170.56.

#### PAYMENT OF TAXES ON DISTILLED SPIRITS AND RECTIFIED PRODUCTS

#### § 170.44 General.

Notwithstanding any provision of Part 201 of this chapter, or of Subpart W of this part, relating to (a) the periods to be covered by returns on Form 2522 for the deferred payment of taxes on distilled spirits, and on Form 2527 for the deferred payment of taxes on rectified products and wines, (b) the times for filing returns for the deferred payment of taxes, and (c) the amount of tax to be included for payment with such returns, proprietors of distilled spirits plants shall file returns for the deferred payment of taxes on distilled spirits, and on rectified products and wines, determined on and after the effective date of this subpart, on the forms, for the periods, by the times, and with remittances in the amounts, as provided in this subpart.

#### § 170.45 Deferred payment of distilled spirits tax by proprietor of bonded premises.

A proprietor of bonded premises who has withdrawn spirits from such prem-

## PROPOSED RULE MAKING

ises on determination and before payment of tax shall file a tax return covering such spirits on Form 2522, with remittance, for the periods and by the times provided in § 170.49. The proprietor of bonded premises shall include, for payment, on his return on Form 2522 the full amount of distilled spirits tax determined in respect of all spirits released for withdrawal from bonded premises on determination of tax during the period covered by the return (except spirits on which tax has been prepaid, and spirits withdrawn on determination of tax by proprietors of bottling premises). The proprietor of bonded premises who is qualified under bond, Form 2613 or 2615, to defer payment of distilled spirits tax, shall execute and file a return on Form 2522 to cover each return period, notwithstanding that no tax is due for payment for such period.

**§ 170.46 Deferred payment of distilled spirits tax by proprietor of bottling premises.**

A proprietor of bottling premises who has assumed the liability for tax on spirits withdrawn from internal revenue bond under section 5174(a)(2), I.R.C., shall pay such tax pursuant to returns on Form 4077, or, if he is in default, pursuant to a prepayment return on Form 2521, as prescribed in § 170.51. Returns on Form 4077 shall be filed for the periods and by the times provided in § 170.49. The amount of such tax to be paid with each return on Form 4077 shall be computed as provided in § 170.50. Spirits withdrawn from bond under section 5174(a)(2), I.R.C., shall be conveyed without delay to the bottling premises and shall be reported as received when they arrive at the bottling premises. The proprietor of each bottling premises who is qualified under bond, Form 2614 or 2615, to defer payment of distilled spirits tax, shall execute and file a return on Form 4077 to cover each return period, notwithstanding that no tax is due for payment on such form.

**§ 170.47 Deferral denied under certain conditions.**

Any proprietor deferring payment of tax under the provisions of § 170.46 who, after having been advised of his deficiency by the assistant regional commissioner, fails to maintain the records required by, or who otherwise fails to conform to any provisions of, this subpart and who is then so notified by the assistant regional commissioner, may thereafter withdraw from internal revenue bond for rectification or bottling only spirits in respect of which the tax thereon has been paid prior to such withdrawal: *Provided*, That he shall be permitted to again withdraw spirits under the provisions of section 5174(a)(2), I.R.C., if he satisfies the assistant regional commissioner that he is properly maintaining the prescribed records and will, in all respects, conform to the provisions of this subpart.

**§ 170.48 Deferred payment of tax on rectified products.**

A proprietor of bottling premises who has, during a return period, incurred

liability for taxes determined on rectified products, and has not prepaid such taxes, shall file a tax return for that period, covering such products, on Form 2527, with remittance, in the full amount of the taxes so determined but not paid. Returns on Form 2527 shall be filed for the periods and by the times provided in § 170.49.

**§ 170.49 Return periods and times for filing.**

Return periods shall run from the 1st day of each month through the 15th day of that month, and from the 16th day of each month through the last day of that month. Returns for periods ending on the 15th day of the month shall be filed, with remittances, not later than the 25th day of the same month; and returns for periods ending on the last day of a month shall be filed, with remittances, not later than the 10th day of the next succeeding month. Commencing with the return for the period beginning July 1, 1966, and for each subsequent return period, returns shall be filed, with remittances, for each such return period, not later than the last day of the return period next succeeding that period. The provisions of § 201.383 of this chapter regarding (a) the 2 p.m. time of filing the return and remittance, (b) the person with whom the return and remittance shall be filed, and (c) the date of delivery when delivery is by U.S. mail, shall be applicable to the filing of returns, with remittances, under this subpart.

(72 Stat. 1835; 26 U.S.C. 5061)

**§ 170.50 Computation of amount of tax to be paid by proprietor of bottling premises.**

A proprietor of bottling premises who is required to file returns on Form 4077 (as provided in § 170.46) shall, as of the close of each return period, compute the amount of tax to be paid with such return, in the following manner:

(a) Determine the balance of his outstanding liability from the record required by § 170.62 (less any payments made by returns on Form 4077 for prior return periods but filed subsequent to the close of the return period for which the computation is being made).

(b) Determine the tax value of the controlled stock inventory (1) by deducting from the total proof gallons in such inventory (i) the proof gallons of all alcoholic materials (distilled spirits, wines, products made with wine, and alcoholic flavoring materials) entered into controlled stock during the period which were not withdrawn from bond under the provisions of section 5174(a)(2), I.R.C., and (ii) the proof gallons in the controlled stock inventory of any mixture or product which derived less than half of its proof gallon content from tax-determined spirits, and (2) by multiplying the remainder of proof gallons by an amount equal to the rate of tax prescribed by section 5001(a)(1), I.R.C.

(c) Determine, and pay with the return for the period, the amount by which the balance of his outstanding liability (as determined in paragraph (a) of this

section) exceeds the tax value (as determined in paragraph (b) of this section) of the controlled stock inventory: *Provided*, That in any case where the proof gallons to be deducted from the controlled stock inventory under the provisions of paragraph (b)(1) of this section equals or exceeds the total proof gallons in the end of the period inventory of controlled stock, the total liability remaining unpaid (as determined under the provisions of paragraph (a) of this section) shall be paid with the return for the period.

(d) Notwithstanding the provisions of paragraph (c) of this section, the amount to be paid with the return shall be increased by any amount necessary to comply with the requirements of paragraphs (e) and (f) of this section, and shall be reduced by the amount of any authorized credit taken on the return.

(e) Any tax for which liability for payment was assumed under the provisions of section 5174(a)(2), I.R.C., which has not been previously paid as provided in this subpart shall be paid with the return on Form 4077 for the twelfth return period next succeeding (1) the return period in which falls the date of receipt at the bottling premises of the spirits reported on the withdrawal form, or (2) the return period in which falls the twenty-first day after the date of the certificate of tax determination on the withdrawal form, whichever period occurs first.

(f) The outstanding liability which would remain after compliance with the provisions of paragraphs (a) through (e) of this section shall not exceed the tax value of the controlled stock removed by the proprietor during any six consecutive return periods within the thirty return periods preceding the period for which the return on Form 4077 is being prepared; such tax value to be computed by (1) determining (from the record prescribed by § 170.61(c)(3)) the total proof gallons removed from controlled stock during the six consecutive return periods, and (2) multiplying that total by an amount equal to the rate of tax prescribed by section 5001(a)(1), I.R.C. The six consecutive return periods shall be designated by the proprietor. The provisions of this paragraph shall not be applicable to the liability outstanding at the close of each of the first six return periods after the commencement of operations by the proprietor under this subpart.

**§ 170.51 Default in payment of taxes.**

The provisions of Part 201 of this chapter relating to default in deferred payment of taxes shall be applicable to default in deferred payment of taxes under this subpart. In addition, if a proprietor of bottling premises has defaulted in payment of any tax under this subpart, he shall not remove any controlled stock from his control premises until he has filed a return on Form 2521 (appropriately modified), with remittance, in an amount not less than the product of the number of proof gallons of the controlled stock proposed to be removed and the rate of tax prescribed by section 5001(a)(1), I.R.C.; however, notwithstanding

standing that the tax is paid pursuant to return on Form 2521 under the provisions of this section, a return on Form 4077 shall be filed for each return period as provided in § 170.46. The proprietor shall retain with his copy of each return on Form 2521 (showing receipt of the remittance by the internal revenue officer or district director, as the case may be) a record showing the kind of spirits, type, size, and serial numbers of the containers and the proof gallons of the spirits removed, or to be removed, pursuant to such return. Where a proprietor of bottling premises has defaulted in any payment of tax under this subpart, during the period of such default and thereafter until the assistant regional commissioner finds that the revenue will not be jeopardized by payment of tax pursuant to return on Form 4077, tax shall be paid by such proprietor in accordance with the provisions of this section.

#### CONTROL PREMISES

##### § 170.52 Control premises.

The bottling premises of the distilled spirits plant shall constitute the control premises: *Provided*, That a proprietor who desires to establish additional control premises on his general plant premises may submit to the assistant regional commissioner an application for amended registration, Form 2607, and an amended plat delineating such additional premises. Approval of the Form 2607 by the assistant regional commissioner shall constitute approval of the additional control premises, and the control premises shall then consist of the bottling premises and the additional premises depicted on the amended plat. Each plat submitted under this section shall be prepared in accordance with the applicable provisions of §§ 201.154 and 201.155 of this chapter, and shall depict the relative location of the bottling premises and the proposed additional control premises. The provisions of § 201.174(a) of this chapter shall be applicable to operation by alternating proprietors of additional control premises established under the provisions of this subpart.

##### § 170.53 Segregation of stocks.

Proprietors of bottling premises shall keep all controlled stock physically separated from other stock on their control premises. Such separation shall be effectuated by use of separate tanks, rooms, or buildings, or by partitioning, or by such other manner or method satisfactory to the assistant regional commissioner as will clearly and readily distinguish controlled stock from other stock on the control premises and as will facilitate verification of the inventory. All stock on control premises shall be so identified as to enable internal revenue officers to readily ascertain whether the stock is controlled stock or other stock.

#### BONDS AND CONSENTS OF SURETY

##### § 170.54 Bonds.

(a) *Form 2613, 2614, or 2615.* A proprietor whose bond on Form 2613, 2614, or 2615, covering the deferred payment of taxes on distilled spirits withdrawn from bonded premises on determination

of tax, is in a sufficient penal sum shall give either a new bond on Form 2613, 2614, or 2615, as applicable, or a consent of surety on Form 1533 to extend the terms of his bond then in force to cover the deferred payment of tax on distilled spirits under the provisions of this subpart. A proprietor whose bond on Form 2613, 2614, or 2615 is not in a sufficient penal sum, shall give either a new bond in a sufficient penal sum on Form 2613, 2614, or 2615, as applicable, or a strengthening bond to increase the total penal sum of the bonds in force to a sufficient penal sum. Each proprietor giving a strengthening bond shall also file a consent of surety on Form 1533 to extend the terms of his bond, Form 2613, 2614, or 2615, then in force to cover the payment of taxes on distilled spirits under the provisions of this subpart.

(b) *Form 2601.* A proprietor of bottling premises who files returns on Form 2527 shall give either a new bond on Form 2601 or a consent of surety on Form 1533 to extend the terms of his bond, Form 2601, then in force, to cover the payment of taxes on rectified products and wines under the provisions of this subpart.

(c) *Exception.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, a proprietor whose bond is in a sufficient penal sum and who is qualified under the provisions of Subpart W of this part (as added by Treasury Decision 6348, effective September 24, 1965) for extended deferral of payment of taxes (1) on spirits withdrawn from bond in his capacity as a proprietor of bonded premises, or (2) on rectified products and wines, shall be deemed to be qualified for deferral of payment of taxes on spirits so withdrawn or on rectified products and wines, as the case may be, under the provisions of this subpart.

(72 Stat. 1349, 1352; 26 U.S.C. 5173, 5174)

Each consent of surety on Form 1533 required under the provisions of § 170.54 shall identify the particular bond to which it applies and shall contain a statement of purpose as follows—

(a) *With respect to bond, Form 2613, 2614, or 2615:*

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that the deferred payment of taxes on distilled spirits withdrawn from bond on determination of tax will be made as provided for by regulations in Subpart C of 26 CFR Part 170.

(b) *With respect to bond, Form 2601:*

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that the deferred payment of taxes on rectified products and wines will be made as provided for by regulations in Subpart C of 26 CFR Part 170.

#### OPERATIONS BY ALTERNATING PROPRIETORS

##### § 170.56 Procedures for alternating proprietors.

(a) *General.* Where bottling premises are operated by alternating pro-

prietors under § 201.174 of this chapter, the outgoing proprietor may transfer any or all of his controlled stock to the incoming proprietor, and such transfer shall constitute a removal of controlled stock from control premises by the outgoing proprietor. The outgoing proprietor may retain on the bottling premises any of his controlled stock which has not been packaged or cased for removal, and he may retain on any portion of his control premises which is not to be operated by the incoming proprietor any of his controlled stock which has been packaged or cased for removal. Any controlled stock not transferred to the incoming proprietor and not retained by the outgoing proprietor as provided in this section shall be considered to have been removed from the control premises by him at the time the premises are alternated to the incoming proprietor.

(b) *Procedure for outgoing proprietor.* The outgoing proprietor shall file a return on Form 4077 (with remittance, if payment is due) for the return period in which the change in proprietorship is made and for each subsequent return period during which the alternate proprietor operates the bottling premises. If the outgoing proprietor is in default, a return on Form 2521, with remittance, must be filed as provided in § 170.51 before the removal or transfer of any controlled stock, as provided in paragraph (a) of this section.

(c) *Procedure for incoming proprietor.* If the outgoing proprietor transfers any of his controlled stock to the incoming proprietor, all stock so transferred which has not been packaged or cased for removal shall become a part of the incoming proprietor's inventory of controlled stock when received by him, and he shall include the quantity of such controlled stock in his record required by § 170.61(a).

#### DISCONTINUANCE OF BUSINESS

##### § 170.57 Permanent discontinuance of business.

Where the proprietor of bottling premises permanently discontinues business, he shall comply with the provisions of § 201.176 of this chapter, and shall include for payment with his return on Form 4077, for the period in which such discontinuance becomes effective, the full amount of any unpaid tax for which liability was assumed by him under section 5174(a)(2), I.R.C.: *Provided*, That where such proprietor is required to pay tax pursuant to return on Form 2521 as provided in § 170.51, he shall, before filing Form 2607 as provided in § 201.176 of this chapter, file a return on Form 2521 with remittance in the full amount of any unpaid tax for which liability was assumed by him under section 5174(a)(2), I.R.C.

#### INVENTORIES AND RECORDS

##### § 170.58 Establishment of controlled stock inventory.

Each proprietor of bottling premises shall, before commencing business on or after the effective date of this subpart,

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take a physical inventory of his controlled stock. Such inventory shall show all quantities in proof gallons and shall be taken under such supervision, or verified in such manner, as the assistant regional commissioner may require.

**§ 170.59 Inventories of controlled stock.**

Each proprietor of bottling premises shall establish an inventory, in proof gallons, of his controlled stock on hand as of the close of each return period. The inventory shall differentiate between stocks of mixtures and products which derive less than half of their proof gallon content from tax-determined spirits and other controlled stocks. For the return periods ending June 30 and December 31 of each year, and for such other return periods as may be required by the assistant regional commissioner, physical inventories shall be taken. Physical inventories required under the provisions of this section shall be taken under such supervision, or verified in such manner, as the assistant regional commissioner may require. Whenever a physical inventory of controlled stock is to be taken, the proprietor shall, at least 5 business days in advance, advise the assistant regional commissioner of the date and time he will take such inventory.

**§ 170.60 Record of inventories.**

Each proprietor of bottling premises shall prepare a record of each required physical inventory of controlled stock taken by him under the provisions of this subpart. The record of each such inventory shall show the following:

(a) As to containers (including uncased bottles), the kind, size, and serial number where applicable, of each container, and the kind, and quantity in proof gallons, of spirits contained therein;

(b) As to cases of bottled spirits, the kind of spirits therein, the number and size of bottles per case, the proof gallons per case, and the number of such cases; and

(c) The total proof gallons of the inventory.

The provisions of § 201.627 of this chapter relating to the signing and retention of inventories shall be applicable to the signing and retention of inventories required by this subpart.

**§ 170.61 Summary records.**

Each proprietor of bottling premises qualified to defer payment of tax under the provisions of this subpart shall, in addition to the records required under the provisions of 26 CFR Part 201, prepare summaries, in proof gallons, of additions to and removals from controlled stock as follows:

(a) *Daily summary of additions to controlled stock.* Additions to controlled stock shall be summarized daily, showing separately (1) spirits received on withdrawal from internal revenue bond under section 5174(a) (2), I.R.C., and (2) all other additions to controlled stock. Each summary shall be supported, as applicable, by copies of Forms 179 covering spirits withdrawn from internal revenue bond on determination of tax; by in-

voices or other commercial documents covering other tax-determined domestic spirits received for rectification or bottling; by batch records, Forms 122, reporting imported spirits (other than those received from internal revenue bond), alcoholic flavoring materials, wines, and products made with wine, dumped for use in rectified distilled spirits products; and by Forms 122 covering returned distilled spirits products dumped for reprocessing or rebottling.

(b) *Daily summary of removals from controlled stock.* In addition to the daily summary of removals required under § 201.623(h) of this chapter, removals from controlled stock shall be summarized daily, showing separately (1) removals, (2) spirits voluntarily destroyed, (3) determined breakage after completion, and determined casualty losses, and (4) losses or gains disclosed by inventories: *Provided*, That removals in cases may, in lieu of being reported in the proof gallon total of removals, be recorded in the summary by number of cases, wine gallons per case, and proof of the contents but, if that is done, the proprietor shall, on request by an internal revenue officer, promptly convert the quantities of such removals to proof gallons. Each summary shall be supported, where applicable, by records showing the name and address of each consignee..

(c) *Summary of controlled stock operations for return period.* At the close of each return period, a summary shall be prepared for that return period showing:

(1) Spirits received on withdrawal from internal revenue bond under section 5174(a) (2), I.R.C.;

(2) Other additions to controlled stocks; and

(3) Removals of controlled stock (total proof gallons of items required by paragraph (b) of this section to be summarized daily).

A copy of each return period summary required by this paragraph shall be delivered to the assigned officer on or before the third business day preceding the due date for filing the return for that period.

**§ 170.62 Record of tax liability.**

Each proprietor of bottling premises qualified to defer payment of tax under the provisions of this subpart shall maintain a record of the tax-determined liability assumed by him on spirits withdrawn from internal revenue bond under the provisions of section 5174(a) (2), I.R.C. Such record shall show, in chronological order, the tax liability on each lot of such spirits received on the bottling premises, the amount of tax paid and credited with each return, and the daily balance of outstanding liability on spirits received on the bottling premises. Each entry on the record shall show, as to each receipt of spirits, the date of receipt, the serial number of the withdrawal Form 179, and the liability assumed; and as to each tax return on Form 4077, the period covered by the return, the date filed, and the amount credited and paid. Where an entire lot of spirits withdrawn from internal revenue bond under the provisions of sec-

tion 5174(a) (2), I.R.C., is lost prior to receipt on the bottling premises, the proprietor shall, at the time he makes the report required by § 201.484 of this chapter, enter the total tax liability on such spirits in his tax liability accounting; and where any lot of spirits so withdrawn has been in transit for two return periods following the return period in which falls the 21st day after the date of the certificate of tax determination on the withdrawal form, the liability thereon, if not previously entered into the tax liability accounting, shall, at the beginning of the third return period next succeeding that in which fell the said 21st day, be entered by the proprietor in his tax liability accounting. The record shall also show, as of the close of each return period, but not as a part of the tax liability accounting, the serial numbers of the Forms 179 and the tax liability assumed thereon, for those spirits which were in transit at the close of each return period, showing separately those which were in transit less than 21 days and those which were in transit 21 days or more.

**§ 170.63 Credits against assumed liability.**

Notwithstanding any provisions of this subpart with respect to the method of computing the tax to be paid with the return on Form 4077, or of maintaining records of tax liability, amounts paid or credited on returns filed under the provisions of § 170.46 shall be considered to be in satisfaction of the oldest outstanding liability in respect of tax-determined spirits withdrawn under the provisions of section 5174(a) (2), I.R.C.

[F.R. Doc. 66-188; Filed, Jan. 6, 1966; 8:47 a.m.]

## ATOMIC ENERGY COMMISSION

### [10 CFR Ch. 1]

[Docket No. PRM 50-1]

### NATIONAL COAL POLICY CONFERENCE, INC., ET AL.

#### Denial of Petition for Rule Making

On September 29, 1965, the National Coal Policy Conference, Inc., the National Coal Association, and the United Mine Workers of America filed a petition for the issuance of a rule providing that no permit to construct or license to operate a facility of a type covered by the petition in Commission Docket No. PRM-102-A (boiling water reactors and pressurized water reactors) and intended primarily for the production of electricity for sale shall be issued until the Commission has issued a final determination upon such petition, provided that the rule shall not prohibit the issuance of a license to operate a facility if a permit to construct the facility has heretofore been issued. A supplement to this petition was filed on December 8, 1965.

In a notice of rule making published in the *FEDERAL REGISTER* on even date with this notice, the Commission issued a final

determination in its rule making proceeding "Determination Regarding Finding of Practical Value" in which the Commission denied the petition in Docket No. PRM-102-A.

The petition as supplemented, in this Docket No. PRM 50-1 is now moot, and therefore the petition is hereby denied.

Dated at Germantown, Md., this 29th day of December 1965.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 66-249; Filed, Jan. 6, 1966;  
8:49 a.m.]

**[10 CFR Ch. 11]**

[Docket Nos. RM-102-1; PRM-102-A]

**CERTAIN TYPES OF LIGHT WATER,  
NUCLEAR POWER REACTORS**

**Determination Regarding Statutory  
Finding of Practical Value**

The Atomic Energy Commission has carefully considered all of the proceedings in the above dockets, together with other information such as that set forth in the staff memorandum set forth below, and has reached a determination in this rule making proceeding under section 102 of the Atomic Energy Act of 1954, as amended (the "Act").

Section 102 provides that whenever the Commission finds that any type of production or utilization facility has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for such type of facility pursuant to section 103. We have considered whether a statutory finding of practical value should be made with respect to some type or types of light water, nuclear power reactors.

The legislative history of these sections of the Act shows that the statutory distinction between developmental and commercial licenses arose when a scarcity of the special nuclear material which serves as fuel for nuclear reactors was anticipated. Once a finding was made for a reactor type, such reactors would be authorized only after consideration of the effects on the total supply of special nuclear material. There is no longer any such scarcity. Another principal purpose of a finding is to preclude assistance under the Cooperative Power Reactor Demonstration Program to the specified facility types. This objective has already been achieved with respect to present types of light water, single purpose nuclear electric plants, since both the AEC and the Joint Committee on Atomic Energy have made clear that no such assistance will be authorized for new plants of these types in the larger sizes. Thus, the consequences of a statutory finding are relatively narrow.<sup>1</sup>

In a notice published in the July 10, 1964, issue of the *FEDERAL REGISTER* (29 F.R. 9458), the Commission announced that it had made the following preliminary

determinations, based upon its interpretation of the Act: The statutory finding of practical value, while presupposing a determination of technical feasibility, also involves economic considerations, the essential economic test being the competitiveness of the nuclear power plant with conventional power plants. The Commission has discretion to determine that no type of production or utilization facility will be considered to be "sufficiently developed" within the meaning of section 102 until it has been adequately demonstrated, not only technically but also economically. This could include (1) the demonstration of the technical feasibility of the reactor concept and of its basic technical characteristics and (2) sufficient demonstration, with reasonable extrapolation, of the cost of construction and operation of the type of nuclear power plant to provide a sound basis for a reliable estimate of economic competitiveness.

In light of the legislative history and the interpretation of section 102 of the Act outlined above, the Commission has taken into account the following circumstances: Currently operable light water, nuclear electric plants range up to about 200 net MW(e) and are not economically competitive. In 1962 the Commission encouraged the construction of scaled-up plants by requesting authorization under the Power Demonstration program for plants in the 400-500 net MW(e) range. Operating experience, including maintenance and availability, from the plants for which Congress authorized appropriations in these intermediate sizes is not available, since none of them is completed. More recently, plants in sizes exceeding 600 net MW(e) are being designed and constructed without Government financial assistance. The Commission has examined in some detail whether the information provided by the award of contracts for the construction of scaled-up plants without Government assistance is sufficient to support, without further demonstration, a finding of practical value under the Act. Without the operating information the intermediate sized plants are expected to provide, we are not prepared to make a statutory finding on the basis of demonstrated results of the currently operable plants that plants at least three times larger than 200 net MW(e) are of practical value within the meaning of section 102.

While certain economic evaluations governing the award of contracts for scaled-up plants not involving Government assistance provide strong indications that economic competitiveness will be achieved, we have decided to exercise our discretion to await a reliable estimate of the economics based upon a demonstration of the technology and plant performance. Pending the completion of scaled-up plants, and the information to be obtained from their operation, and in light of the legislative history, the Commission has determined that there has not yet been sufficient demonstration of the cost of construction and operation of light water, nuclear electric plants to warrant making a statutory finding that any types of such facilities have been sufficiently developed to be of practical

value within the meaning of section 102 of the Atomic Energy Act of 1954, as amended. The bases for the Commission's determination are more fully set forth in the attached staff memorandum.

The petition in Docket No. PRM-102-A, filed in this proceeding by the National Coal Policy Conference, Inc., the National Coal Association and the United Mine Workers of America, is hereby denied.

By the Atomic Energy Commission.

Dated at Germantown, Md., this 29th day of December 1965.

W. B. McCool,  
Secretary.

**STAFF MEMORANDUM**

*I. Summary of proceeding.* In the July 10, 1964, issue of the *FEDERAL REGISTER* (29 F.R. 9458) the Atomic Energy Commission published a notice that it had under consideration the question whether a finding of practical value should be made pursuant to section 102 of the Atomic Energy Act of 1954, as amended, (the "Act"), with respect to some type or types of light water, nuclear power reactors [Docket No. RM-102-1]. Section 102 provides that whenever the Commission has made a finding in writing that any type of production or utilization facility has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for such type of facility pursuant to section 103. That notice referred to, and made available for public inspection, an opinion of the Commission's General Counsel dated February 12, 1964, containing an analysis of substantive and procedural considerations involved in making a statutory finding of practical value and of the legal consequences of such a finding.

The notice also announced that the Commission had already made the following preliminary determinations:

"1. The 'type' of reactor for which a finding is made need not encompass all reactors of a broad category, for example, all pressurized or boiling water reactors; rather it may be circumscribed as to scope by an appropriate description which is reasonably specific as to the technical characteristics of the reactor type, for example, coolant, moderator, power level, fuel type, containment."

"2. The finding of 'practical value', while presupposing a determination of technical feasibility, also involves economic considerations, the essential economic test being the competitiveness of the nuclear power plant with conventional power plants. The nuclear plant should be competitive in areas of the United States consuming a significant fraction of the nation's electrical energy."

"3. The term 'developed' includes the concept of demonstration of the basic technical characteristics of the reactor type."

"The Commission also considers that it has discretion to determine that a finding should not be made until (1) the technical feasibility of the reactor concept and its basic technical characteristics have been adequately demonstrated and (2) there has been sufficient demonstration of the cost of construction and operation of the type of nuclear power plant as to provide a sound basis, with reasonable extrapolation, for a reliable estimate of the economic competitiveness of power produced in this type of plant with power that would be produced in a comparable conventional power plant that would be constructed at the same time and place."

The notice invited members of the public to submit comments and suggestions, to-

<sup>1</sup> These consequences are more fully discussed in the attached staff memorandum.

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gether with relevant data and information, to aid the Commission in its consideration of the question presented in the notice.

In the August 22, 1964, issue of the *FEDERAL REGISTER* (29 F.R. 12035) the Commission published a notice requesting public comments and suggestions with respect to a petition filed May 15, 1964, by the National Coal Policy Conference, Inc., the National Coal Association and the United Mine Workers of America. The petition requested that the Commission issue a rule, pursuant to section 102 of the Atomic Energy Act of 1954, as amended, finding that boiling light water reactors and pressurized light water reactors are types of utilization or production facilities that have been sufficiently developed to be of practical value for industrial or commercial purposes [Docket No. PRM-102-A].

This notice also consolidated the original proceeding with the proceeding on the petition for rule making. In response to the July 10 and August 22, 1965, notices more than 100 responses were received as follows: 7 Senators, 8 Congressmen, 28 Fuel Companies, 5 Fuel Manufacturing Companies, 17 Railroad Companies, 25 Union Locals, 9 Utilities, 6 Nuclear Industry Spokesmen, and 3 Members of the Public. The largest group of responses supported the position set forth in the May 15 petition and some of these responses enlarged upon that position. In general the responses from reactor manufacturers and electric utilities opposed the making of a statutory finding.

Pursuant to a notice published in the December 1, 1964, issue of the *FEDERAL REGISTER* (29 F.R. 15957) a legislative-type public rule making hearing was held on January 28, 1965. Seventeen interested persons and organizations participated in the hearing. In general, a summary of the positions presented at the hearing is as follows:

a. The petitioners stated that pressurized water and boiling water reactors are now economically competitive with conventional power stations, and that the technical feasibility of these reactor concepts had been demonstrated by plants presently in existence. They supported their conclusion that the plants are economically competitive by the statements of officials of the AEC, and statements and advertisements of utilities and manufacturers. They further concluded that the fact that utilities have presently contracted for nuclear plants on the basis of economic competitiveness necessitates the conclusion that these types of nuclear plants are economically competitive in a significant portion of the United States.

b. A spokesman for the Jersey Central Power & Light Co. testified that the decision to go nuclear was based on economic considerations, that the manufacturers' confidence in the plant, as demonstrated by warranties, evidenced its economic competitiveness and that the technical feasibility of the plant has been demonstrated by plants now in operation.

c. A spokesman for the Department of Water and Power, city of Los Angeles, Calif., testified that it is not now appropriate to make a statutory finding of practical value, because the data on nuclear power costs are based on estimated, rather than demonstrated costs. He further testified that particular attention should be given to the costs associated with licensing, toll enrichment, fuel reprocessing, fuel transporting, and to the value of reclaimed special nuclear material. Costs demonstration should be required for a period of time equal to the life of three core loadings and there should be demonstration of the fact that replacement cores can be purchased competitively.

d. The Chairman of the New York State Atomic Space and Development Authority testified that a statutory finding of practical value should not presently be made, because the costs which control the economics of

nuclear power generation have not been sufficiently demonstrated through experience; these include nuclear fuel costs, fuel transporting and storage costs, fuel reprocessing costs, the costs of engineered safeguards, and the costs of private insurance.

e. Spokesmen for the nuclear industry, including the General Electric Co., Westinghouse Electric Co., Allis-Chalmers Manufacturing Co., and the Babcock & Wilcox Co. testified that the uncertainties associated with the economics of nuclear power were within the realm of reasonable business risks, but that there has not been sufficient demonstration to warrant a statutory finding of practical value. These spokesmen stressed that there has not been demonstration sufficient to permit cost extrapolations to the size of nuclear plants being considered as economically competitive and that the uncertainties associated with such extrapolations are significantly greater than the ordinary risks associated with estimation of plant cost. They consider that the core performance data is particularly significant, and that until there has been actual demonstration of fuel related costs, no statutory finding of practical value should be made. They also indicated support for the recommendation made by the Ad Hoc Committee on Practical Value of the Atomic Industrial Forum, which was submitted to the Commission in the form of a comment. The report of that Committee had concluded that it would be inappropriate to make a statutory finding of practical value as to any type of power reactor and recommended instead that the Atomic Energy Act be amended to eliminate the distinction between developmental and commercial licenses and the requirement for a formal finding of practical value.

The record of the hearing was certified to the Commission on March 10, 1965.

II. *Legal consequences of a finding.* At the present time all licensed power reactors have been licensed under section 104b. of the Act as facilities involved in the conduct of research and development activities leading to the demonstration of practical value for industrial or commercial purposes. If a statutory finding of practical value were made for a facility type, only section 103 licenses could thereafter be issued for facilities of that type. The significant statutory consequences of the finding would be the following:

a. Charges for use of source and special nuclear material may not be waived for a section 103 licensee as they have been in the past for reactors under the Cooperative Power Reactor Demonstration Program, and charges must be made for consumption of special nuclear material.<sup>2</sup>

b. The initiation of financial arrangements for demonstration purposes with respect to the essential characteristics of a type of facility for which a finding of practical value has been made would not be appropriate, but programmatic research and development projects could be carried on under contract and at government expense in a reactor licensed under section 103.

c. The proposed issuance of a section 103 license must be reported to the Attorney General for an advisory opinion on antitrust aspects.

d. Preference must be given to certain types of applicants, as provided in section 182(d) of the Act.

e. Notice of the application must be published for 4 consecutive weeks in the *FEDERAL REGISTER* and notice must be given to various regulatory agencies and others.

<sup>2</sup> None of the projects authorized under the Cooperative Power Reactor Demonstration Program has included waiver of charges for consumption of special nuclear material.

f. Reactors licensed under section 103 would not be eligible for guaranteed purchase prices for plutonium and U 233 which are available only to section 104 licensees under section 56 of the Act. Additional legal consequences of a statutory finding of practical value are contained in an opinion of the Commission's General Counsel dated February 12, 1963, referred to above.

III. *Consideration of the question.* The immediate and the longer-range objectives of the Commission's nuclear power program were set forth in "Civilian Nuclear Power, a Report to the President—1962," at page 48, as follows:

"The overall objective of the Commission's nuclear power program should be to foster and support the growing use of nuclear energy and, importantly, to guide the program in such directions as to make possible the exploitation of the vast energy resources latent in the fertile materials, uranium 238 and thorium."

"More specific objectives may be summarized as follows:

"1. The demonstration of economic nuclear power by assuring the construction of plants incorporating the presently most competitive reactor types;

"2. The early establishment of a self-sufficient and growing nuclear power industry that will assume an increasing share of the development costs;

"3. The development of improved converter and, later, breeder reactors to convert the fertile isotopes to fissionable ones, thus making available the full potential of the nuclear fuels;

"4. The maintenance of U.S. technological leadership in the world by means of a vigorous domestic nuclear power program and appropriate cooperation with, and assistance to, our friends abroad."

"The role of the Commission in achieving these objectives must be one of positive and vigorous leadership both to achieve the technical goals and to assure growing participation by the equipment and utility industry as nuclear power becomes economic in increasing areas of this country and the world at large."

In keeping with this statement of objectives, in 1962 the Commission requested, and the Congress authorized, appropriations for further demonstration of light water nuclear power plants with net power ranges of approximately 400-500 net MW(e) under the Cooperative Power Reactor Demonstration Program (two new plants were sized just under 500 MW(e); a third plant in this range had been previously authorized). The plants involved a substantial scale-up from reactors previously authorized and presently operating under the Demonstration Program.

In the fall of 1963, the Commission's staff initiated a study of the question as to whether it would be appropriate for the Commission to make a statutory finding under section 102 of the Act. In a letter dated December 23, 1963, the Chairman informed the Joint Committee on Atomic Energy that the Commission proposed to consider whether such a statutory finding should be made with respect to some type or types of light water, nuclear power reactors.

The Jersey Central Power & Light Co. announced on December 12, 1963, that it had decided to build a nuclear power plant at Oyster Creek, N.J., without seeking government financial assistance. The announcement stated:

"\* \* \* [T]he decision to build this nuclear fueled station was made after detailed studies over a period of several years and was based entirely on economic and engineering considerations. \* \* \* [A]fter a reasonable break-in period, the total cost of power from the station will be less than from any other type of plant which the company could install at this location \* \* \*."

The Jersey Central plant, which is presently being constructed, was warranted by the reactor manufacturer for a power level of 515 net MW(e) and originally had an estimated stretch rating of 620 net MW(e). The reactor is to be light water cooled and moderated and of the boiling water type; it will employ slightly enriched uranium dioxide pelletized fuel clad with zirconium alloy and will have pressure suppression containment. The utility estimated the generating costs of the plant over the first 5 years of operation at 4.25 mills/KWH at the warranted rating and at 3.79 mills/KWH at the stretch rating; it also estimated that the nuclear plant will be competitive with coal costing 25 cents per million BTU's at the warranted rating and less than 20 cents per million BTU's at the stretch rating. At the time the Oyster Creek decision was made in favor of a nuclear plant, Jersey Central officials indicated that the fossil fuel cost would have been about 26 cents per million BTU's. Other knowledgeable persons, including Mr. Philip Sporn, Chairman, System Development Committee, American Electric Power Co., have made estimates differing somewhat from those of Jersey Central.<sup>3</sup> The AEC staff has analyzed the estimates by Jersey Central and by Mr. Sporn and concluded that on the basis of the assumptions made by each of them the estimates, which do not vary widely from each other, appear to be reasonable.

Subsequent to the Jersey Central announcement, other utilities have announced plans to construct large nuclear reactors with power ratings warranted by the reactor manufacturers. Economic predictions for such plants vary somewhat from the cost predicted by Jersey Central for the Oyster Creek plant due to differences in location, price changes by manufacturers, and other factors. The general characteristics of the pressurized water reactors of the types currently being sold are sufficiently similar to those of the boiling water reactors so that the economic forecasts for the pressurized water reactors are within the same range as those for the new generation of boiling water reactors. None of these utilities has sought financial assistance from the Commission.

In order to view in proper perspective the significance of a statutory finding of practical value, it is important to remember the principal purposes served by the making of a finding. The legislative history of the pertinent sections of the Act shows that the statutory distinction between developmental and commercial licenses arose when a scarcity of the special nuclear material which serves as fuel for nuclear reactors was anticipated. Once a statutory finding was made for a reactor type, such reactors would be authorized only after consideration of the effects on the total supply of special nuclear material. There is no longer any such scarcity.

Another principal purpose of a statutory finding is to preclude Governmental assistance under the Cooperative Power Reactor Demonstration Program to facilities of the type for which a statutory finding is made. Such assistance is no longer being made available to reactors of the types under consideration in this proceeding. In hearings before the Joint Committee on Atomic Energy, the Chairman of the Commission testified on February 18, 1964:

"In the development of civilian nuclear power reactors, emphasis is shifting from the light water saturated steam reactors of established design to the improved converter types and breeders.

<sup>3</sup> "Nuclear Power Economics—Analysis and Comments—1964", Joint Committee Print, Joint Committee on Atomic Energy, 88th Cong., 2d sess., Oct. 1964.

" \* \* \* this change in emphasis reflects the objectives that we put forth in our 1962 report to the President.

" \* \* \* We believe the construction and operation of the cooperative projects currently authorized, along with the other plants, which will be built without AEC financial assistance, will provide important technical and economic information for our program. It would appear, at this time, that there will be no need for AEC financial assistance for any other new plants of these proven types. That is, in the large size, I think we should add." [Italic supplied.]

The Report by the Joint Committee on Atomic Energy, following these hearings, stated:

"It is the committee's view that the cooperative power reactor demonstration program should be used as a selective tool for advancing the objectives of the civilian nuclear power program in the United States. Developments indicate that the program emphasis can now be shifted toward the next phase of our objectives. Further assistance in the cooperative power reactor demonstration program for light water-moderated and cooled reactors of the types proposed by utilities in the past year cannot be further justified. Primary emphasis should be placed on those reactor concepts which show the promise of significantly increasing the Nation's energy resources to meet long-term requirements." [Italic supplied.]

Thus, the consequences of a statutory finding of practical value with respect to present types of single purpose light water, nuclear power reactors for the production of energy for central station power are relatively narrow, since waiver of fuel use charges and research and development or direct design assistance is no longer being afforded by AEC to nuclear electric plants of this category that are now being sold, and it is well understood that the AEC does not presently intend to recommend such aid and that the cognizant committee of Congress would not be likely to report favorably on its authorization.

Although the willingness of utilities and equipment companies to accept the business risks involved is an impressive indication of the probabilities of successful operation at anticipated levels, it is not alone a sufficient basis to support a statutory finding of practical value by the Commission.<sup>4</sup> The manufacturers of nuclear reactors compete for the business of utilities which are considering the purchase of power plants, and are motivated to offer incentives such as warranties as to certain features in order to obtain the award of a contract. The willingness of utilities to purchase nuclear plants and of reactor manufacturers to warrant the plants is a reflection of the acceptance of what may be considered reasonable business risks, but does not necessarily constitute a sufficient assurance that the plants will in fact perform as warranted or will otherwise meet expectations.

<sup>4</sup> Hearings, AEC Authorizing Legislation Fiscal Year 1965, 88th Cong., 2d Sess., Part 2, pp. 298-3 (1964).

<sup>5</sup> Senate Report No. 987, 88th Cong., 2d Sess., April 21, 1964, p. 14.

<sup>6</sup> If the nuclear plants under discussion do perform as anticipated by the manufacturers and utilities involved, they will be competitive in areas of the country consuming a significant fraction of the Nation's electrical energy. These areas would appear to include all or most of the Pacific and New England regions, which, in 1964, generated 8.0 percent and 3.9 percent, respectively, of the Nation's electrical energy.

In this connection, it is necessary to place in proper perspective the extent of actual demonstration of the design and operation of nuclear power plants. There are eleven light water, nuclear electric plants presently operable in the United States with an aggregate capacity of slightly less than 1000 net MW(e). The largest boiling water reactor is currently rated at 200 net MW(e) and the second largest at 73 net MW(e); the largest pressurized water reactor is currently rated at 255 net MW(e) (including fossil superheat) and the second largest at 175 net MW(e). On the basis of an 80 percent capacity factor, the approximate generating costs in mills/KWH for each of these four plants is as follows:

Plant, identified by current rating net MW(e)	Costs in mills/KWH
Boiling water reactors:	
200	11
73	14
Pressurized water reactors:	
255	17
175	10

Although much significant technical and economic information has been gathered from the operation of these four plants, as well as from the smaller sized pressurized and boiling water reactors presently operable, it is apparent that these plants are not economically competitive with fossil fueled plants which could have been built in their place. For example, a 200 net MW(e) coal fueled electric plant built within the period of time when the nuclear plants were constructed would currently have typical generating costs of 6 to 7 mills/KWH; generating costs for a modern coal plant would be even less.

The three 400-500 MW(e) plants which were authorized under the Cooperative Power Reactor Demonstration Program, and which are intermediate in size between those presently on the line and those to be constructed without Government financial assistance, are not yet in operation, and, therefore, there has been little in the way of demonstration of actual construction, operation and maintenance costs.

A substantial extrapolation of demonstrated results from currently operable plants, which range up to about 200 net MW(e), is necessary in order to determine anticipated technological and economic performance in plants currently being built and sold without Government financial assistance in size ranges of 600 net MW(e) and above. Since the gap involves an increase in reactor size by a factor of three, many technical and engineering problems must be resolved and demonstrated.

The important performance characteristics that have been demonstrated in operable nuclear power plants can be compared with those anticipated for plants under construction or planned for construction. It is quite difficult, however, to use the demonstrated data to assess the probability that the future plants will in general achieve their important performance characteristics. For example, recently discharged batches of fuel from light water reactors have achieved average exposures of 10 to 15 MWD/KgU. Those plants under construction are designed to achieve fuel exposure objectives of 22 to 27 MWD/KgU. Fuel cost is directly dependent on fuel exposure; a failure to achieve the anticipated fuel exposures with planned fuel assembly design could have an adverse effect on nuclear fuel cycle economics. The effect of achieving only 80 percent of the design exposure for the fuel in large light water reactors would mean an increase in predicted fuel cost of about 2.5 cents per million BTU's. This may be translated as a penalty of approximately  $\frac{1}{4}$  mills/KWH in generating cost. The effect of achieving only 90 percent of the design exposure for the fuel

would be an increase in fuel cost of about 1.2 cents per million BTU's. This may be translated as a penalty of approximately ½ mills/KWH in generating cost. Thus, it may be seen that the result of failure to achieve anticipated fuel exposures can range from a relatively slight effect to a somewhat more adverse effect on nuclear fuel cycle economics.

Other important considerations may be cited, including those related to engineering design, plant availability, and maintenance. For example, the increase in reactor sizes from currently demonstrated 200 MW(e) plants to a size of 600 MW(e) requires a scale-up in the size of equipment such as pumps by a factor of two to three and involves an increase in the volume of the active core by a factor of about three. The substantial scale-up in size of equipment, and the possibility of asymmetry in the core resulting from the larger core dimensions, involve uncertainties in predicted operational performance, and related economics.

It should be noted that it was not anticipated that the early generation of light water, nuclear electric plants beginning with Shippingport in 1957 would be economically competitive with fossil fueled plants or that their operation would establish that larger and much more advanced plants would be economically competitive. It was intended that they would provide a significant demonstration of the technology and economics of light water, nuclear plants sufficient to induce private industry to construct later generations of plants, incorporating appropriate improvements. The accomplishments under the Cooperative Power Reactor Demonstration Program, which have resulted in the proving out of the basic technology of light water, nuclear power plants, are gratifying. These have led to the sale of improved nuclear plants without governmental assistance.

Because it is an essential element in a statutory finding, it has been necessary to emphasize economics in the above discussion. Of course, the Commission's paramount concern is safety. Careful attention has been given to the rapid expansion and development of the nuclear power industry and the incentives to locate central station power reactors in closer proximity to metropolitan load centers. As Commissioner Ramey testified recently:

"\* \* \* further important advances in reactor plant design, in the capability of safety systems and engineered safeguards, in adapting critical components and systems to accommodate their inspection and testability, and in practical demonstration of dependability of performance of such critical systems, must evolve to keep pace with the development of the nuclear power industry."

<sup>7</sup> Hearings on Proposed Extension of AEC Indemnity Legislation before the Subcommittee on Legislation of the Joint Committee on Atomic Energy, 89th Cong., 1st Sess., p. 35 (1965). The testimony continued:

"In recognition of these increasing needs, the Commission has decided to augment efforts and redirect emphasis to define and develop the improvements in reactor plant design and capability of critical systems and engineered safeguards. This effort will be carried on in cooperation with industry and in conjunction with the Commission's safety research and development programs in order to obtain the accumulation of meaningful experience with respect to capability and reliability of important safety systems \* \* \*."

"This research and development work, together with increased emphasis on the development of more specific reactor standards will be necessary as reactors increase in size and are built closer to metropolitan load centers."

## PROPOSED RULE MAKING

**IV. Recommendation.** On the basis of the record in this proceeding and the other information set forth above, the staff recommends that the Commission determine that there has not been sufficient demonstration of the technology and plant performance on which to base a reliable estimate of the economics of light water, nuclear electric plants so as to warrant making a statutory finding at this time that any types of such facilities have been sufficiently developed to be of practical value within the meaning of section 102 of the Atomic Energy Act of 1954, as amended.

Although the basic technology of light water, nuclear electric plants has been demonstrated, the design, construction, operations, and related economic predictions made for the Oyster Creek plant, and for other recently announced nuclear power plants, have not yet been proved in actual operation. Predicted power generation costs at these new nuclear plants, which generally range above 600 net MW(e), are based on the lower costs per megawatt of installed capacity in large plants. Design, performance, and economic factors have been extrapolated from data acquired in nuclear plants of 200 net MW(e) or less.

The recommendation that the Commission make the determination that a statutory finding under section 102 will not be made now is in no way inconsistent with the Commission's announced view that nuclear power has come of age, and with the Commission's confidence in the progress of the nuclear industry. Certain types of nuclear power plants are being sold on the basis of economic competition with other ways of providing electrical power, and the staff considers that such sales constitute reasonable business risks. It is entirely appropriate for manufacturers and utilities to base their economic estimates on forecasts rather than to await substantial demonstration of cost once the basic technology has been proven; however, the staff considers that the Commission's statutory responsibility under section 102 of the Act requires more than strong belief that the next generation of plants will operate at anticipated costs. The staff also believes that, at the present time, there is not enough information available from which to extrapolate technical and performance characteristics and associated economics with sufficient assurance to provide a sound basis for making the statutory finding of practical value.

The Commission previously announced that the issue in the present proceeding is whether a statutory finding of practical value should be made under the present Act, and not whether the Act should be amended. If section 102 of the Act remains unchanged, when circumstances warrant the Commission should review the question of whether a statutory finding of practical value should be made.

[F.R. Doc. 66-250; Filed, Jan. 6, 1966; 8:49]

## CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 16664]

### INTERLOCKING RELATIONSHIPS BETWEEN AIR CARRIER AND PERSON CONTROLLING ANOTHER AIR CARRIER

#### Supplemental Notice of Proposed Rule Making

JANUARY 3, 1966.

By notice of proposed rule making PSDR-14, dated November 12, 1965, and

published in 30 F.R. 14531, the Board proposed the issuance of a policy statement which would interpret section 409 of the Federal Aviation Act as prohibiting, unless approved by the Board, interlocking relationships between an air carrier and a person controlling another air carrier. Interested persons were invited to file comments on the proposal to be received on or before January 4, 1966.

Pan American World Airways, Inc., has requested that the time for submitting comments be extended until January 7, 1966, because of unexpected difficulties arising out of the transit strike in New York City.

The undersigned finds that good cause has been shown for the 3-day extension of time. Accordingly, pursuant to authority delegated under sections 7.3C, 7.4, and 7.6 of Public Notice PN-15 dated July 3, 1961, the undersigned hereby extends the date for filing comments to January 7, 1966. All relevant matter received on or before that date will be considered by the Board before taking action on the proposal. Copies of such communications will be available upon receipt thereof for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C.

(Secs. 204(a) and 409, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 768; 49 U.S.C. 1324, 1379; and sec. 3, Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,  
Associate General Counsel,  
Rules and Rates Division.

[F.R. Doc. 66-198; Filed, Jan. 6, 1966;  
8:47 a.m.]

## FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-SW-44]

### CONTROL ZONE

#### Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 (new) of the Federal Aviation Regulations which would alter the control zone at Enid, Okla.

The Enid, Okla., control zone is presently designated as that airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 2 miles W and 5 miles E of the Vance AFB ILS localizer S course, extending from the 5-mile radius zone to the LOM; and within 2 miles each side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the Vance VOR 134° radial, extending from the 5-mile radius zone NW to the VOR; and within 2 miles each side of the Vance AFB TACAN 348° radial, extending from

the 5-mile radius zone to 7 miles N of the TACAN; and within 2 miles W and 3 miles E of the Vance AFB 17R-35L runway centerline, extending from the 5-mile radius zone to 6 miles N of Vance AFB; and within a 5-mile radius of Woodring Airport (latitude 36°22'45" N., longitude 97°47'30" W.); and within 2 miles each side of the Woodring VOR 355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; and within 2 miles each side of the Woodring VOR 011° radial, extending from the 5-mile radius zone to 12 miles N of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

It is proposed to alter the Enid, Okla., control zone by adding that airspace within 2 miles each side of the Woodring VOR 191° (182° magnetic) radial extending from the Woodring Field 5-mile radius zone to 12 miles S of the VOR.

This alteration would provide controlled airspace for the new high altitude VOR instrument approach procedure to Woodring Field.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. 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 Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

Issued in Fort Worth, Tex., on December 30, 1965.

A. L. COULTER,  
Acting Director, Southwest Region.

[F.R. Doc. 66-166; Filed, Jan. 6, 1966;  
8:45 a.m.]

## FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 543]

[No. 19,628]

### FEDERAL SAVINGS AND LOAN SYSTEM

#### Organization of New Federal Savings and Loan Association

DECEMBER 30, 1965.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that Part 543 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 543) be amended by an amendment the substance of which is as follows:

Amend Part 543 aforesaid by adding after § 543.7 a new section, § 543.7-1, as follows:

#### § 543.7-1 Federal association proposed by Federal Savings and Loan Insurance Corporation.

The provisions of the preceding sections of this Part 543 shall not be applicable to a Federal association which is proposed by the Federal Savings and Loan Insurance Corporation in the exercise of authority granted by section 406 of the National Housing Act, as amended. The incorporation and organization of such a Federal association shall be deemed to be complete when so determined by the Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than January 28, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,  
Assistant Secretary.

[F.R. Doc. 66-187; Filed, Jan. 6, 1966;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 5]

### SIZE STANDARDS

#### Definition of Small Business for Purpose of Bidding on Government Procurements for Products Classified in SIC 2026, Fluid Milk

On November 19, 1965, there was published in the *FEDERAL REGISTER* (30 F.R. 14173) a notice that, on November 30, 1965, the Small Business Administration would hold a hearing on the definition of a small business for the purpose of bidding on Government contracts for products classified in SIC Industry 2026, Fluid Milk. Interested persons were invited to file, on or before November 26, 1965, written statements of facts, opinions, or arguments concerning the appropriate definition of small business for the above purposes.

The hearing was held on November 30, 1965, in accordance with the notice. In the course of the hearing a request was made that the record be kept opened until December 30, 1965. There being no objection to the request, a notice was published in the *FEDERAL REGISTER* on December 14, 1965 (30 F.R. 15375), that the record would be kept opened until the close of business on December 30, 1965.

It now has been requested the record be kept open until January 10, 1966, and that such extension would be of great help to some very small operators. Since the request is for an extension of only 10 days, the record shall be kept open until the close of business on January 10, 1966.

All correspondence on this matter should be addressed to:

Eugene J. Davidson, Presiding Officer, Fluid Milk Industry Hearing, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416.

As announced in the November 10, 1965, notice, SBA is interested in receiving information relating to the following: (1) What is the present competitive structure of the Fluid Milk Industry, both nationally and in a given market area? (2) Is there a difference in the size structure of concerns bidding on Government procurements for products classified in SIC 2026, Fluid Milk (both procurements set-aside for small business and non set-aside procurements) as compared with the overall competitive structure of the industry? and (3) What are the economies of scale in the industry and the competitive advantages of concerns of certain size as compared with concerns of a smaller size?

Dated: December 29, 1965.

Ross D. DAVIS,  
Executive Administrator.

[F.R. Doc. 66-185; Filed, Jan. 6, 1966;  
8:46 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 66-4]

[Delegation Order 1, Rev.]

### ASSISTANT COMMISSIONER OF CUSTOMS ET AL.

#### Delegation of Authority

DECEMBER 29, 1965.

By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), as amended, Customs Delegation Order No. 1 (T.D. 53161, 17 F.R. 11705), as revised by T.D. 53694 (19 F.R. 8756), and amended by T.D. 53914 (20 F.R. 7554), T.D. 54654 (23 F.R. 5962), T.D. 55431 (26 F.R. 6628), T.D. 55543 (27 F.R. 262), T.D. 55823 (28 F.R. 1267), T.D. 55946 (28 F.R. 7611), T.D. 56262 (29 F.R. 13550), and T.D. 56293 (29 F.R. 14860), is hereby further amended as follows:

Paragraph 1(a) is amended to read as follows:

(a) Assistant Commissioner of Customs, Office of Regulations and Rulings: Decisions and functions relating to all matters in which authority is delegated by this Order in paragraph 1 (b), (c), or (d) hereof.

Paragraph 1(b) is amended to read as follows:

(b) Director, Division of Tariff Classification Rulings:

(1) Decisions relating to the tariff classification of merchandise.

(2) Decisions as to whether specific items, articles, or merchandise qualify for entry under the Trade Fair Act of 1959, and decisions concerning disposition of articles previously entered under the Trade Fair Act.

(3) Decisions with respect to the legal aspects of the tariff status of importations from and products of insular possessions or the Philippines.

(4) Decisions on the country of origin of imported merchandise, except the marking requirements of section 304, Tariff Act of 1930, as amended.

(5) Decisions on preferential treatment for products of certain countries or areas.

(6) Decisions on tariff status of containers or holders for merchandise.

(7) Decisions on tariff status of commingled merchandise.

(8) Decisions on tariff status of articles exported and returned, including articles exported for exhibition and other special purposes.

(9) Decisions requiring interpretation of statutes, regulations or other legal aspects of any personal or administrative exemption allowed or disallowed pursuant to items 820.10-820.30, inclu-

sive; 820.50-822.10, inclusive; and 822.30-828.00, inclusive, Tariff Schedules of the United States.

(10) Decisions as to whether actual or prospective importations qualify for duty-free entry as Government importations.

(11) Decisions on what constitutes an exportation or importation of merchandise.

(12) Decisions on what constitutes a tariff entity or entirety.

(13) Decisions regarding dutiable status of gifts pursuant to section 321, Tariff Act of 1930.

(14) Decisions regarding eligibility of vehicles used in international traffic pursuant to section 322(a), Tariff Act of 1930, and other instruments of international traffic generally for duty-free entry.

(15) Decisions regarding authorizations for reliquidations under section 515, Tariff Act of 1930, in cases of protests relating to matters covered by this subdivision (b).

(16) Decisions on the tariff classification of carpet wool wastes, manipulated merchandise, byproducts and wastes resulting in manufacturing warehouse, and products of Foreign-Trade Zones.

(17) Decisions on international courtesy.

(18) Decisions on the tariff status of works of art and educational and cultural materials.

(19) Decisions, other than those enumerated heretofore in subdivision (b), in matters arising under provisions of law administered in the Division of Tariff Classification Rulings.

Paragraph 1(c) is amended to read as follows:

(c) Director, Division of Entry Procedures and Penalties:

(1) Decisions with respect to the legal aspects of the entry or valuation of merchandise.

(2) Decisions relating to legal sufficiency of powers of attorney.

(3) Decisions with respect to the legal aspects of shortages of merchandise in cases arising under section 499 or any other provision of the Tariff Act of 1930, as amended.

(4) Decisions relating to liens in cases arising under section 564, Tariff Act of 1930.

(5) Decisions regarding legal sufficiency and effect of bills of lading, carriers' certificates, or rights in respect of merchandise, in cases arising under sections 483 or 484 (c), (h), or (i), Tariff Act of 1930.

(6) Decisions regarding owners' declarations in cases arising under section 485(d), Tariff Act of 1930.

(7) Decisions regarding authorizations for reliquidations under section 520(c), Tariff Act of 1930, as amended, or under section 515, Tariff Act of 1930,

in cases of protests relating to matters covered by this subdivision (c).

(8) Decisions as to the cancellation of claims for liquidated damages and mitigation or remission of claims, fines, or penalties (including forfeitures) incurred under laws administered by the Bureau of Customs, including the customs and navigation laws, in amounts not exceeding \$20,000 in the aggregate in any one case.

(9) Decisions on offers in compromise of claims arising under the customs laws submitted pursuant to section 617, Tariff Act of 1930, as amended, if recommended by the General Counsel of the Department of the Treasury or one of the subordinates of the General Counsel to whom responsibility for making such recommendations has been delegated.

(10) Decisions concerning legal correctness in respect of awards of compensation to informers under section 619, Tariff Act of 1930, as amended, except as otherwise provided in Treasury Department Order No. 165, Revised, as amended.

(11) Decisions pertaining to the recordation of trademarks, trade names, copyrights, patents, and related matters.

(12) Decisions pertaining to country of origin marking requirements of section 304, Tariff Act of 1930, as amended.

(13) Decisions pertaining to false marking of gold and silver articles.

(14) Decisions pertaining to psittacine or other birds, bird feathers, bird skins, monkeys, dogs, cats, and other animals and pets prohibited entry or subject to restrictions and controls on entry.

(15) Decisions pertaining to restrictions or prohibitions against the entry of: Obscene, immoral, or seditious articles or materials, contraceptives or other material within the provisions of section 305, Tariff Act of 1930, as amended.

(16) Decisions, other than decisions on matters of tariff classification, on applications for authority to make withdrawals of merchandise from bonded warehouses and for permission to manipulate merchandise in or elsewhere than in bonded warehouses submitted pursuant to section 562, Tariff Act of 1930, as amended.

(17) Decisions as to the entry of articles admitted temporarily free of duty under bond as provided in Schedule 8, Part 5C, Tariff Schedules of the United States.

(18) Decisions relating to the establishment and legality of forms of bonds.

(19) Decisions as to eligibility of goods for warehousing; warehousing time limitations; questions and issues as to rights, obligations, and liabilities of parties under statute or regulation governing bonded warehouses; losses by fire, theft or casualty; revocations for cause.

(20) Decisions as to the approval of blanket smelting bonds, general term

bonds for the entry of merchandise, and proprietors' warehouse (class 6) bonds.

(21) Decisions regarding processing permitted and liabilities incurred under the Foreign-Trade Zones Act.

(22) Decisions establishing, denying, or relating to drawback rates and decisions in collateral drawback matters.

(23) Decisions, other than those enumerated heretofore in this subdivision (c), in matters arising under provisions of law administered in the Division of Entry Procedures and Penalties.

Paragraph 1(d) is amended to read as follows:

(d) Director, Division of Marine and Transportation Rulings:

(1) Decisions with respect to the legal aspects of registry (including provisional registry), enrollment, and licensing of vessels.

(2) Decisions with respect to the legal aspects of the recording of instruments of legal or equitable title and of notices of claim of lien relating to vessels.

(3) Decisions with respect to the registration of rockets, lights, or other similar code signals, house flags, and funnel marks.

(4) Decisions with respect to certificates of protection, certificates of record, yacht commissions, and cruising licenses.

(5) Decisions with respect to the advancement of measurement of vessels.

(6) Decisions with respect to tonnage taxes (regular, special, and discriminatory) and light money.

(7) Decisions with respect to the collection of tolls.

(8) Decisions with respect to the legal aspects of entry, clearance, and use of vessels and permits for them to proceed coastwise.

(9) Decisions with respect to the legal aspects of the regulation of vessels in the foreign, coastal, fishing, and other trades of the United States.

(10) Decisions with respect to the limitation of the use of foreign vessels in waters under the jurisdiction of the United States.

(11) Decisions with respect to salvage operations by vessels within the territorial waters of the United States.

(12) Decisions with respect to the protection of steerage passengers.

(13) Decisions with respect to the dutiability of motorboats under items 696.05 and 696.10, Tariff Schedules of the United States.

(14) Decisions relating to the assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466, Tariff Act of 1930, and decisions regarding the remission or refund of such duties.

(15) Decisions with respect to the statutory requirements for entry, clearance, and use of aircraft.

(16) Decisions with respect to the legal aspects of the arrival or departure and the use of motor vehicles, railway trains, or other vehicles.

(17) Decisions, other than those enumerated heretofore in this subdivision (d), in matters arising under provisions

of law administered in the Division of Marine and Transportation Rulings.

Paragraph 1(e) is amended to read as follows:

(e) Assistant Commissioner of Customs, Office of Operations:

Decisions and functions relating to all matters in which authority is delegated by this Order in section 1(f), (g), or (h) hereof.

Paragraph 1(f) is added:

(f) Director, Division of Inspection and Control:

(1) Decisions regarding import quotas.

(2) Decisions on requests for permission for scheduled aircraft to land elsewhere than at an international airport.

(3) Decisions regarding the establishment or changing of hours of service at customs ports of entry, stations, and offices.

(4) Decisions regarding the opening of customhouses outside regular business hours to accept entries of merchandise filed to take advantage of impending changes in law, regulation or expiration of licensing periods.

(5) Decisions regarding adequacy of premises at customs bonded warehouses.

(6) Decisions regarding extent of customs participation and assistance at trade fairs.

(7) Decisions regarding procedures for examination of military and civilian baggage, including disposition of all routine inquiries regarding personal or administrative exemptions.

(8) Decisions regarding procedural and operational requirements in connection with the lading, unlading, release, delivery, or in-transit movement of cargo or stores.

(9) Decisions on complaints or claims for merchandise damaged in customs custody.

(10) Decisions on use of protective customs seals and determinations as to what is an acceptable substitute for protective seals.

(11) Decisions on requests for access to or disclosure of information contained in customs records or files.

(12) Decisions concerning the extent of customs participation and procedural and operational requirements in regard to the following laws, regulations, and programs: (a) Export control; (b) foreign assets control; (c) munitions control; (d) oil import control; (e) special stamping and packaging requirements for playing cards, oleomargarine, adulterated butter, and filled cheese; (f) disease organisms and vectors; (g) meat and meat food products; (h) oil pollution act; (i) Northern Pacific Halibut Act; (j) Switchblade Knife Act; (k) foreign excess property; (l) acts administered by Federal Trade Commission; (m) Foods, Drugs, and Cosmetics Act; (n) International Coffee Agreement; (o) Federal Seed Act; (p) entry and packaging of tea; (q) special requirements for milk, cream, animals, feeds, etc.; (r) atomic energy materials; (s) strategic materials; and (t) gold and silver.

(13) Decisions awarding official numbers and signal letters.

(14) Decisions granting waivers of builders' certificates.

(15) Decisions as to procedural and operational aspects of the disposition, custody, or release of escape boats or other abandoned and unclaimed vessels.

(16) Decisions, other than those heretofore enumerated in this subdivision (f), regarding procedural and operational matters relating to the functions administered by the Division of Inspection and Control.

Paragraph 1(g) is added:

(g) Director, Division of Appraisement and Collections:

(1) Decisions interpreting and applying factual information concerning matters of value (value decisions, final list, etc.).

(2) Decisions regarding the proper statistical classification of merchandise.

(3) Decisions, other than those heretofore enumerated in this subdivision (g), regarding procedural and operational matters relating to the functions administered by the Division of Appraisement and Collections.

This order shall become effective on January 1, 1966.

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

[F.R. Doc. 66-191; Filed, Jan. 6, 1966;  
8:47 a.m.]

#### Internal Revenue Service

[Order No. 88; Rev. 1]

#### DISTRICT DIRECTORS OF INTERNAL REVENUE

#### Issuance of Notices of Revocation and Reestablishment of Exemption

DECEMBER 30, 1965.

Pursuant to the provisions of 26 CFR 1.503(a)-1, the authority to determine that an organization has engaged in a prohibited transaction and to notify the organization of the revocation of exemption is delegated to District Directors of Internal Revenue.

District Directors are also delegated the authority to determine that such an organization will not knowingly again engage in a prohibited transaction and that the organization also satisfies all other requirements under section 501 (c) (3) or section 401(a) of the Internal Revenue Code of 1954, and to notify such organization of the reestablishment of its exemption pursuant to 26 CFR 1.503 (d)-1.

Authority delegated in this order may be redelegated only to Chiefs of Audit Division.

This order supersedes Delegation Order No. 88, issued October 25, 1962.

Effective date. December 30, 1965.

[SEAL] SHELDON S. COHEN,  
Commissioner.

[F.R. Doc. 66-192; Filed, Jan. 6, 1966;  
8:47 a.m.]

## NOTICES

**Office of the Secretary**

[T.D. 66-3]

[Dept. Order 165-19]

**CERTAIN OFFICERS AND DIVISIONS  
IN THE BUREAU****Changes of Titles and Designation**

DECEMBER 29, 1965.

By virtue of authority vested in the Secretary of the Treasury, and pursuant to authorization given to me by Treasury Department Order No. 190, Revision 4 (30 F.R. 15769), the following changes are hereby made in the titles of officers and designations of divisions in the Bureau of Customs:

The title of the Assistant Commissioner of Customs is changed to Deputy Commissioner of Customs.

The title of the Deputy Commissioner of Customs, Office of Administration, is changed to Assistant Commissioner of Customs, Office of Administration.

The title of the Deputy Commissioner of Customs, Office of Investigations, is changed to Assistant Commissioner of Customs, Office of Investigations.

The title of the Deputy Commissioner of Customs, Office of Operations, is changed to Assistant Commissioner of Customs, Office of Operations.

The title of the Deputy Commissioner of Customs, Office of Regulations and Rulings, is changed to Assistant Commissioner of Customs, Office of Regulations and Rulings.

The designation of the Division of Classification and Drawbacks is changed to Division of Tariff Classification Rulings, and the title of the Deputy Commissioner for said Division is changed to Director, Division of Tariff Classification Rulings.

The designation of the Division of Entry, Value, and Penalties is changed to Division of Entry Procedures and Penalties and the title of the Deputy Commissioner for said Division is changed to Director, Division of Entry Procedures and Penalties.

The designation of the Division of Marine Administration is changed to Division of Marine and Transportation Rulings, and the title of the Deputy Commissioner for said Division is changed to Director, Division of Marine and Transportation Rulings.

The title of the Deputy Commissioner, Division of Technical Services, is changed to Director, Division of Technical Services.

The designation of the Division of Appraisement Administration is changed to Division of Appraisement and Collections, and the title of the Deputy Commissioner for said Division is changed to Director, Division of Appraisement and Collections.

The designation of the Division of Collector's Operations is changed to Division of Inspection and Control and the title of the Deputy Commissioner for said Division is changed to Director, Division of Inspection and Control.

The order shall become effective on January 1, 1966.

[SEAL] **JAMES POMEROY HENDRICK,**  
*Acting Assistant Secretary  
of the Treasury.*

[F.R. Doc. 66-190; Filed, Jan. 6, 1966;  
8:47 a.m.]

[Antidumping—AA643.3-b]

**VINYL ASBESTOS FLOOR TILE FROM  
CANADA****Notice of Tentative Determination**

DECEMBER 29, 1965.

Information was received on May 17, 1965, that vinyl asbestos floor tile imported from Canada, manufactured by Building Products of Canada, Ltd., Montreal, Canada, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the **FEDERAL REGISTER** of June 11, 1965, on page 7614 thereof.

On August 26, 1965, the Commissioner of Customs issued a withholding of appraisal notice with respect to such merchandise, which was published in the **FEDERAL REGISTER** dated September 1, 1965.

I hereby make a tentative determination that vinyl asbestos floor tile imported from Canada, manufactured by Building Products of Canada, Ltd., Montreal, Canada, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

*Statement of reasons on which this tentative determination is based.* Shipments were pursuant to arms-length transactions. No relationships were found, within the meaning of section 207 of the Antidumping Act, between the Canadian manufacturer and the United States importers. Sales in the home market were adequate to furnish a basis for the fair value comparison. Accordingly, purchase price was compared with adjusted home market price for fair value purposes.

Calculation of purchase price was made on the basis of the price to United States purchasers. Deductions were made for an applicable cash discount, United States import duty, and rail freight. An addition was made for taxes which were not collected by reason of the exportation of the merchandise to the United States.

The adjusted home market price was calculated on the basis of the manufacturer's selling price to distributors in Canada who purchased in quantities most nearly comparable to the quantities exported to purchasers in the United States. Cash discount and the cost of freight absorbed by the manufacturer were deducted therefrom. Since the packing is the same, no adjustment for this item was necessary.

Purchase price was found to be lower than adjusted home market price.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C., 20226, in time to be received by his Office not later than 30 days from the date of publication of this notice in the **FEDERAL REGISTER**.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] **JAMES POMEROY HENDRICK,**  
*Acting Assistant Secretary of  
the Treasury.*

[F.R. Doc. 66-189; Filed, Jan. 6, 1966;  
8:47 a.m.]

**DEPARTMENT OF JUSTICE****Immigration and Naturalization  
Service****STATEMENT OF ORGANIZATION****Suboffices; Interior Locations**

Effective January 1, 1966, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Subparagraph (1) *Interior locations* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Manchester, N.H."

Dated: January 3, 1966.

**RAYMOND F. FARRELL,**  
*Commissioner of  
Immigration and Naturalization.*

[F.R. Doc. 66-186; Filed, Jan. 6, 1966;  
8:46 a.m.]

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

[Bureau Order 551, Amdt. 109]

**BUREAU AREA DIRECTORS****Redelegation of Authority Regarding  
Specific Legislation**

Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau Area Directors), as amended, is further amended by the ad-

dition of a new section to read as follows:

SEC. 378. Authority to approve per capita payments authorized by the Act of August 8, 1958 (P.L. 85-610; 72 Stat. 541). Pursuant to section 11(a) of Secretarial Order 2508, the Area Director, Billings Area, is authorized to exercise the authority of the Commissioner of Indian Affairs in executing the terms of the Act of August 8, 1958 (P.L. 85-610; 72 Stat. 541), in approving per capita payments to the members of the Arapahoe and Shoshone Tribes, consistent with the provisions of said act and with 25 CFR Part 101.

PHILIP NASH,  
Commissioner.

DECEMBER 27, 1965.

[F.R. Doc. 66-177; Filed, Jan. 6, 1966;  
8:46 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 15356]

### NORTHEAST-BAHAMAS SERVICE

#### Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held on January 13, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW, Washington, D.C., before Examiner Robert L. Park, is postponed until the Board has acted on the pending motions.

Dated at Washington, D.C., January 3, 1966.

[SEAL] ROBERT L. PARK,  
Hearing Examiner.

[F.R. Doc. 66-199; Filed, Jan. 6, 1966;  
8:48 a.m.]

## FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-14]

### QUINCY CABLEVISION, INC.

#### Grant of Extension of Comment Period

On November 29, 1965, a notice of grant of discretionary review was issued in response to petitions received by the Federal Aviation Agency in opposition to a 400-foot AGL (1,000-foot AMSL) microwave tower near Keokuk, Iowa, proposed by Quincy Cablevision, Inc.

The 30-day period for submission of any relevant information for consideration in this review was to expire on December 29, 1965. The proponent, through his attorney, has requested a 15-day extension of time for filing relevant material.

Notice is hereby given that, pursuant to the authority delegated to me by the Administrator, the comment period for submitting relevant information for consideration in this review to the Federal Aviation Agency, Air Traffic Service, Obstruction Evaluation Branch, 800 Independence Avenue SW, Washington,

D.C., 20553, is extended to expire on January 15, 1966. Submission must be in triplicate and be relevant to the effect of the proposed structure on safe air navigation.

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

ARCHIE W. LEAGUE,  
Director, Air Traffic Service.

[F.R. Doc. 66-167; Filed, Jan. 6, 1966;  
8:45 a.m.]

[OE Docket No. 65-CE-15]

### COOK, INC.

#### Petition for and Grant of Review

On October 20, 1965, the Agency's Central Regional Office issued the following determination of no hazard to air navigation (Aeronautical Study No. CE-OE-65-754) in Kansas City, Mo.:

The Federal Aviation Agency has conducted an aeronautical study in accordance with § 77.19, Federal Aviation Regulations, to determine what effect the following described construction would have upon the safe and efficient utilization of navigable airspace.

Applicant: Cook, Inc.  
Structure: Radio Tower.  
Location: Near Ellettsville, Ind.  
Height: 1005' AMSL, 205' AGL.  
Latitude: 39°12'48.5".  
Longitude: 86°36'33".

The proposed structure would be located 6 miles north of Monroe City Airport. It would not exceed the standards for determining obstructions as applied to this airport. It would exceed the standards for determining obstructions to air navigation in § 77.23 (a)(5) of the Federal Aviation Regulations (more than 200 feet above ground on a segment of Federal Airway V-11E).

The aeronautical study disclosed that this structure does not affect present or planned minimum enroute altitudes or minimum obstruction clearance altitudes on this airway segment.

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 it is obstruction marked and lighted in accordance with FAA standards.

This determination is effective and becomes final on November 30, 1965, unless a petition for review is filed under § 77.37. If a petition is filed, further notice will be given and the determination will not become final pending disposition of the petition.

Petitions for discretionary review must be filed in triplicate with the Chief, Obstruction Evaluation Branch, Federal Aviation Agency, Washington, D.C., 20553, within 30 days after the date of issuance and must contain a full statement of the basis upon which it is made.

This determination expires on May 30, 1966, unless application is made to the FCC for a construction permit before that date, or the determination is otherwise extended, revised, or terminated. If application is made to the FCC within the 6 months time period, the determination expires on the date prescribed in the FCC construction permit for completion of construction or on the date the FCC denies the application.

Notice to this office is required at least 48 hours before the start of construction and again within 5 days after the construction reaches its greatest height.

GEORGE D. SMITH,  
Chief, Airspace Branch,  
Air Traffic Division.

On November 16, 1965, Mr. R. E. Beard, Chief Pilot and Manager, Air Transportation Department, Indiana University, 210 Bryan Administration Building, Bloomington, Ind., petitioned the Administrator for a review of the above determination by review of the record.

Pursuant to the authority delegated to me by the Administrator, the petition by Mr. R. E. Beard for discretionary review under § 77.37 of Part 77 of the Federal Aviation Regulations is granted and such review will be on the basis of written materials in accordance with § 77.37(a)(1).

The petition as examined by the Agency set forth the following issues for consideration:

1. The determination is erroneous since the Monroe County Airport has submitted to the Agency plans for an extensive construction program.

2. The determination is erroneous since the radio tower is directly in the flight path of the new proposed runway.

3. The determination is erroneous since a structure at this close range and in direct line with the runway would cause many problems in trying to establish an instrument landing system.

Interested persons may, within 30 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-CE-15 and may be examined by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Dockets, 800 Independence Avenue SW, Washington, D.C., 20553.

Therefore, pursuant to the authority delegated to me by the Administrator (30 F.R. 13023), the determination issued by the Agency's Central Regional Office in Aeronautical Study No. CE-CE-65-754 is not and will not be a final determination pending final disposition of this petition.

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

ARCHIE W. LEAGUE,  
Director, Air Traffic Service.

[F.R. Doc. 66-168; Filed, Jan. 6, 1966;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15861, 15862; FCC 65M-1661]

### CHARLOTTESVILLE BROADCASTING CORP. (WINA) AND WBXM BROADCASTING CO., INC.

#### Order Continuing Hearing

In re applications of Charlottesville Broadcasting Corp. (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-

## NOTICES

15768; WBXM Broadcasting Co., Inc., Springfield, Va., Docket No. 15862, File No. BP-15808; for construction permits.

WBXM Broadcasting Co., Inc., having filed, on December 29, 1965, a written request for a postponement of the hearing date in the above-entitled matter from January 5, 1966, to February 1, 1966, and

It appearing, that such a postponement is reasonable in the circumstances and that all parties agree thereto,

*It is ordered*, This 30th day of December 1965, that the hearing now scheduled for January 5, 1966, is postponed to 10 a.m., February 1, 1966, in the Commission's Offices in Washington, D.C.

Released: January 3, 1966.

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

[F.R. Doc. 66-207; Filed, Jan. 6, 1966;  
8:48 a.m.]

[Docket Nos. 16393-16395; FCC 65M-1662]

#### HARRISCOPE, INC., ET AL.

##### Order Scheduling Hearing

In re applications of Harriscope, Inc., San Bernardino, Calif., Docket No. 16393, File No. BPCT-3432; Marbro Broadcasting Co., Inc., San Bernardino, Calif., Docket No. 16394, File No. BPCT-3455; Supat Broadcasting Corp., San Bernardino, Calif., Docket No. 16395, File No. BPCT-3499; for construction permit for new television broadcast station.

*It is ordered*, This 29th day of December 1965, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 9, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 27, 1966, commencing at 10 a.m., and; *It is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 3, 1966.

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

[F.R. Doc. 66-208; Filed, Jan. 6, 1966;  
8:48 a.m.]

[Docket No. 16252; FCC 66M-1]

#### JERSEY CAPE BROADCASTING CORP. (WCMC)

##### Order Continuing Hearing

In re application of Jersey Cape Broadcasting Corp. (WCMC), Wildwood, N.J., Docket No. 16252, File No. BP-15945; for construction permit.

The Hearing Examiner having under consideration a motion filed December 20, 1965, by Jersey Cape Broadcasting Corp. (WCMC), requesting that certain changes be made in procedural dates heretofore specified in the above-entitled proceeding; and

It appearing, that the issues herein require extensive engineering investigation, and, in examining pertinent data, the consulting engineer for applicant advises that it will be necessary to consider recently filed engineering data which previously has been unavailable to him and considering the amount of work to be done and the intervening Christmas and New Year holidays, engineering counsel advises that he will be unable to meet the presently scheduled exchange date of January 4, 1966, and that a 2-week extension would be required to prepare the necessary exhibits; and

It further appearing, that counsel for Baltimore Broadcasting Co. (WITH, Baltimore, Md.) and for the Commission's Broadcast Bureau (the only parties who have entered an appearance in this proceeding) have advised that they have no objection to the grant of the requested continuance;

*It is, therefore, ordered*, This 3d day of January 1966, that the hearing date and procedural dates, herein, be and the same are hereby rescheduled as follows:

Exchange of direct written testimony—January 18, 1966.

Notification of witnesses for cross-examination—January 25, 1966.

Hearing—February 1, 1966.

Released: January 4, 1966.

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

[F.R. Doc. 66-209; Filed, Jan. 6, 1966;  
8:48 a.m.]

[Docket No. 15752 etc.; FCC 66M-5]

#### CHARLES W. JOBBINS ET AL.

##### Order Scheduling Hearing Conference

In re applications of Charles W. Jobbins, Costa Mesa—Newport Beach, Calif., Docket No. 15752, File No. BP-16157; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP-16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP-16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP-16161; The Bible Institute of Los Angeles, Inc., Pasadena, Calif., Docket No. 15757, File No. BP-16162; C. D. Funk and George A. Baron, a partnership, doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP-16164; California Regional Broadcasting Corp., Pasadena, Calif., Docket No. 15759, File No. BP-16165; Storer Broadcasting Co. (KGBS), Pasadena, Calif., Docket No. 15760, File No. BP-16166; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vaillancourt and Edwin Earl, doing business as Crown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP-16168; Pasadena Community Station, Inc., Pasadena, Calif., Docket No. 15763, File No. BP-16170; Voice in

Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP-16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP-16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP-16174; for construction permits.

The Hearing Examiner having under consideration the policy statement on section 307(b) considerations for standard broadcast facilities involving suburban communities (FCC 65-1153, Mimeo No. 77438) released December 27, 1965, and the Commission's Memorandum Opinion and Order (FCC 65-1154, Mimeo No. 76949) released simultaneously with the facility policy statement;

It appearing, by said memorandum opinion and order: the issues in the above-entitled proceeding were enlarged as to all applicants and as a consequence the future procedural course herein must be substantially altered from that presently specified;

*It is ordered*, This 3d day of January 1966 on the Hearing Examiner's own motion that a further hearing conference shall be held herein on January 6, 1966, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: January 4, 1966.

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

[F.R. Doc. 66-210; Filed, Jan. 6, 1966;  
8:48 a.m.]

[Docket Nos. 16383, 16384; FCC 65M-1663]

#### FRANK R. MOORMAN, JR.

##### Order Scheduling Hearing

In reapplications of Frank R. Moorman, Jr., Dallas, Tex., for renewal of Radiotelephone Second Class Operator License, Docket No. 16383; and Frank R. Moorman, Jr., doing business as Texas Two Way Radio Co., Dallas, Tex., for authorizations in the Business Radio Service, Docket No. 16384.

*It is ordered*, This 29th day of December 1965, that Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be convened in Dallas, Tex., on March 7, 1966.

Released: January 4, 1966.

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

[F.R. Doc. 66-211; Filed Jan. 6, 1966;  
8:48 a.m.]

[Docket Nos. 16383, 16384; FCC 65-1135]

#### FRANK R. MOORMAN, JR.

##### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Frank R. Moorman, Jr., Dallas, Tex., Docket No. 16383,

for renewal of Radiotelephone Second Class Operator License; and Frank R. Moorman, Jr., doing business as Texas Two Way Radio Co., Dallas, Tex., Docket No. 16384, for authorizations in the Business Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of December 1965:

The Commission having under consideration (1) the above-captioned applications; and (2) the Commission's field inquiry with respect to the operation of radio apparatus by Frank R. Moorman, Jr.; and

It appearing, that Frank R. Moorman, Jr., has filed an application for renewal of a Radiotelephone Second Class Operator License and that Frank R. Moorman, Jr., doing business as Texas Two Way Radio Co., has filed applications for new authorizations in the Business Radio Service, which applications are now pending before the Commission; and

It further appearing, that the Commission's inquiry with respect to the above-captioned applicant raises a number of serious questions bearing upon whether Frank R. Moorman, Jr., is qualified to be a licensee of the Commission; and

It further appearing, that, in view of these questions, the Commission is unable to find that a grant of the above-captioned applications would serve the public interest, convenience, and necessity and must, therefore, designate these applications for a hearing.

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.84 of the Commission's rules, the above-captioned applications are designated for consolidated hearing, in Dallas, Tex., at a time to be specified in a subsequent order, upon the following issues:

1. To determine all of the facts and circumstances with respect to the operation of certain radio apparatus formerly licensed to L. B. Waller and Russell L. Forsythe, trading as Texas Two-Way Radio Exchange, in the Business Radio Service, after sale of the apparatus to Frank R. Moorman, Jr.

2. To determine whether Frank R. Moorman, Jr., operated or permitted the operation of any radio apparatus in violation of section 301 of the Communications Act of 1934, as amended.

3. To determine whether, in light of the evidence adduced with respect to the foregoing issues, Frank R. Moorman, Jr., trading as Texas Two-Radio Co., possesses the requisite qualifications to be a licensee of the Commission;

4. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned applications would serve the public interest, convenience and necessity;

*It is further ordered*, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission in triplicate a written appearance stating an intent to appear

on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the Chief, Safety and Special Radio Services Bureau and Chief, Field Engineering Bureau shall, within 10 days after release of this order, furnish a bill of particulars to the applicant herein setting forth the basis for the above issues.

Released: January 3, 1966.

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

[F.R. Doc. 66-212; Filed, Jan. 6, 1966;  
8:48 a.m.]

[Docket Nos. 16388-16390; FCC 65M-1660]

**D. H. OVERMYER COMMUNICATIONS  
CO. ET AL.**

**Order Scheduling Hearing**

In re applications of D. H. Overmyer Communications Co., Dallas, Tex., Docket No. 16388, File No. BPCT-3463; Maxwell Electronics Corp., Dallas, Tex., Docket No. 16389, File No. BPCT-3489; Grandview Broadcasting Co., Dallas, Tex., Docket No. 16390, File No. BPCT-3595; for construction permits.

*It is ordered*, This 29th day of December 1965, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on January 27, 1966, commencing at 10 a.m.; and, *It is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: January 3, 1966.

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

[F.R. Doc. 66-213; Filed, Jan. 6, 1966;  
8:49 a.m.]

[Docket Nos. 16301, 16312; FCC 66M-4]

**SAWNEE BROADCASTING CO. (WSNE)  
AND HALL COUNTY BROADCAST-  
ING CO. (WLBA)**

**Order Continuing Hearing**

In re applications of John T. Pittard, trading as Sawnee Broadcasting Co. (WSNE), Cumming, Ga., Docket No. 16301, File No. BP-16375; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co. (WLBA), Gainesville, Ga., Docket No. 16312, File No. BP-16606; for construction permits.

Pursuant to agreements reached at the prehearing conference held on January 3, 1966, the evidentiary hearing in the above-entitled proceeding is continued from January 20, 1966, to February 23, 1966, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

<sup>1</sup> Commissioner Wadsworth absent.

*It is so ordered* This the 3d day of January 1966.

Released: January 4, 1966.

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

[F.R. Doc. 66-214; Filed, Jan. 6, 1966;  
8:49 a.m.]

[Docket Nos. 16381, 16382]

**J. C. STALLINGS AND TEXAN  
BROADCASTING CO., INC.**

**Order Designating Applications for  
Consolidated Hearing on Stated  
Issues**

In re applications of J. C. Stallings, Nacogdoches, Tex., Docket No. 16381, File No. BPH-4709; requests: 93.3 mc, No. 252; 3 kw(H); 3 kw(V); 299 ft.; Texan Broadcasting Co., Inc., Nacogdoches, Tex., Docket No. 16382, File No. BPH-4730; requests: 98.3 mc, No. 252; 1.9 kw; 366 ft.; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits on December 29, 1965.

2. Except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed. However, the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is therefore unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

*It is ordered*, That: Pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permits should be granted.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible

## NOTICES

and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: January 4, 1966.

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

[F.R. Doc. 66-215; Filed, Jan. 6, 1966;  
8:49 a.m.]

[FCC 66-1]

**STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING**

JANUARY 4, 1966.

The application listed below has been filed by the same applicant that has filed an application for assignment of license (BAL-5601) of Station KORT, Grangeville, Idaho. In order to avoid unnecessary delay in taking action on the assignment application and to enable the Commission to proceed with action on both applications simultaneously, the following application will be processed out of normal turn:

BP-17010 New, St. Maries, Idaho  
John H. Matlock and Eugene A.  
Hamblin doing business as  
Clear Water Broadcasting Co.  
Req: 1480 kc, 1 kw, Day.

Accordingly, notice is hereby given that the above application is accepted for filing and that on February 11, 1966, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on February 10, 1966 which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on February 10, 1966; or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

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

[F.R. Doc. 66-216; Filed, Jan. 6, 1966;  
8:49 a.m.]

<sup>1</sup> Commissioners Bartley and Wadsworth absent.

[Docket Nos. 16223-16229; FCC 66M-3]

**TRI-STATE TELEVISION  
TRANSLATORS, INC.**

**Order Continuing Hearing**

In re applications of Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16223, File No. BPTTV-2354; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16224, File No. BPTTV-2355; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16225, File No. BPTTV-2356; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16226, File No. BPTTV-2357; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16227, File No. BPTTV-2358; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16228, File No. BPTTV-2359; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16229, File No. BPTTV-2360; for construction permits for new VHF television broadcast translator stations.

The Hearing Examiner having under consideration "Comments of Potomac Valley TV Co., Inc.", filed December 13, 1965, and "Petition to Continue Date of Hearing" filed December 15, 1965, both on behalf of Potomac Valley TV Co., Inc.; and

It appearing that at the prehearing conference held this date, it was agreed that the evidentiary hearing in the above-entitled proceeding would begin on February 28, 1966;

It is ordered, This the 3d day of January 1966, that the above pleadings are granted insofar as they request continuance, and the evidentiary hearing in the above-entitled proceeding is continued from January 17, 1966, to February 28, 1966, in Cumberland, Md.

Released: January 4, 1966.

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

[F.R. Doc. 66-217; Filed, Jan. 6, 1966;  
8:49 a.m.]

[Docket Nos. 15886, 15887; FCC 66M-2]

**WMEN, INC. AND TALLAHASSEE  
APPLIANCE CORP.**

**Order Continuing Prehearing  
Conference**

In re applications of WMEN, Inc., Tallahassee, Fla., Docket No. 15886, File No. BPH-4127; Tallahassee Appliance Corp., Tallahassee, Fla., Docket No. 15887, File No. BPH-4228; for construction permits.

The Hearing Examiner having under consideration his order released September 7, 1965 (FCC 65M-1151);

It appearing, that as yet no Commission action has been taken on its October 25, 1965, notice of proposed rule making looking toward assignment of FM Channel 281 to Tallahassee, Fla.; and

It further appearing, that, in the absence of Commission action under

the above-indicated notice, no useful purpose would be served in holding the further prehearing conference presently scheduled for January 10, 1966;

It is ordered, This 3d day of January 1966, on the Hearing Examiner's own motion, that the further prehearing conference, presently scheduled for January 10, 1966, is continued to 9 a.m., February 21, 1966.

Released: January 4, 1966.

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

[F.R. Doc. 66-218; Filed, Jan. 6, 1966;  
8:49 a.m.]

**FEDERAL MARITIME COMMISSION**

[Independent Ocean Freight Forwarder  
License 419]

**H. B. ROGERS, INC.**

**Revocation of License**

Whereas, H. B. Rogers, Inc., Post Office Box 1569, Norfolk, Va., has ceased to operate as an independent ocean freight forwarder; and

Whereas, by letters dated December 20 and 21, 1965, H. B. Rogers, Inc., requested that its independent ocean freight forwarder license be cancelled.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1 (amended) Supplement 4, section 6.03:

It is ordered, That the independent ocean freight forwarder License No. 419 of H. B. Rogers, Inc., be and is hereby revoked effective 12:01 a.m., January 4, 1966.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES A. KEMPKER,  
Acting Director,  
Bureau of Domestic Regulation.

[F.R. Doc. 66-200; Filed, Jan. 6, 1966;  
8:48 a.m.]

[Docket No. 65-43; 1st Supp. Order]

**TMT TRAILER FERRY, INC.**

**Rates and Practices of Carriers Serving  
Jacksonville/Puerto Rico Trade;  
Notice of Suspension of Overflow  
Rate**

Whereas, by order served November 24, 1965, the Commission entered into an investigation concerning the lawfulness of certain reduced rates and other matters affecting the transportation of household appliances from Jacksonville to ports in Puerto Rico and named among others, TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT), as a respondent in this proceeding;

Whereas, on December 20, 1965, TMT filed Second Revised Page No. 97-A to its Tariff FMC-F No. 5 which, upon becoming effective January 19, 1966, will reduce from 41 to 38 cents per cubic foot, its rate on any portion of a single ship-

ment of household appliances which exceeds the capacity of a trailer(s);

Whereas, the new rate already is under investigation in this proceeding by reason of an ordering paragraph included in the original order;

Whereas, the Commission is of the opinion that TMT's new "overflow" rate should be suspended in the interest of preserving stability in the trade and to maintain the status quo pending the outcome of this proceeding;

Now, therefore, it is ordered, That the "overflow" rate of 38 cents per cubic foot published on the aforementioned revised page be and it is hereby suspended and that the use thereof be deferred to and including May 18, 1966, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension;

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee), a consecutively numbered supplement to the aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rate is suspended and may not be used until the 19th day of May 1966, unless otherwise authorized by the Commission; and that the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which

is continued in effect as a result of such suspension, may be changed until the period of suspension has expired or until this investigation and suspension proceeding has been disposed of, unless otherwise authorized by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents, and protestants herein; (II) the said respondents and protestants be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the **FEDERAL REGISTER**.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73).

By the Commission December 28, 1965.

[SEAL] THOMAS LISI,  
Secretary.

[F.R. Doc. 66-201; Filed, Jan. 6, 1966;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI66-212, etc.]

AMERADA PETROLEUM CORP.,  
ET AL.

Order Providing for Hearings on and  
Suspension of Proposed Changes in  
Rates<sup>1</sup>

DECEMBER 29, 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 February 15, 1966.

By the Commission.

[SEAL] J. H. GUTRIDE,  
Secretary.

### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supple- ment No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf	Rate in effect subject to refund in docket Nos.
RI66-212	Amerada Petroleum Co. (Operator), et al., Post Office Box 2040, Tulsa, Okla., 74102, Attn.: Mr. W. H. Bourne.	95	6	Montana-Dakota Utilities Co. (Nesson Anticline Area, Burke, McKenzie, Mountrail and Williams Counties, N. Dak.).	\$235,217	12-3-65	* 1-3-66	6-3-66	* 16.0	* 18.046
RI66-213	Signal Oil & Gas Co. (Operator), et al., 1010 Wilshire Blvd., Los Angeles, Calif., 90017, Attn.: Mr. J. B. Taylor.	8	3	Montana-Dakota Utilities Co. (Tioga Plant, Williams County, N. Dak.).	95,582	12-2-65	* 1-2-66	6-2-66	* 16.0	* 18.046

<sup>1</sup> The stated effective date is the 1st day after expiration of the required statutory notice.

<sup>2</sup> Periodic rate increase.

Amerada Petroleum Corp. (Operator), et al., and Signal Oil & Gas Co. (Operator), et al. (Signal), request that their proposed rate increases be permitted to become effective on January 1, 1966, 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 an earlier effective date for Amerada and Signal's proposed rate filings and such requests are denied.

<sup>3</sup> Does not consolidate for hearing or dispose of the several matters herein.

\* Pressure base is 14.73 p.s.i.a.

<sup>2</sup> Includes 0.046 cent per Mcf partial tax reimbursement.

<sup>3</sup> Initial rate.

Amerada and Signal's proposed rate increases from 16.0 cents to 18.046 cents per Mcf at 14.73 p.s.i.a. are for sales of gas to Montana-Dakota Utilities Co. in Burke, McKenzie, Mountrail, and Williams Counties, N. Dak. The Commission's Statement of General Policy No. 61-1 did not prescribe

## NOTICES

ceiling rates in North Dakota. Consequently no formal guideline prices exist for the area. However, the proposed rates exceed the highest rate permanently certified in this area, which is 16 cents per Mcf. We therefore conclude that the proposed rates should be suspended for 5 months as herein ordered.

[F.R. Doc. 66-169; Filed, Jan. 6, 1966; 8:45 a.m.]

[Docket No. G-12004, etc.]

**SOCONY MOBIL OIL CO., INC., ET AL.**

**Findings and Order; Correction**

DECEMBER 29, 1965.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Making Successors Co-Respondents, Redesignating Proceedings, Accepting Surety Bond for Filing, Requiring Filing of Agreement and Undertaking, and Accepting Related Rate Schedules and Supplements for Filing, issued November 22, 1965, and published in the **FEDERAL REGISTER** December 1, 1965 (F.R. Doc. 65-12764; 30 F.R. 14870); in the chart, after Docket No. CI66-276 change FPC Gas Rate Schedule "No. 1" to FPC Gas Rate Schedule "No. 2."

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-170; Filed, Jan. 6, 1966; 8:45 a.m.]

[Docket No. G-16492, etc.<sup>1</sup>]

**T. L. JAMES & CO., INC., ET AL.**

**Order Approving Offers of Settlement, Severing Proceedings, Terminating Certain Proceedings in Whole and Others in Part, and Prescribing Refunds**

DECEMBER 30, 1965.

Respondents, as set forth in the appendix, have severally filed offers of settlement to resolve conflicting interpretations of the tax reimbursement provisions in their rate schedules covering jurisdictional sales of natural gas in Louisiana. All of the respondents' sales herein are made to Texas Gas Transmission Corp. (Texas Gas), except for sales by Pan American Petroleum Corp. (Pan American) which are made to Trunkline Gas Co. (Trunkline). In summary the settlement proposals filed by respondents provide:

(1) A settlement rate of 1.75 cents per Mcf, in lieu of 1.875 cents per Mcf, as the applicable Louisiana gas severance tax reimbursement for respondents' sales to Texas Gas.

(2) A settlement rate of 1.80 cents per Mcf, in lieu of 2.05 cents per Mcf, as the applicable Louisiana gas severance tax reimbursement for Pan American's sales to Trunkline.

<sup>1</sup> The docketed matters proposed for settlement herein are set forth in the appendix.

(3) Respondents selling to Texas Gas, in effect, propose to refund, with applicable interest, one-half of the amount collected in excess of the proposed settlement rate of 1.75 cents per Mcf in the above-entitled proceedings for the period prior to September 1, 1965, and all amounts collected in excess of 1.75 cents per Mcf thereafter.

(4) Pan American proposes, under its FPC Gas Rate Schedule No. 258 for the period prior to April 1, 1964,<sup>2</sup> to refund to Trunkline \$8,992.31 with interest at 6 percent per annum, which amount represents slightly more than one-half of the \$14,987.18 collected subject to refund.

(5) Pan American proposes, under its FPC Gas Rate Schedule Nos. 259 and 260, to refund to Trunkline, with interest at 6 percent per annum, 0.15 cents per Mcf tax reimbursement for all gas delivered under said rate schedules,<sup>3</sup> which is also slightly more than one-half of the amount in dispute.

Texas Gas has concurred in each of the settlement proposals involving it and Trunkline has concurred in Pan American's settlement proposal. No objections to any of the proposed settlements have been received from interveners or other interested parties.

We believe these proposals are consistent with the public interest and the provisions of the Natural Gas Act, and consequently shall approve the same.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings, involving Respondents' rates and rate schedules, their successors or assignees.

The Commission finds:

The proposed settlements of the subject proceedings on the bases described herein, as more fully set forth in the settlement proposals filed by Respondents as set forth in the appendix, are in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that they be approved and made effective as hereinafter ordered, and good cause exists for approving these settlements, for severing proceedings, for terminating certain proceedings in whole and others in part, and for providing for refunds.

<sup>2</sup> Tax reimbursement applicable to gas delivered from and after Apr. 1, 1964, under Pan American's FPC Gas Rate Schedule No. 258 is being paid at the rate prescribed in the settlement approved by Commission order issued Mar. 20, 1964, 31 FPC 616.

<sup>3</sup> Pan American further agrees to pay Trunkline, as soon as such amount can be determined, an additional amount equal to the difference between tax reimbursement at 1.80 cents per Mcf on gas delivered after approval of this settlement proposal and such lower tax reimbursement, if any, as is provided by any general rate settlement into which Pan American enters or as is allowed by the Commission's final order in South Louisiana Area Rate Proceedings, Docket Nos. AR61-2, et al., whichever shall first occur.

The Commission orders:

(A) The several offers of settlement filed with the Commission by Respondents as set forth in the appendix are approved in accordance with provisions of this order.

(B) Respondents shall file, within 90 days from the date of issuance of this order, notices of change in rates under their FPC Gas Rate Schedules to reflect the settlement rates applicable to severance tax reimbursement. The notices of change shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Respondents shall compute the difference between the rates collected subject to refund in the above-entitled proceedings and the settlement rates for the periods set forth in the appendix, with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to its jurisdictional pipeline purchasers, setting out the amount of refunds (showing separately the principal and applicable interest) the basis used for such determination, the period covered, and ten days thereafter shall submit to the Commission a copy of a letter from its jurisdictional pipeline purchasers agreeing to the correctness of such amounts.

(D) Respondents shall retain these amounts of monies shown in the report required under ordering paragraph (C) above, subject to further order of the Commission.

(E) Respondents may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed Escrow Agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon its jurisdictional pipeline customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Respondents and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Respondents, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any

form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company will likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(F) If Respondent elects to commingle the retained refunds with its general assets and use them for business purposes, it shall notify the Secretary of the Commission of its intention to do so within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 4.5 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final order or orders of the Commission.

(G) Upon notification by the Secretary of the Commission that each of Respondents has complied with the terms and conditions of this order, the section 4(e) proceedings in the appendix hereto shall terminate in whole and in part as designated, and the proceedings in the appendix hereto shall be severed from consolidated proceedings in Docket Nos. G-16492, et al.

(H) The Secretary of the Commission shall, by separate letter, direct the pipeline purchasers to report its plans for distribution of the refunds provided for herein. In the event that the pipeline purchaser states that it will flow-through the entire amount of refunds received, the Secretary of the Commission is authorized to release by his letter the escrowed refunds.

(I) The acceptance by the Commission of Respondents offers of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Respondents and is without prejudice to claims or contentions which may be made by Respondents, the Commission staff, or any affected party hereto, in any proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-172; Filed, Jan. 6, 1966;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-1880]

### FOURTH EMPIRE FUND, INC.

#### Notice of Application for Order of Exemption

JANUARY 3, 1966.

Notice is hereby given that Fourth Empire Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,000,000 shares of common stock, \$1 par value, to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of \$20,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least \$10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than January 20, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issue of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by

Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBois,  
Secretary.

[F.R. Doc. 66-182; Filed, Jan. 6, 1966;  
8:46 a.m.]

[812-1876]

### PHILLIPS PETROLEUM INTERNATIONAL INVESTMENT CO.

#### Notice of Filing of Application for Order Exempting Company

JANUARY 3, 1966.

Notice is hereby given that Phillips Petroleum International Investment Co. ("applicant") Bartlesville, Okla., has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below:

The applicant was organized by Phillips Petroleum Co. ("Phillips") under the laws of the State of Delaware on December 10, 1965. All of the capital stock which has been issued by applicant consisting of 1,000 shares with a par value of \$10.00 a share has been purchased for \$10,000, and is held, by Phillips Investment Co., a wholly owned subsidiary of Phillips which applicant states is not an investment company as defined in the Act. Phillips Investment Co. will contribute to the capital of applicant approximately 37 percent of the outstanding common stock of American Independent Oil Co. ("American Independent"), a Delaware Corporation which has oil and gas properties and a refinery all located outside the United States and which is engaged in the business of producing, refining and marketing petroleum and petroleum products outside the United States. The application states that the cost of such 37 percent interest in American Independent is \$6,000,000, but that the value of such interest is significantly greater than that amount. Phillips and its subsidiaries and affiliates may make further investments in applicant. Phillips or one or more of its wholly owned subsidiaries will acquire any additional securities, other than debt securities, which applicant may issue in the future. Phillips or its wholly owned subsidiaries will continue to own all shares of applicant's capital stock and any additional securities, other than debt securities, of

## NOTICES

the applicant so acquired, and will not dispose of any of such securities except to the applicant or to one or more wholly owned subsidiaries of Phillips.

Phillips, a Delaware corporation, is an integrated oil company engaged in virtually every phase of the petroleum industry and in many related activities.

A principal purpose for organizing the applicant was to provide assistance in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February, 1965, while at the same time continuing the expansion and development of operations of Phillips, its subsidiaries and affiliates outside the United States. Applicant intends to issue and sell an aggregate of \$25,000,000 principal amount of its Guaranteed Sinking Fund Debentures due 1981 ("Debentures"). Phillips will guarantee the principal, premium, if any, interest and sinking fund payments on the Debentures. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by Phillips in substantially the same manner as the Debentures.

It is intended that at least 60 percent of the value of the total assets of the applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies which (1) are, or upon the making of such investment will be, majority-owned subsidiaries of Phillips within the meaning of section 2(a)(23) of the Act or companies under Phillips' control within the meaning of section 2(a)(9) of the Act, and (2) are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding or trading in securities. For the purpose of this computation, American Independent will be treated as a foreign company so long as its business and properties are principally outside the United States and its territories. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, applicant may invest temporarily in debt obligations (including time deposits) of foreign governments, foreign financial institutions and other foreign persons, payable in U.S. dollars or other currencies and in each case maturing in one year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

Applicant intends to sell the Debentures to a group of underwriters for offering outside the United States and its territories. Each underwriter participating in the offering is to agree that it will not offer the Debentures in the United States or its territories or to persons whom it has reason to believe are citizens or residents thereof (except for transactions with underwriters or dealers). Each of the United States and foreign selected dealers to whom group sales may be made will agree substantially to the same effect and also that dealers to whom resales are made will similarly agree.

Counsel has advised the applicant that U.S. persons will be required to report and pay interest equalization tax with respect to acquisitions of the Debentures, except where a specific statutory exemption is available. Thus, by financing its foreign operations through the applicant rather than through sale of its own debt obligations, Phillips will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to interest equalization tax, thereby tending to discourage them from purchasing such debt securities.

Applicant will use its best efforts to have the Debentures listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant asserts that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to grant the requested exemption for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments program by obtaining funds in foreign countries for the foreign operations of the Phillips group; (2) the applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Debentures, which are guaranteed by Phillips, does not depend solely on the operations or investment policy of applicant for the Debenture holders may ultimately look to the business enterprise of Phillips in the event that applicant should default in payment of the Debentures; (4) the burden of the interest equalization tax will tend to discourage purchase of the Debentures by any U.S. person; (5) when the Debentures are listed on the New York Stock Exchange, applicant's security holders will have the benefit of the disclosures and reporting requirements of the Securities Exchange Act of 1934 and of the New York Stock Exchange.

Notice is further given that any interested person may, not later than January 17, 1966, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the appli-

cation herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBoIS,  
Secretary.

[F.R. Doc. 66-183; Filed, Jan. 6, 1966;  
8:46 a.m.]

[812-1881]

### THIRD PRESIDENTIAL FUND, INC.

#### Notice of Application for Order of Exemption

JANUARY 3, 1966.

Notice is hereby given that Third Presidential Fund, Inc. ("applicant"), 44 School Street, Boston, Mass., 02108, an open-end, diversified registered investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. Section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 400,000 shares of common stock, \$1 par value, to be offered to investors in exchange for securities included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of the applicant in a simultaneous exchange on a tax-free basis. The minimum deposit to be accepted from any investor is to be securities having a market value of \$20,000 and the exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least \$10,000,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them.

Notice is further given that any interested person may, not later than January 20, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the

point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBois,  
Secretary.

[F.R. Doc. 66-184; Filed, Jan. 6, 1966;  
8:46 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order 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.

The Arrow Co., 1221 West Third Street, Williamsport, Pa.; effective 12-8-65 to 12-7-66 (men's sport shirts).

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; effective 12-27-65 to 12-26-66 (work pants and work shirts).

H & L Block, Inc., Decherd, Tenn.; effective 12-20-65 to 12-19-66 (men's single pants).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 12-17-65 to 12-16-66 (men's and boys' shirts, ladies' and girls' blouses).

Blue Bell, Inc., Luray, Va.; effective 12-13-65 to 12-12-66 (ladies' and girls' dungarees).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 12-28-65 to 12-27-66 (men's trousers).

Chocotah Manufacturing Co., Post Office Box 326, Chocotah, Okla.; effective 12-20-65

to 12-19-66 (women's and children's pedal pushers).

Dillon Manufacturing Co., Wayne Road, Savannah, Tenn.; effective 12-30-65 to 12-29-66 (men's shirts).

Dushore Lingerie Co., Inc., Box 231, Cherry Street, Dushore, Pa.; effective 12-9-65 to 12-8-66 (women's sleepwear).

Edric Manufacturing Corp., 101 Bel-Air Drive, Columbia, Tenn.; effective 12-22-65 to 12-21-66 (men's sport shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 12-19-65 to 12-18-66 (men's and boys' shirts).

Frances Gee Garment Co., Higginsville, Mo.; effective 12-18-65 to 12-17-66 (ladies' uniforms).

Gainesville Manufacturing Co., 513 Myrtle Street SW, Gainesville, Ga.; effective 12-16-65 to 12-15-66 (men's pants).

Herrin Apparel Co., Inc., 712 East Monroe, Herrin, Ill.; effective 12-15-65 to 12-14-66 (women's and misses' dresses).

Edward Hyman Co., Lake Street, Hazlehurst, Miss.; effective 12-20-65 to 12-19-66 (men's work shirts, work pants and coveralls).

I.B.S. Manufacturing Co., New Albany, Miss.; effective 1-1-65 to 12-31-66 (men's and boys' sport shirts).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; effective 12-17-65 to 12-16-66 (men's shirts and pajamas).

The Manhattan Shirt Co., Glenn Avenue, Salisbury, Md.; effective 12-12-65 to 12-11-66 (men's and ladies' shirts).

The Manhattan Shirt Co., U.S. Bypass No. 29 and No. 70, Lexington, N.C.; 12-11-65 to 12-10-66 (men's shirts).

Monroe Manufacturing Co., Gamaliel, Ky.; effective 12-8-65 to 12-7-66 (men's and boys' shorts and pants).

Pawnee Pants Manufacturing Co., Inc., 101-105 Lackawanna Avenue, Olyphant, Pa.; effective 12-30-65 to 12-29-66 (men's and boys' trousers).

Petersburg Manufacturing Co., Edinburg Manufacturing Corp., Petersburg, W.Va.; effective 12-21-65 to 12-20-66 (children's sportswear).

Petersburg Manufacturing Co., Petersburg, Tenn.; effective 12-8-65 to 8-28-66 (boys' shirts) (replacement certificate).

Pollak Brothers, Inc., 315 East Wallace Street, Fort Wayne, Ind.; effective 12-13-65 to 12-12-66 (dresses).

Quad Manufacturing Co., 1040 Vernon Street, Huntington, W.Va.; effective 12-14-65 to 12-13-66 (men's trousers and shorts).

Samsons Manufacturing Corp., 525 5th Street, Washington, N.C.; effective 12-17-65 to 12-16-66 (men's shirts).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; effective 12-26-65 to 12-25-66 (men's and boys' pants).

Stahl-Urban Co., North 2d Street, Brookhaven, Miss.; effective 12-19-65 to 12-18-66 (men's and boys' outerwear jackets and blouses).

Levi Strauss & Co., Post Office Box 1100, McArthur Road, Maryville, Tenn.; effective 12-12-65 to 12-11-66 (men's and boys' trousers).

Waldon Manufacturing Co., Box 915, Walnut, Miss.; effective 12-9-65 to 12-8-66 (men's and boys' outerwear jackets).

The Warner Brothers Co., Marianna, Fla.; effective 12-28-65 to 12-27-66 (corsets and brassieres).

The Warner Brothers Co., Thomasville, Ga.; effective 12-28-65 to 12-27-66 (corsets and brassieres).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12-18-65 to 12-17-66 (men's, boys' and ladies' trousers).

The following learner certificates were issued for normal labor turnover pur-

poses. The effective and expiration dates and the number of learners authorized are indicated.

Adam H. Bartel Co., Richmond, Ind.; effective 12-31-65 to 12-30-66; 10 learners (men's jeans).

Blue Bell, Inc., Elkton, Va.; effective 12-13-65 to 12-12-66; 10 learners (men's dungarees).

Blue Bell, Inc., Mount Jackson, Va.; effective 12-13-65 to 12-12-66; 10 learners (ladies' and girls' dungarees).

Eugenia Sportswear, 873 Peace Street, Hazleton, Pa.; effective 12-10-65 to 12-9-66; 5 learners (children's snowsuits, outerwear jackets and pants).

Mode O'Day Co., a division of Founders, Inc., 403½ South Main Street, Ottawa, Kans.; effective 1-1-66 to 12-31-66; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Kent Uniform, Inc., Burkesville, Ky.; effective 12-13-65 to 6-12-66; 25 learners (nurses' and waitresses' uniforms).

Levi Strauss & Co., Post Office Box 1100, McArthur Road, Maryville, Tenn.; effective 12-22-65 to 6-21-66; 175 learners (men's and boys' trousers).

Mar-Bax Shirt Co., Inc., Gassville, Ark.; effective 12-16-65 to 6-15-66; 50 learners (men's dress shirts).

Top Notch Manufacturing Co., Inc., El Paso, Tex.; effective 12-13-65 to 6-12-66; 40 learners (men's overalls).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

D. N. Pariso Industrial Glove Manufacturing Co., 101 South Cleveland Street, Knox, Ind.; effective 12-15-65 to 12-14-66; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N.C.; effective 12-20-65 to 6-19-66; 35 learners for plant expansion 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).

Eagleknit, Inc., Shawano, Wis.; effective 12-18-65 to 12-17-66; 5 learners for normal labor turnover purposes (children's knit sweaters and headwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the *FEDERAL REGISTER* pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of December 1965.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 66-178; Filed, Jan. 6, 1966;  
8:46 a.m.]

## NOTICES

### INTERSTATE COMMERCE COMMISSION

[Notice 110]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1966.

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 to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 8768 (Sub-No. 32 TA), filed December 29, 1965. Applicant: SECURITY VAN LINES, INC., Post Office Box 825, 100 West Airline Highway, Kenner, La., 70002. 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 Washington, Oregon, California, Arizona, Texas, Oklahoma, Arkansas, Louisiana, Tennessee, Alabama, Mississippi, Georgia, Florida, South Carolina, and North Carolina, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii and except as already authorized), for 180 days. Supporting shipper: Applicant makes the supporting statement. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La., 70113.

No. MC 8948 (Sub-No. 66 TA), filed December 29, 1965. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif., 90058. Applicant's representative: Lloyd R. Guerra

(same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon*, in bulk, in specially designed shipper owned trailer equipment, from Beaumont and Orange, Tex., to Los Angeles and Mountain View, Calif., with privilege to partly unload in transit at Los Angeles, Calif., for 150 days. Supporting shipper: Robert H. Morris, traffic services supervisor, Air Products & Chemicals, Inc., Allentown, Pa. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif., 90012.

No. MC 18088 (Sub-No. 41 TA), filed December 28, 1965. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's representative: James H. Denney (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment), (a) between Coosa County plant site of the Avondale Mills, located near Sylacauga, Ala., on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, and South Carolina that are presently served by applicant for 150 days. Supporting shippers: Avondale Mills, Sylacauga, Ala., 35150; Sylacauga Chamber of Commerce, Chamber of Commerce Building, Sylacauga, Ala.; Mac Thomas, judge of probate, Coosa County, Rockford, Ala., 35136; and, Robert J. Teel, Coosa County, Rockford, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 12, South 20th Building, 908 South 20th Street, Birmingham, Ala., 35205.

No. MC 30824 (Sub-No. 18 TA), filed December 28, 1965. Applicant: AALCO EXPRESS COMPANY, INC., 3514 Goodfellow Boulevard, St. Louis 20, Mo. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated commercial refrigeration cases and related parts and equipment thereof*, when moving therewith from St. Louis, Mo., and St. Louis County, Mo., to points in Wyoming, for 180 days. Supporting shipper: Hussman Refrigeration Co., 2401 North Leffingwell Avenue, St. Louis 6, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 66562 (Sub-No. 2136 TA), filed December 28, 1965. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 21 East 42d Street, New York, N.Y., 10017. Applicant's representative: William F. Marx (same address as above). Authority sought to operate as

a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Carbondale, Ill., and Christopher, Ill., from Carbondale over Illinois Highway 13 to junction of Illinois Highway 148, thence over Illinois Highway 148 to Christopher, and return over the same route, serving the intermediate point of Herrin, Ill., and the off-route point of Marion, Ill. Conditions: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.; (2) shipments transported by applicant shall be limited to those on through bills of lading or express receipts; and, (3) such further specific conditions as the Commission, in the future may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc., for 135 days. Supporting shippers: There are 14 supporting shippers' statements, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 66562 (Sub-No. 2137 TA), filed December 29, 1965. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Portland, Oreg., and Seattle, Wash., over U.S. Highway 99 (Interstate Highway 5 as and when completed), serving the intermediate points of Kelso, Centralia, Olympia, and Tacoma, Wash. Conditions: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.; (2) shipments transported by applicant shall be limited to those on through bills of lading or express receipts; and, (3) such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc., for 150 days. Supporting shippers: There are twenty-nine (29) supporting shippers' letters attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 103654 (Sub-No. 105 TA), filed December 29, 1965. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn., 55116. Applicant's representative: C. E. Swanson (same ad-

dress as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorinated hydrocarbons*, in bulk, in tank trailers, from St. Louis Park, Minn., to Broadview, Chicago, Chicago Heights, Danville, Forest Park, Melrose Park, Morton Grove, and Wheeling, Ill., and *refused or rejected shipments*, on return, for 180 days. Supporting shipper: Union Carbide Corp., Institute, W. Va. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 105809 (Sub-No. 10 TA), filed December 29, 1965. Applicant: ROBERT E. MACK, EDWARD F. MACK, JOSEPH P. HOEY, ALBERT ROLAND FUNK, CARL BROWN, HARRY ROBSON AND JOHN BALLOCH, a partnership, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa., 19124. Applicant's representative: V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa., 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the facilities of the Philco Distributors, Inc., located at King of Prussia, Montgomery County, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, and those in New Jersey, Delaware, Maryland, and the District of Columbia, for 150 days. Restriction: The service sought will be limited to a service in which said carrier leases trucks with drivers to Philco Distributors, Inc. for the exclusive transportation of such shipper's property. Supporting shipper: Philco Corp., Tioga and C Streets, Philadelphia, Pa., 19134. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 108185 (Sub-No. 34 TA), filed December 28, 1965. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Birmingham, Ala. Applicant's representative: G. E. Tickle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except coal, oil, classes A and B explosives, sand, gravel, household goods as defined by the Commission, commodities requiring special equipment or those injurious or contaminating to other lading), serving the site of International Paper Co., Southern Kraft Division Mill, near Redwood, Miss., as an off-route point in connection with present operation between Birmingham, Ala., and Jackson, Miss., for 150 days. Supporting shipper: International Paper Co., Post Office Drawer A, Mobile, Ala., 36601. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, South 20th Building, 908 South 20th Street, Birmingham, Ala., 25205.

No. MC 110525 (Sub-No. 761 TA), filed December 29, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa., 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt*, in bulk, in tank vehicles, from East Liverpool, Ohio, to the ports of entry on the international boundary line between the United States and Canada, on the Niagara River, restricted to traffic moving in foreign commerce, for 180 days. Supporting shipper: The Dacar Chemical Products Co., Dacar Chemical Building, McCartney at Wabash Street, West End, Pittsburgh 20, Pa. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa., 19106.

No. MC 113828 (Sub-No. 103 TA), filed December 28, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C., 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, in bulk, in tank or hopper type vehicles, from the plantsite of the Pantasote Co., at or near Point Pleasant, W. Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and Washington, D.C., for 180 days. Supporting shipper: The Pantasote Co., 26 Jefferson Street, Passaic, N.J., 07056, Attention: Vincent de la Montaigne. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, Washington, D.C., 20423.

No. MC 117686 (Sub-No. 72 TA), filed December 29, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's representative: Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in Parts A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Alabama, Arkansas, Louisiana, Mississippi, and Texas, for 180 days. Supporting shippers: Sioux City Dressed Beef Co., 1911 Warrington Road, Sioux City, Iowa, 51107; Iowa Beef Packers, Inc., Dakota City, Nebr.; Sioux City Dressed Pork Co., 1200 Bluff Road, Sioux City, Iowa, 51107; Swift & Co., 115 West Jackson Boulevard, Chicago, Ill., 60604; Floyd Valley Packing Co., 1200 Warrington Road, Sioux City, Iowa, 51107; and Raskin Packing Co., Inc., 1918 Jay, Sioux City, Iowa, 51107. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 304

Post Office Building, Sioux City, Iowa, 51101.

No. MC 124078 (Sub-No. 174 TA), filed December 29, 1965. Applicant: SCHWERMER TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn grits*, in bulk, from Danville, Ill., to Cincinnati, Ohio, for 150 days. Supporting shipper: Lauhoff Grain Co., Danville, Ill., 61834 (Gerald E. Stitt, General Traffic Manager). Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 126745 (Sub-No. 14 TA), filed December 29, 1965. Applicant: SOUTHERN COURIERS, INC., 222-17 Northern Boulevard, Bay Side, N.Y., 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coin, currency, bullion, and negotiable instruments), as are used in the businesses of banks and banking institutions; (1) between Nashville, Tenn., on the one hand, and, on the other, Atlanta, Ga., over routes in the State of Alabama for operating convenience only; and, (2) between Chattanooga, Tenn., on the one hand, and, on the other, Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Clarke, Cobb, Dade, Dawson, De Kalb, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Madison, Murray, Lumpkin, Paudling, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield Counties, Ga., over routes in the State of Alabama for operating convenience only, for 180 days. Supporting shippers: American National Bank and Trust Co., Chattanooga 1, Tenn.; The Bank of Dalton, Dalton, Ga.; Calhoun National Bank, Calhoun, Ga., 30701; The Citizens Bank, Gainesville, Ga.; Cobb Exchange Bank, Marietta, Ga.; Cohutta Banking Co., Chatsworth, Ga.; Commerce Union Bank, 400 Union Street, Nashville 3, Tenn.; The First National Bank of Dalton, Dalton, Ga.; The First National Bank of Gainesville, Gainesville, Ga.; Hamilton National Bank, Chattanooga, Tenn.; and, Rossville Bank, Rossville, Ga. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 126881 (Sub-No. 1 TA), filed December 29, 1965. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. Applicant's representative: Richard B. Rudy (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and concentrates, and*

## NOTICES

dairy products, from Frederick, Md., to Richmond, Petersburg, and Norfolk, Va., and return with empty containers. Restriction: Limited to transportation performed under continuing contract with Capitol Milk Producer's Cooperative, Inc., for 150 days. Supporting shipper: Capitol Milk Producers Cooperative, Inc., 428 East Patrick Street, Frederick, Md., 21701, W. B. Anderson, secretary-treasurer. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, Washington, D.C., 20423.

No. MC 127718 (Sub-No. 1 TA), filed December 29, 1965. Applicant: E. J. CHADBOURNE, Route 2, Box 216, Detroit Lakes, Minn., 56501. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Burial vault molds, supplies, accessories, and equipment* used in the manufacture of burial vaults, from Waubun, Minn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Dowlite, Inc., Detroit Lakes, Minn., 56501. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak., 58101.

No. MC 127332 (Sub-No. 2 TA), filed December 28, 1965. Applicant: TRI-STATE HAULING, INC., Post Office Box 373, Theodore, Ala. Applicant's representative: L. A. Parish (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction and maintenance aggregates and materials* such as ballast, rock or stone, chert, cinders, clay, clay gravel, cobblestones, riprap stone, rock, sandstone, sand, shells, clam, oyster, mussel or coquina, slag, stone, marble or granite, broken, crushed, ground, stone, natural asphalt, paving mixes, one or more of the above aggregates to which has been added, oil, tar, lime and/or asphalt, between points in Mobile County, Ala., and points in Jackson, Harrison, and Hancock Counties, Miss., for 150 days. Restriction: The above authority is restricted as (1) to the transportation in bulk only; and (2) against the transportation of commodities in bulk in tank or hopper type vehicles. Supporting shipper: Campbell Construction Engineers, Inc., 1806 Liberty Street, Mobile, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, South 20th Building, 908 South 20th Street, Birmingham, Ala., 35205.

No. MC 127753 (Sub-No. 1 TA), filed December 28, 1965. Applicant: AALCO EXPRESS COMPANY, INC., 3514 Goodfellow Boulevard, St. Louis, Mo. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Furnaces, sheet metal ducts, metal guttering and roofing materials, and related parts, materials, and supplies when moving in conjunction therewith* (except commodities which, because of size or weight require the use of special equipment), from St. Louis, Mo., to points in Madison and St. Clair Counties, Ill., for 180 days. Supporting shipper: Southern Steel and Aluminum Co., 1952 Kienlen Avenue, St. Louis 33, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 127805 TA, filed December 28, 1965. Applicant: VERNON BINGHAM, 2005 East Avenue, Baxter Springs, Kans. Applicant's representative: Merle Duncan, Jr., 1031 Military Avenue, Baxter Springs, Kans., 66713. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Craig and Nowata Counties, Okla., to Labette and Montgomery Counties, Kans., for 180 days. Supporting shippers: Bill Patch Coal Co., Inc., and Bill's Coal Co., Inc., Welch, Okla. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 127806 (Sub-No. 1 TA), filed December 29, 1965. Applicant: BEER TRANSPORT, INC., 88 River Street, Bridgeport, Conn. Applicant's representative: David Millner, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers (other than in bulk, in tank vehicles) and *advertising materials and displays*, from the plantsite of Rheingold Breweries, Inc., in New York, N.Y., and Orange, N.J., to West Hartford, Willimantic, Fairfield, and Norwalk, and Torrington, Conn., and Medford, West Bridgewater, Framingham, Somerville, and Lawrence, Mass., and *empty containers and pallets* used for the transportation of such malt beverages, and returned and rejected merchandise, on return, for 150 days. Restriction: Service is to be performed under a continuing contract with the Rheingold Breweries, Inc., Brooklyn, N.Y. Supporting shipper: Rheingold Breweries, Inc., 36 Forrest Street, Brooklyn, N.Y., 11206. Send protests to: David J. Kiernan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 135 High Street, Hartford, Conn., 06101.

No. MC 127807 TA, filed December 29, 1965. Applicant: OLIVER WOODROW BOOTH, doing business as O. W. BOOTH LUMBER TRANSPORTING CO., 3028 Greensboro Avenue, Tuscaloosa, Ala. Applicant's representative: William C. McCain, 803 First National Bank Building, Tuscaloosa, Ala., 35404. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from mills in Tuscaloosa, Pickens, Hale, Greene, Jef-

erson and Bibb Counties, Ala., to points in Tennessee, Kentucky, Indiana, Illinois, Mississippi, Ohio, Louisiana, Georgia, and Florida, for 180 days. Supporting shippers: Frank H. Summerville, Summerville Bros. Lumber Co., Pickens County, Ala.; Eldon Thomas, Thomas Lumber Co., Inc., Montgomery County, Tenn.; S. F. Pate, Pate Lumber Co., Inc., Pickens County, Ala.; and, James R. Thomson, Thomson Lumber Co., Hale County, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, South 20th Building, 908 South 20th Street, Birmingham, Ala., 35205.

No. MC 127808 TA, filed December 29, 1965. Applicant: MERLON BROWN, doing business as MERLON BROWN TRUCKING, Route 4, Hamilton, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Lingerie, pants, slips, hosiery, bras, girdles, gowns, pajamas, and slippers; laces, fabrics, yarn, skids* (metal and wood), adjustapacks (kracked down corrugated), between Hamilton and Guin, Ala., and Memphis, Tenn., from Guin over U.S. Highway 78 to Hamilton over U.S. Highway 78 to Memphis and return over the same route, for 180 days. Supporting shipper: Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis, Minn., 55405. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, South 20th Street, Birmingham, Ala., 35205.

No. MC 127809 TA, filed December 29, 1965. Applicant: REA TRUCKING CO., INC., Touchet, Wash. Applicant's representative: Herbert H. Freise, 200 Jones Building, Walla Walla, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp, beet pulp pellets, beet crumbles, and feed*, between points in Umatilla County, Oreg., on the one hand, and, on the other, points in Washington, for 180 days. Supporting shippers: H. T. Rea, Inc., Route 3, Birch Creek Road, Walla Walla, Wash.; and, Jack Tillman, Fifth Street, Athena, Oreg. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 401 U.S. Post Office Building, Spokane, Wash., 99201.

## MOTOR CARRIERS OF PASSENGERS

No. MC 127790 TA (Correction), filed December 20, 1965, published FEDERAL REGISTER, issue of December 29, 1965, and republished as corrected this issue. Applicant: JOHN WAGNER and MAY BELLE WAGNER, a partnership, doing business as CODY BUS LINE, Deaver, Wyo. The purpose of this republication is to show applicant's correct name, as shown above.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-194; Filed, Jan. 6, 1966;  
8:47 a.m.]

[Notice 1281-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 4, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68087. By order of December 29, 1965, Division 3 approved the transfer to Cartwright, Inc., Seattle, Wash., of the operating rights of Wood Brothers, Inc., Arlington, Mass., issued in Certificate No. MC-109453 (Sub-No. 5), March 16, 1951, authorizing the transportation, over irregular routes, of general commodities, excluding commodities in bulk, and other specified commodities, between points in Illinois within 15 miles of Danville, Ill., including Danville, and of household goods and beer, from Lafayette, Ind., to Danville, Ill. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC-FC-68197. By order of December 29, 1965, Division 3 approved the transfer to Cartwright, Inc., Seattle, Wash., of that portion of the operating rights of Best-Way Transportation, a corporation, Phoenix, Ariz., issued in Certificate No. MC-112123, August 1, 1952, authorizing the transportation, over irregular routes, of household goods, between points within 25 miles of Chandler, Ariz., including Chandler, on the one hand, and, on the other, points in Arizona. George R. Labissoniere, 533 Central Building, Seattle, Wash., 98104, attorney for applicants.

No. MC-FC-68200. By order of December 29, 1965, Division 3 approved the transfer to Cartwright, Inc., Seattle, Wash., of the operating rights of Intermountain Van Lines, Inc., Tulsa, Okla., issued July 8, 1965, in Certificate No. MC-125935, authorizing the transportation, over irregular routes, of household goods, between points in Arizona within 25 miles of Parker, Ariz., including Parker, and and points in San Bernardino County, Calif., within 50 miles of Earp, Calif., including Earp. George R. Labissoniere, 533 Central Building, Seattle, Wash., 98104, attorney for applicants.

No. MC-FC-68218. By order of December 29, 1965, Division 3 approved the transfer to Cartwright, Inc., Seattle, Wash., of the operating rights issued April 18, 1958, in Certificate No. MC-43066, in the name of Bay State Moving & Storage Co., Inc., and acquired by Al Burkhardt Storage Warehouse Co., Boston (Roxbury), Mass., pursuant to

No. MC-FC-67962, approved July 23, 1965, authorizing the transportation, over irregular routes, of household goods, between Boston, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York. Robert J. Gallagher, 111 State Street, Boston, Mass., 02109, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-195; Filed, Jan. 6, 1966;  
8:47 a.m.]

[Notice 1281]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 4, 1966.

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-68289. By order of December 30, 1965, the Transfer Board approved the transfer to Pasquale Tanasi and Sebastian Tanasi, a partnership, doing business as P. Tanasi & Sons, East Hartford, Conn., of Certificate in No. MC-93227, issued September 26, 1958, to Paul Tanasi, doing business as P. Tanasi & Sons, East Hartford, Conn., authorizing the transportation of: Household goods, between Hartford, Conn., on the one hand, and, on the other, points in Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Vermont. James H. Throwe, 33 Connecticut Boulevard, East Hartford, Conn., 06108, attorney for applicants.

No. MC-FC-68314. By order of December 30, 1965, the Transfer Board approved the transfer to J. Q. Condon, Inc., Roxbury, Mass., of Certificate in No. MC-20202, issued April 13, 1954, to Fred W. Condon and John H. Condon, a partnership, doing business as J. Q. Condon, Roxbury, Mass., authorizing the transportation of: Household goods, between Boston, Mass., and points in Massachusetts within 35 miles of Boston, and those in Dukes, Barnstable, Plymouth, and Bristol Counties, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Maine, Rhode Island, Connecticut, New York, and New Jersey. William J. Carr, 30 State Street, Boston, Mass., attorney for applicants.

No. MC-FC-68384. By order of December 30, 1965, the Transfer Board

approved the transfer to A. J. R. Davis Storage Co., Inc., New York, N.Y., of Certificate in No. MC-22554, issued January 29, 1963, to Anthony J. Razzetti, doing business as Davis Storage Co., New York, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Pennsylvania, New York, New Jersey, and the District of Columbia. Irving Abrams, 1776 Broadway, New York, N.Y., 10019, attorney for applicants.

No. MC-FC-68385. By order of December 30, 1965, the Transfer Board approved the transfer to Ted's Wrecker Service, Inc., Gallup, N. Mex., of Certificate in No. MC-96453, issued January 25, 1943, to Draydon M. Constant, Gallup, N. Mex., authorizing the transportation of: Wrecked or disabled motor vehicles and trailers, in drive-away or tow-away service, between points in Arizona and New Mexico. Lowell E. McKim, Gallup, N. Mex., 87301, attorney for applicants.

No. MC-FC-68389. By order of December 30, 1965, the Transfer Board approved the transfer to Raymond Fowler, doing business as Blue Stem Truck Line, Emporia, Kans., of that portion of the operating rights of Studer Truck Line, Beattie, Kans., issued in Certificate No. MC-33037 (Sub-No. 6), which authorizes the transportation, over irregular routes, of dry animal and poultry feed and dry animal and poultry feed ingredients, from Lincoln and Crete, Nebr., and St. Joseph, Mo., to points in Kansas. Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans., 66603, attorney for applicants.

No. MC-FC-68390. By order of December 30, 1965, the Transfer Board approved the transfer to Baker Transfer & Storage Co., a corporation, Danville, Ill., of the operating rights issued January 13, 1956, to Phyllis Shotts Baker and Charles F. Baker, a partnership, doing business as Baker Transfer & Storage, Danville, Ill., in Certificate No. MC-13119, authorizing the transportation, over irregular routes, of household goods, between points in Vermillion County, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Missouri, Ohio, and Wisconsin, and malt beverages from Milwaukee, Wis., to Danville and Westville, Ill. John P. Meyer, 500 McMullen Building, Danville, Ill., attorney for applicants.

No. MC-FC-68391. By order of December 30, 1965, the Transfer Board approved the transfer to Andy Engler Coal & Hauling, Inc., 8 Narcissus Drive, Belleville, Ill., 62221, of the operating rights issued July 22, 1941, to Andy Engler, doing business as Andy Engler Coal & Hauling, 8 Narcissus Drive, Belleville, Ill., 62221, in Permit No. MC-95789, authorizing the transportation, over irregular routes, of coal, from points in St. Clair and Madison Counties, Ill., to St. Louis, Mo.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-196; Filed, Jan. 6, 1966;  
8:47 a.m.]

## NOTICES

ORGANIZATION OF DIVISIONS  
AND BOARDS

## Assignment of Duties

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 27th day of December A.D. 1965.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration, with a view to reflecting changes in assignment of work resulting from Presidential Reorganization Plan No. 3 of 1965:

It is ordered, that the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work, issue of July 27, 1965, as amended (30 F.R. 11189, and 12559), be, and it is hereby, further amended in the following particulars:

Under the heading Assignment of Duties to Divisions, paragraph (aa) of

Item 4.4, *Division Three—Finance, Safety and Service*, is amended to read as follows:

(aa) Matters arising under the Explosives and Other Dangerous Articles Act, Accident Reports Act (except requests for public inspection of reports described in § 125.9 of the rules governing monthly reports of railroad accidents), Safety Appliance Acts, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act and Reorganization Plan No. 3 of 1965, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act of 1937, Railroad Retirement Tax Act, Railroad Unemployment Insurance Act, the Railway Labor Act, as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, so far as those Acts relate to duties of the Commission, except matters assigned to and determined by the Railroad Safety and Service Board pursuant to Item 7.7, or by the Explosives and Other Dangerous Articles Board pursuant to Item 7.8(d).

Under the heading Assignments to Boards, paragraph (c) of Item 7.7, *Railroad Safety and Service Board*, is amended to read as follows:

(c) Matters arising under the Accident Reports Act, Safety Appliance Act, Power or Train Brakes Safety Appliance Act of 1958, Hours of Service Act, Locomotive Inspection Act and Reorganization Plan No. 3 of 1965, including appeals of notices issued by Locomotive Inspectors ordering locomotives out of service until restored to a serviceable condition by correction of specified defects, and Ash Pan Act, except to recommend institution of civil and criminal proceedings for enforcement of statutory provisions relating to safety of railroad operation, which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

By the Commission.

[SEAL]

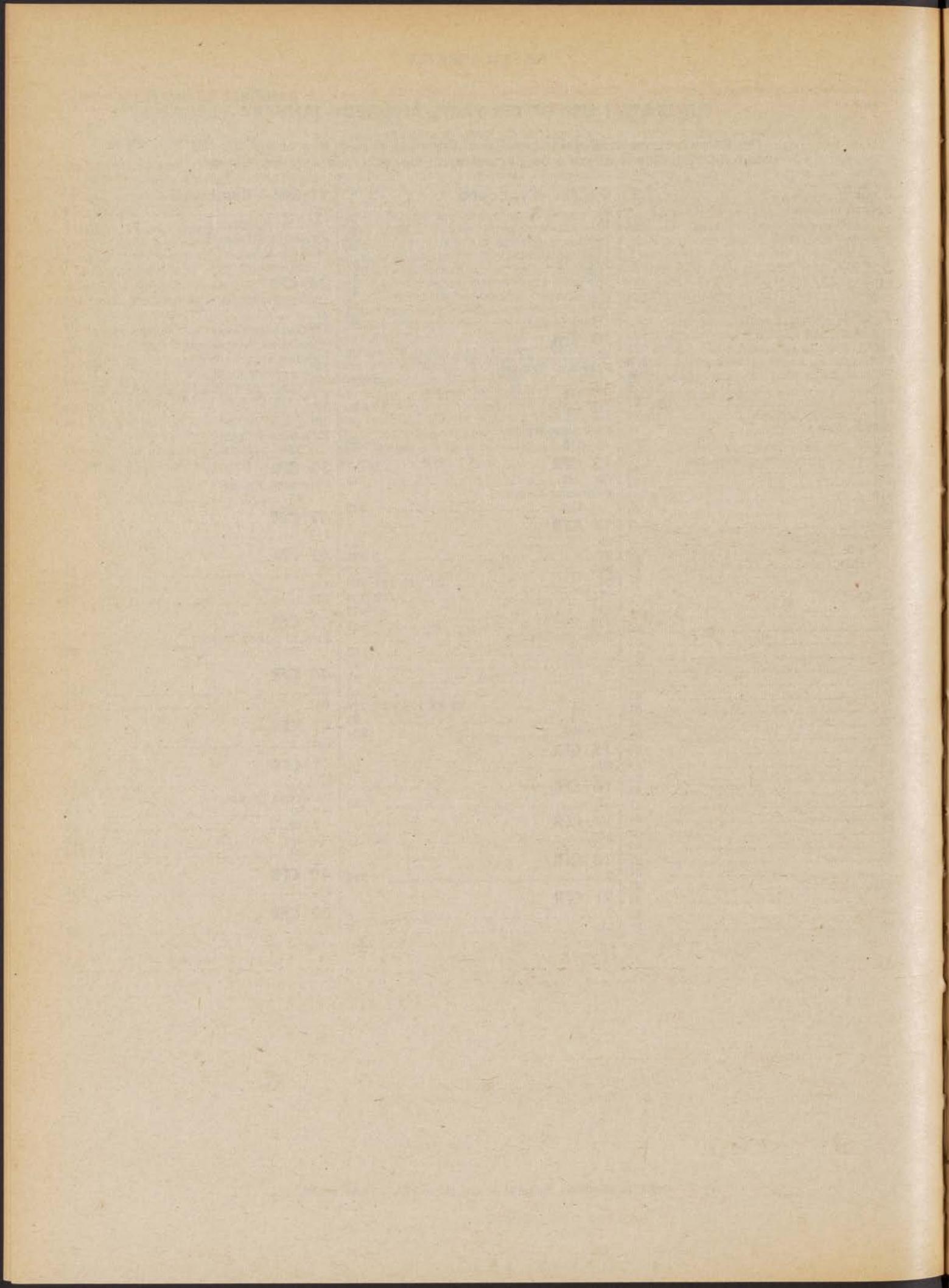
H. NEIL GARSON,  
Secretary.

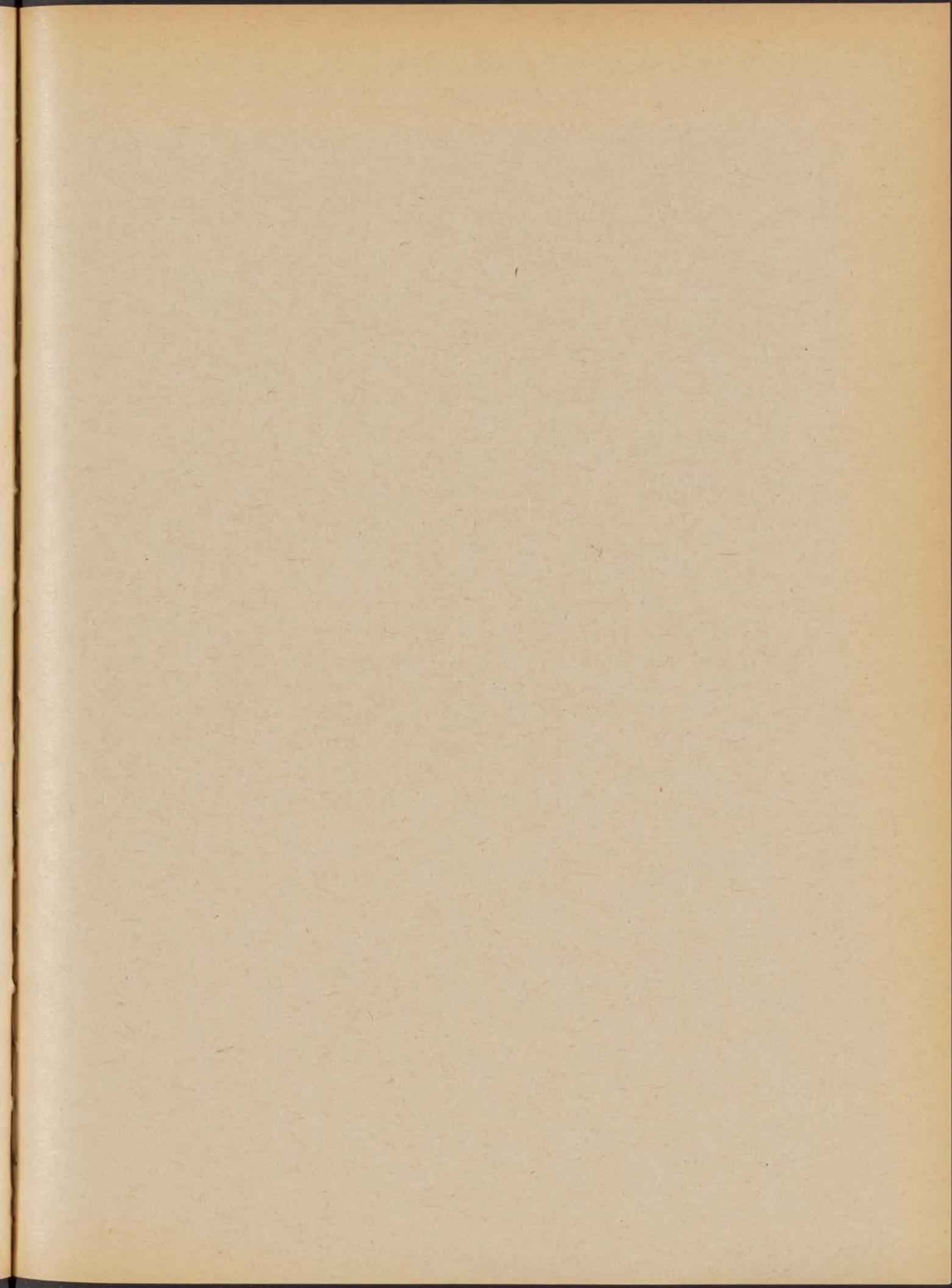
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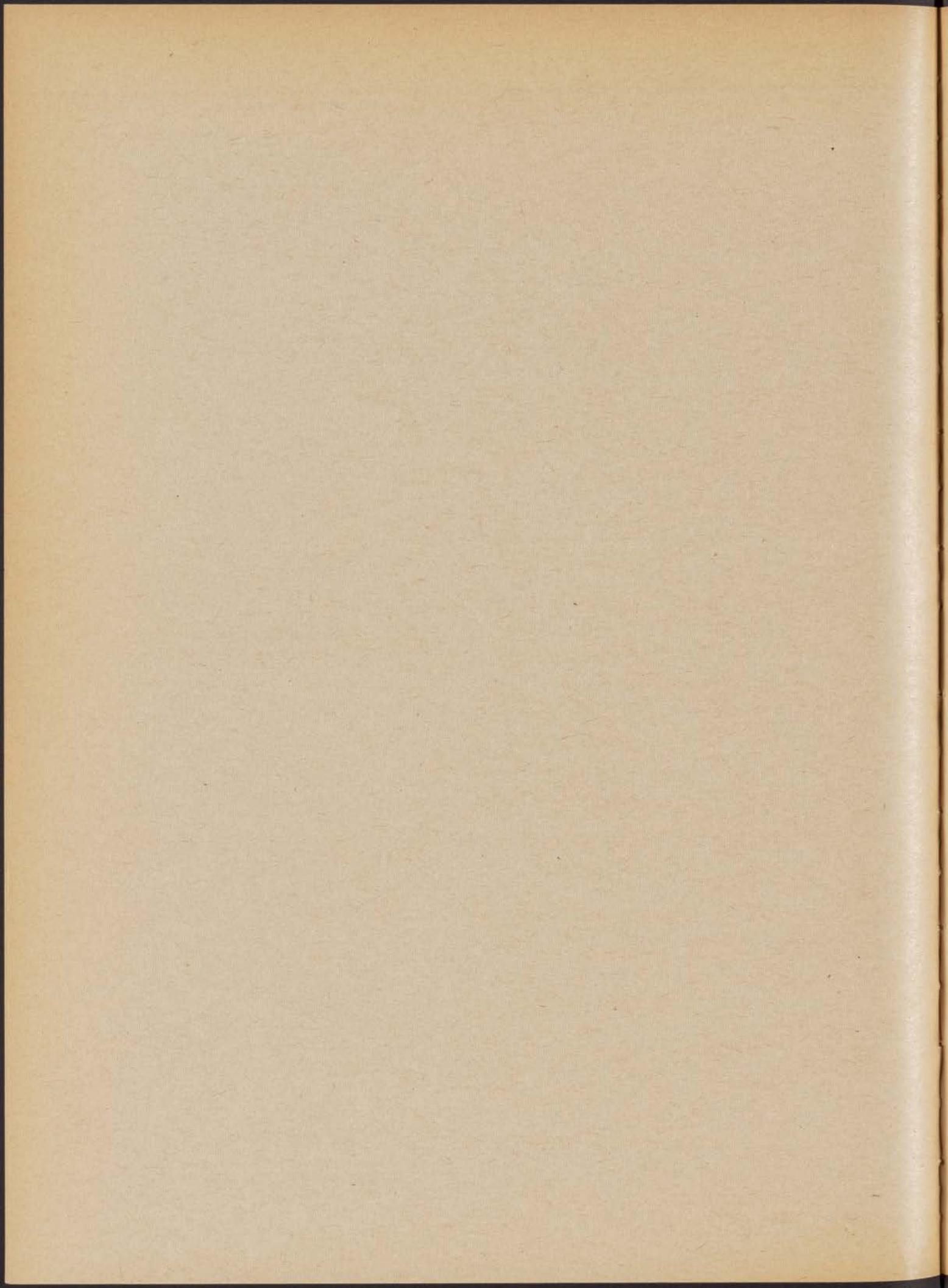
## CUMULATIVE LIST OF CFR PARTS AFFECTED—JANUARY

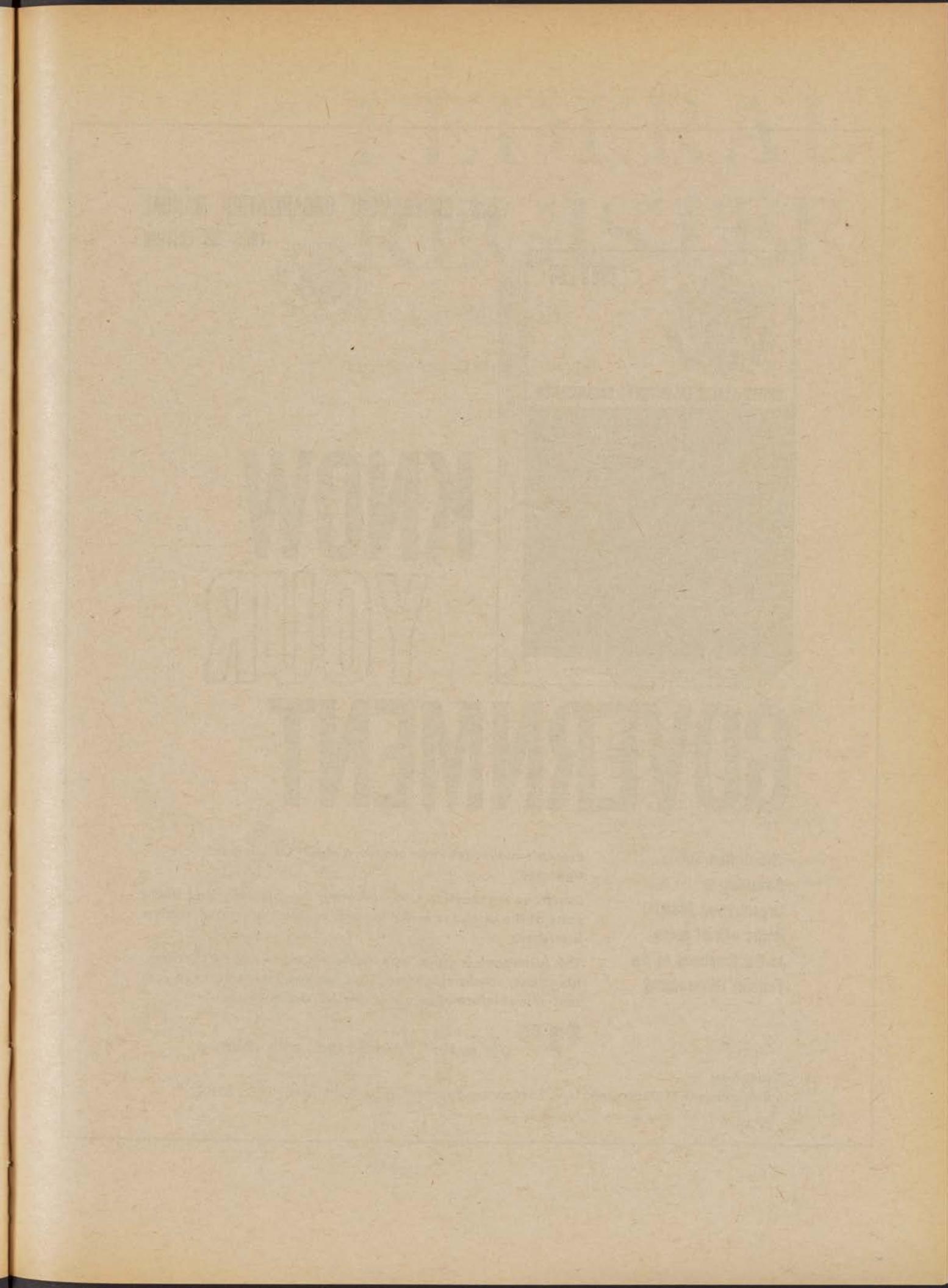
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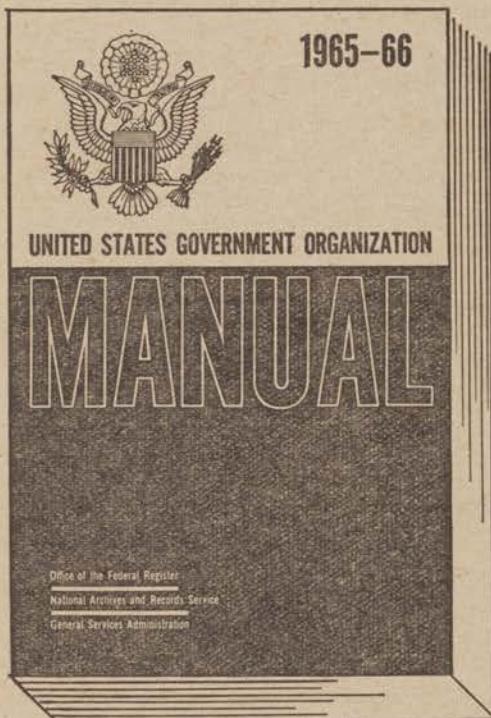






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